

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD**  
**WASHINGTON COUNTY, MINNESOTA**  
**NOVEMBER 10, 2009**

The Washington County Board of Commissioners met in regular session at 9:00 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Hegberg, Peterson, Weik, and Kriesel. Commissioner Pulkrabek absent. Board Chair Peterson presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; Linda Krafthefer, Assistant County Attorney; Doug Johnson, County Attorney; Kevin Corbid, Director of Property Records and Taxpayer Services; Dan Papin, Community Services Director; Cindy Rupp, Community Services Division Manager; Barbara Dacy, Housing and Redevelopment Authority Executive Director; Jim Linder, Assistant Facilities Manager; Kay McAloney, Human Resources Director; Chief Deputy Sheriff Mike Johnson; Don Theisen, Public Works Director; Lowell Johnson, Director of Public Health and Environment; and Yvonne Klinnert, Public Information Coordinator II.

The Board recited the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC**

The Board Chair asked for comments from the public; none were heard.

**CONSENT CALENDAR**

Commissioner Kriesel moved, seconded by Commissioner Weik to approve the following Consent Calendar:

1. Approval of the October 20, 2009 Board meeting minutes.
2. Approval of new Exhibits B and C to the loan agreement with the Housing and Redevelopment Authority for the Red Oak Preserve Development that was previously approved by the Board on July 24, 2007. The new exhibits reflect adjustments to the payment schedules due to the updated and actual construction timing of the development.
3. Approval of 2010-2011 contracts with East Suburban Resources Opportunity Services, and Phoenix Alternatives to provide day training and habilitation and related services for persons with disabilities.
4. Approval of 2010-2011 contract with Lifeworks Services, Inc., Orion ISO, Inc. and Partners in Community Supports for services for individuals on Medical Assistance.

5. Approval to ratify the 2010 health insurance for Teamsters CO/911 employees as follows:

<u>Health Insurance Contribution – Aware \$20 Office Visit Copay</u>		<u>Aware \$25 and \$30 Office Visit Copay and \$500/75% Plans</u>	
Single	\$433/month	Single	\$480/month
Employee + Child(ren)	\$433/month	Employee + Child(ren)	\$524/month
Employee + Spouse	\$589/month	Employee + Spouse	\$708/month
Family	\$619/month	Family	\$829/month

The county’s contribution is the same as it was in 2009.

6. Adoption of **Resolution No. 2009-127** as follows:

Grant License to Install Cable Communications Services with  
Comcast of Minnesota/Wisconsin, Inc.

WHEREAS, the county is the owner of certain land and improvements at 15015 62<sup>nd</sup> St. N. Stillwater MN 55082 known as the Law Enforcement Center; and

WHEREAS, Comcast of Minnesota/Wisconsin, Inc. is able to provide various communications services to the aforementioned property; and

WHEREAS, Washington County desires such services and is willing to permit Comcast of Minnesota/Wisconsin, Inc. to construct, replace, maintain, repair, operate, inspect, augment and remove its communications system through, over and under the property as conditioned by license; and

NOW, THEREFORE, BE IT RESOLVED, that the county grant a license to Comcast of Minnesota/Wisconsin, Inc. and that the license be executed through the signatures of the Chair of the Washington County Board of Commissioners and the Washington County Administrator without further action of the County Board conditioned upon approval as to form by the Washington County Attorney’s office.

7. Adoption of **Resolution No. 2009-128** as follows:

2010 Landscape Maintenance Services with  
The Brickman Group, LTD

WHEREAS, in order to maintain a highly attractive appearance to all county owned landscaped areas the county solicited bids for this service in February 2008 and awarded Contract 4644 to The Brickman Group, LTD on March 18, 2008; and

WHEREAS, contract 4644 with The Brickman Group, LTD is eligible to be renewed for up to three additional one year terms upon agreement by both parties; and

WHEREAS, the current one year term of Contract 4644 with The Brickman Group, LTD expires on December 31, 2009; and

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WHEREAS, the County of Washington wishes to continue Contract 4644 through 2010 with The Brickman Group, LTD for landscape maintenance services; and

NOW, THEREFORE BE IT RESOLVED, that the term of Contract 4644 between the county and The Brickman Group, LTD, LLC be extended to December 31, 2010 by the execution of Amendment 4 through the signatures of the Chair of the Washington County Board of Commissioners and the Washington County Administrator without further action of the County Board conditioned upon approval as to form by the Washington County Attorney's office.

8. Adoption of **Resolution No. 2009-129** as follows:

State of Minnesota Lease No. 11627 Amendment 1

WHEREAS, the County of Washington and the State of Minnesota entered into a lease agreement numbered 11627 on July 12, 2008 providing common areas and office space to the Department of Employment and Economic Development in the building known as the Woodbury Service Center, Woodbury, MN; and

WHEREAS, the term of lease agreement numbered 127 expires on December 31, 2009; and

WHEREAS, the State of Minnesota has submitted amendment number 1 to lease agreement 11627 to extend the term of the lease to December 31, 2014; and

WHEREAS, the County of Washington and the State of Minnesota wish to continue the lease of space arrangement through the acceptance of the terms and conditions set forth in lease agreement numbered 11627 and amendment number 1; and

BE IT FURTHER RESOLVED, that the lease between the County of Washington and the State of Minnesota be executed through the signatures of the Chairman of the Washington County Board of Commissioners and Washington County Administrator without further action of the County Board conditioned upon compliance with all lease specifications, requirements, and approval as to form by the Washington County Attorney's office.

The foregoing Consent Calendar was adopted 4-0 with a role call vote as follows: Yes, Commissioners Hegberg, Peterson, Weik, and Kriesel; No, none; Commissioner Pulkrabek absent.

**WASHINGTON COUNTY HOUSING AND REDEVELOPMENT AUTHORITY**

Commissioner Hegberg moved to adopt **Resolution No. 2009-130** as follows:

Resolution Approving a Proposed Amendment to the Custodial Agreement Relating to Washington County Housing and Redevelopment Authority Governmental Housing Revenue Refunding Bonds (Washington County General Obligation – Woodland Park Apartments Project) Series 2002 and Affirming the Pledge of the General Obligation of Washington County Thereto

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WHEREAS, pursuant to Minnesota Statutes, Section 469.017, the Washington County Housing and Redevelopment Authority (the "Authority") is authorized to undertake housing development projects for the purpose of providing housing for low and moderate income persons and families; and

WHEREAS, pursuant to Minnesota Statutes, Section 469.034, subd. 2, the Authority is authorized to issue bonds backed by the full faith and credit of Washington County (the "County") to finance or refinance a qualified housing development project; and

WHEREAS, the Authority previously issued its \$17,225,000 Governmental Housing Revenue Refunding Bonds (Washington County General Obligation - Woodland Park Apartments Project) Series 2002 (the "Series 2002 Bonds") to refinance the Woodland Park Apartments project (the "Project"); and

WHEREAS, the Authority duly pledged the general obligation of the County as additional security for the Series 2002 Bonds; and

WHEREAS, any term not defined herein shall have the meaning ascribed to it in the Indenture of Trust between Washington County Housing and Redevelopment Authority and U.S. Bank National Association, as Trustee, dated as of October 1, 2002, related to the Series 2002 Bonds (the "Indenture") or the Custodial Agreement by and among Washington County Housing and Redevelopment Authority and County of Washington and U.S. Bank National Association, as Custodian, dated as of October 1, 2002 (the "Custodial Agreement"); and

WHEREAS, monies held in funds and accounts under the Indenture and Custodial Agreement may be invested in Permitted Investments;

WHEREAS, certain proceeds of the Series 2002 Bonds deposited to the credit of the Debt Service Reserve Account were invested in 2002 in a Permitted Investment in the form of a certain guaranteed investment contract (the "Agreement"), which was subject to termination by the Authority upon a rating downgrade of the provider of the Agreement; and

WHEREAS, in February, 2009, the Authority received notice of such a downgrade and, upon the advice of its financial advisors, terminated the Agreement, resulting in the return of funds held under the Agreement to the Trustee for deposit in the Debt Service Reserve Account for the Series 2002 Bonds; and

WHEREAS, it is in the interest of the Authority as Issuer and the County that the money held by the Trustee be invested in Permitted Investments so as to optimize earnings, while preserving safety; and

WHEREAS, currently-available yields on Permitted Investments are substantially lower than the rate of return under the Agreement and substantially lower than the yield on the Series 2002 Bonds, which will create significant negative arbitrage with respect to the portion of the Series 2002 Bonds which funded the Debt Service Reserve Account, thus requiring additional subsidy from other Authority funds to pay Project operating expenses; and

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WHEREAS, an amendment to the Custodial Agreement to reduce the amount of Project cash flow required to fund the Debt Service Requirement - within permissible limits - until the earliest call date of the Series 2002 Bonds in 2012 may temporarily alleviate the need for additional subsidy; and

WHEREAS, the Custodial Agreement can be amended after consultation with and approval of the County and satisfaction of certain other requirements set forth in Section 12.2 of the Indenture.

NOW, THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHINGTON COUNTY AS FOLLOWS:

1. That the Custodial Agreement may be amended to modify the definition of "Debt Service Requirement" to read as follows:

Debt Service Requirement: as of any date of calculation prior to November 1, 2009, an amount equal to one hundred sixteen percent (116%), or, as of any date of calculation after October 31, 2009 and prior to October 1, 2012, an amount equal to one hundred thirteen percent (113%), or, as of any date of calculation from and after October 1, 2012, an amount equal to one hundred ten percent (110%) of the sum of (a) the principal or mandatory sinking fund payment due on the Bonds on the next succeeding Principal Payment Date, divided by six, multiplied by the number of months since the last Principal Payment Date, and (b) the interest due on the Bonds on the next succeeding Interest Payment Date, divided by six, multiplied by the number of months since the last Interest Payment Date.

2. That the Chair and County Administrator are hereby authorized and directed to execute and deliver an amendment to the Custodial Agreement in the name and on behalf of the County to effect the modification of the definition of "Debt Service Requirement" as set forth above. The form and terms of such amendment may be varied and blanks may be appropriately completed prior to execution and delivery by the parties thereto, and the execution and delivery of such amendment by the Chair and the County Administrator shall be conclusive evidence of the validity and binding effect of such amendment with respect to the County.
3. That the Chair, County Administrator and Deputy Administrator or any two of them are further authorized and directed to cause the County to cooperate with the Authority in satisfying the requirements for amendment of the Custodial Agreement set forth in Section 12.2 of the Indenture and to execute and deliver in the name and on behalf of the County such other agreements, certificates, documents, and proceedings and records of the County as may be necessary or appropriate or required in connection with the Custodial Agreement amendment; all at the cost of the Authority and at no cost to the County.
4. That nothing in this Resolution nor the amendment to the Custodial Agreement hereby authorized shall affect in any manner the pledge of the general obligation and full faith and credit of the County to the Series 2002 Bonds, which pledge is hereby affirmed and shall continue in full force and effect.

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The foregoing resolutions are hereby adopted by the Board of Commissioners of Washington County as of this 10 day of November, 2009 and shall be in full force and effect from and after passage of this Resolution.

Commissioner Kriesel seconded the motion and it was adopted 4-0 with a role call vote as follows: Yes, Commissioners Hegberg, Peterson, Weik, and Kriesel; No, none; Commissioner Pulkrabek absent.

### **COMMISSIONER REPORTS – COMMENTS QUESTIONS**

Commissioner Kriesel reported that this past Sunday the Trinity Church in Stillwater held a Veteran's Day Service and there was a live telecast back to Basra, Iraq. The families of the Red Bull Division were in attendance and talked to their deployed family members.

Commissioner Weik reported that she also attended the event at Trinity Church. It was well attended and a moving ceremony. This week the Woodbury Yellow Ribbon will meet on Thursday evening. Last week she attended the Association of Minnesota Counties Futures Committee meeting. The committee reviewed how they want to work on redesign, looking at a regional concept for redesign, and maybe take the better part of a year to look at their relationship with state government. She attended the Health and Human Services Committee for the east metro. Topics discussed were: the cancer rate in Washington County is within normal national limits; an audience member asked if wastewater plants removed PFC's from the water, and the answer is they do not; and in Woodbury they are doing air monitoring sites along County Road 19, south of the 3M site. Prior to this meeting she attended the Met Council meeting on regional priorities including: transit, transportation, regional parks, and livable communities. The key issue was geographic balance and that the bus system would be the backbone of transportation for the next fifty years. Tomorrow she will attend the Veteran's Day celebration in Woodbury at the Veteran's Memorial. This afternoon she will tape a safety segment for County Insight. The I-94 corridor coalition will meet on Thursday, November 12. Next Monday she will attend the Law Library Board meeting. She will ride on the inaugural trip of the Northstar Corridor on Friday, November 13.

Commissioner Hegberg reported he attended the Met Council meeting and the Transportation Alliance meeting in St. Cloud last week.

Commissioner Peterson reported she attended the High Speed Rail meeting in Red Wing last week. The former Congressional Speaker of the House has been hired by Rochester to advocate for funding for the Rochester route. Another issue discussed was with the unemployment rate at 30% in Detroit and with the facilities for building cars already established and a skilled workforce in place, they would send a letter to the City of Detroit, the Governor of Michigan and the President of the United States encouraging the use of the skilled labor force to build railroad cars and engines. She complimented

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Hennepin County and one of their Resource Workers with the help she received with her mother. She was impressed with their workforce. She knows that Washington County's workforce is excellent, but was happy to note that the nurse that came to visit her and her mother was pleasant and helpful. On Saturday, Park Grove Library will celebrate its 25<sup>th</sup> anniversary from 10:00 to 4:00. On Friday, November 20, the Victorian Christmas event will be held at the Historic Courthouse. This is a major fundraiser for the facility because the monies raised help refurbish the courthouse.

### **BOARD CORRESPONDENCE**

Board correspondence was received and placed on file.

### **EXECUTIVE (CLOSED) SESSION**

The Board recessed into Executive (Closed) Session at 9:35 a.m. to discuss the Land and Water Legacy Program for the Daley conservation easement acquisition. Present for the Executive Session were Commissioners Peterson, Weik, Hegberg, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Jane Harper, Richard Hodsdon, Don Theisen, and Patricia Raddatz.

The Board reconvened at 10:30 a.m.

### **ADJOURNMENT**

There being no further business to come before the Board, Commissioner Hegberg moved to adjourn, seconded by Commissioner Weik and it was adopted unanimously; Commissioner Pulkrabek absent. The Board meeting adjourned at 10:30 a.m.

### **BOARD WORKSHOP WITH PUBLIC HEALTH AND ENVIRONMENT**

The Board met in workshop session with the Department of Public Health and Environment to review the Washington Conservation District's 2010 budget and program services and the Watershed Management Organizations' 2010 budgets and priority projects and activities. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Peterson, Weik, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Lowell Johnson, Jessica Collin-Pilarski, John Freitag, Judy Hunter, Don Scheel, Valley Branch Watershed, Craig Leiser, Brown's Creek Watershed, Rick Vanzwol, Brown's Creek Watershed, John Waller, Rice Creek Watershed, Jack Lavold, South Washington Watershed, Dennis Hanna, South Washington Watershed, Jay Riggs, Washington Conservation District, Louise Smallidge, Washington Conservation District, Karen Kill, Washington Conservation District and Brown's Creek Watershed District; Amy Carolan, Washington Conservation District; Sarah Hietpas, Washington Conservation District; Doug Thomas,

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Rice Creek Watershed District, Jim Shaver, Carnelian Marine-St. Croix Watershed, Randy Anhorn, Comfort Lake-Forest Lake Watershed, Matt Moore, South Washington Watershed, Tina Carstens, Ramsey Washington Metro Watershed; Pam Skinner, Ramsey Washington Metro Watershed; John Hanson, Valley Branch Watershed, and Ray Bohn, Minnesota Association of Watershed Districts.

**BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION**

The Board met in workshop session with the Office of Administration to discuss next steps in the 2010 budget development. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Peterson, Weik, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Doug Johnson, Kevin Corbid, Don Theisen, Harley Will, Lowell Johnson, Tom Adkins, Kay McAloney, and Dan Papin.

Myra Peterson, Chair  
County Board

Attest:

James R. Schug  
County Administrator