

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
MAY 1, 2007

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 Peterson, Pulkrabek, Kriesel, Orth, and Hegberg. Absent none. Board Chair Kriesel presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Kevin Corbid, Director of Property Records and Taxpayer Services; Steve Gransee, Property Records and Taxpayer Services; Jennifer Wagenius, Property Records and Taxpayer Services; Jody Moran, Property Records and Taxpayer Services; Don Theisen, Director of Transportation and Physical Development; Corey Slagle, Transportation Manager; Barbara Dacy, Executive Director, Housing and Redevelopment Authority; Rich Malloy, Deputy Executive Director, Housing and Redevelopment Authority; Dan Papin, Community Services Director; Robert Crawford, Workforce Center Division Manager; Mjyke Nelson, Information Technology Director; Harley Will, Financial Services Director; Sheriff Bill Hutton; Mike Johnson, Chief Deputy Sheriff; Lowell Johnson, Director of Public Health and Environment; Kay McAloney, Human Resources Director; and Steve Nelson, Public Information Coordinator.

The Board recited the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC

Jim Lenart, 511 9th Street Southwest, Forest Lake, indicated he had concerns about awarding the bid to the low bidder on the Big Marine Phase I project. Mr. Lenart stated he was contacted by an employee of this company claiming he did not receive the prevailing wage on a Hastings job and other projects he worked on last summer. He requested a certified copy of this person's payroll check and should receive it in a few days. He has a stack of OSHA violations, citations and fines and last fall there was a crushing death of an employee on the job site. The company was cited for exposing the employees to worksite hazards. The City of Winona rejected Pember's bid even though they were low due to prior work, complaints and problems, they called the company non-responsive. The City of Baldwin also rejected their low bid calling them non-responsive and did not wish to award them another project. He asked the Board to review a report he gave them and hopes the Board will award the bid to a responsible bidder.

Harry Melander, 716 Park Avenue, Mahtomedi, stated he works with the St. Paul Building Trades Council representing men and women from the construction industry. He addressed the same concerns as Mr. Lenart and asked the county to look at the concerns raised about the contractor who may provide service to the county.

Mr. Schug stated that the contract being addressed is not on today's agenda and is tentatively scheduled for next week. Staff will review the contractor and the bid proposal.

CONSENT CALENDAR

Commissioner Peterson moved, seconded by Commissioner Orth to adopt the following Consent Calendar:

1. Approval of the seventh amendment to contract with East Suburban Resources to provide training, employment placement, and case management services to Dislocated Worker program participants from January 1, 2007 through December 31, 2007.
2. Approval to award contract for installation of fiber optic cabling to Access Communications in the amount of \$143,224.66.
3. Approval to execute a contract for the installation of a fiber optic cable plant to MP Nexlevel, LLC.
4. Adoption of **Resolution No. 2007-050** as follows:

Limited Use Permit with the Minnesota Department of Transportation
for a Pedestrian/Bicycle Trail within State Right-of-Way Along
Interstate 94 at County Highway 19 in the Cities of Woodbury and Lake Elmo

WHEREAS, Washington County supports the new construction of a pedestrian/bicycle trail along County Highway 19 from Hudson Boulevard in Lake Elmo to Hudson Road in Woodbury to promote multi-modal facilities that move people and goods safely and efficiently; and

WHEREAS, said trail would be located within the State right-of-way for Interstate 94; and

WHEREAS, the State requires a Limited Use Permit for the construction and utilization of said trail.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners hereby authorizes the Director of Transportation and Physical Development to execute and enter into a Limited Use Permit with the Minnesota Department of Transportation for a trail within Interstate 94 right-of-way along County Highway 19 from Hudson Boulevard in Lake Elmo to Hudson Road in Woodbury.

5. Adoption of **Resolution No. 2007-051** as follows:

Declaring the Official Intent of Washington County to Reimburse
Certain Expenditures from the Proceeds of Tax-Exempt Bonds
to be Issued by the County - Campus 2025 Improvements Project

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the "Reimbursement Regulations") providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

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WHEREAS, Washington County, a county and political subdivision of the State of Minnesota (the "County"), expects to incur certain expenditures that may be financed temporarily from sources other than tax-exempt bonds and other obligations, and reimbursed from the proceeds of a tax-exempt bonds or other obligations; and

WHEREAS, the County has determined to make this declaration of official intent (the "Declaration") to reimburse certain costs from proceeds of tax-exempt bonds or other obligations in accordance with the Reimbursement Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washington County, Minnesota as follows:

1. The County has duly adopted a Capital Improvement Plan (the "CIP Plan") for the County in accordance with Minnesota Statutes, Section 373.40, as amended (the "Act"). The CIP Plan identifies various capital improvements projects (the "Project"), including, 2025 Campus Improvements Project, in the County that are proposed to be financed with the proceeds of general obligation indebtedness of the county issued under the provisions of the Act.
2. The County reasonably expects to reimburse, in a principal amount currently estimated not to exceed \$56,400,000, the expenditures made for certain costs of the Project from the proceeds of general obligation bonds of the county to be issued in 2007. All reimbursed expenditures will be capital expenditures, costs of issuance of the tax-exempt bonds or other obligations, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.
3. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of tax-exempt bonds or other obligations, except for the following expenditures: (a) costs of issuance of bonds or other obligations; (b) costs in an amount not in excess of \$100,000 or 5 percent of the proceeds of an issue of bonds or other obligations; or (c) "preliminary expenditures" up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the County to finance the project for which the preliminary expenditures were incurred. The term "preliminary expenditures" includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.
4. This Declaration is an expression of the reasonable expectations of the County based on the facts and circumstances known to the County as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the tax-exempt bonds or other obligations described in paragraph 2 are consistent with the County's budgetary and financial circumstances. No sources other than proceeds of tax-exempt bonds or other obligations to be issued by the County are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the County's budget or financial policies to pay such Project expenditures.

5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

6. Adoption of **Resolution No. 2007-052** as follows:

Resolution Commending Dr. Robert Butler
on His Retirement

WHEREAS, Dr. Robert Butler has served the citizens of Washington County in a variety of roles during his 32 years with Human Services, Inc.; and,

WHEREAS, Dr. Butler has worked tirelessly to fulfill HSI's mission to:

- Empower seniors and persons with disabilities
- Support recovery from chemical dependency
- Help troubled youth
- Cope with the challenges of mental illness
- Break the cycle of violence; and

WHEREAS, Dr. Butler has been instrumental in developing a successful private, public partnership with Washington County for the provision of mental health services, chemical health services, services for aging persons, transportation services, and other human services; and,

WHEREAS, Dr. Butler is retiring as the Chief Executive Officer of HSI following this long and successful career.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby commends Dr. Robert Butler on his exemplary service to the citizens of Washington County and offer him and his family all the best wishes for this next chapter of his life.

The foregoing Consent Calendar was adopted unanimously.

PROPERTY RECORDS AND TAXPAYER SERVICES

Kevin Corbid, Director of Property Records and Taxpayer Services, presented the department's 2006 Annual Report.

TRANSPORTATION AND PHYSICAL DEVELOPMENT

Contract with Wold Architects 2025 Campus Improvements Design

Commissioner Hegberg moved to approve a new contract with Wold Architects and Engineers for professional services for the design of the 2025 Campus Improvements in an amount not to exceed \$2,968,379.28. Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

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Bid Award for 2007 North Road Overlays

Bids were received for 2007 north road overlays as follows:

Hardrives	\$1,178,954.55
Midwest Asphalt Corp.	\$1,422,570.12
TA Schifsky & Sons	\$1,469,828.44
Tower Asphalt, Inc.	\$1,306,500.05

Commissioner Peterson moved to adopt **Resolution No. 2007-053** as follows:

Bid Award for 2007 Bituminous Road Overlays-North to
Hardrives, Inc.

WHEREAS, in order to complete road maintenance construction on County roads, the county solicited bids for this project; and

WHEREAS, bids were opened on April 18, 2007, with Hardrives, Inc. being the lowest responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED, that the bid of Hardrives, Inc. be accepted and the county enter into a contract with Hardrives, Inc. under the terms and conditions set forth in the bid specification documents; and

BE IT FURTHER RESOLVED, that the contract between the county and Hardrives, Inc. 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 compliance with all bid specifications requirements and approval as to form by the Washington County Attorney's office.

Commissioner Orth seconded the motion and it was adopted unanimously.

Bid Award for 2007 South Road Overlays

Bids were received for 2007 south road overlays as follows:

Hardrives	\$1,348,556.52
Tower Asphalt	\$1,397,413.35

Commissioner Peterson moved to adopt **Resolution No. 2007-054** as follows:

Bid Award for 2007 Bituminous Road Overlays-South to
Hardrives, Inc.

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WHEREAS, in order to complete road maintenance construction on county roads, the county solicited bids for this project; and

WHEREAS, bids were opened on April 18, 2007, with Hardrives, Inc. being the lowest responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED, that the bid of Hardrives, Inc. be accepted and the county enter into a contract with Hardrives, Inc. under the terms and conditions set forth in the bid specification documents; and

BE IT FURTHER RESOLVED, that the contract between the county and Hardrives, Inc. 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 compliance with all bid specifications requirements and approval as to form by the Washington County Attorney's office.

Commissioner Orth seconded the motion and it was adopted unanimously.

Commissioner Peterson asked that a letter be sent to the Governor, as well as the county's legislative delegation showing them the specific increases in costs for road overlays. She would also like to see a news release. She feels the public doesn't understand what the county is experiencing in transportation costs.

Commissioner Hegberg also suggested adding what monies are received from the gas tax.

Use of CIP Bond Project Fund 450 for Reconstruction of Radio Drive (CSAH 13)

Commissioner Orth moved to adopt **Resolution No. 2007-055** as follows:

Declaring the Official Intent of Washington County to Reimburse
Certain Expenditures from the Proceeds of Tax-Exempt Bonds
to be Issued by the County – CSAH 13 Project

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the "Reimbursement Regulations") providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, Washington County, a county and political subdivision of the State of Minnesota (the "County"), expects to incur certain expenditures that may be financed temporarily from sources other than tax-exempt bonds and other obligations, and reimbursed from the proceeds of a tax-exempt bonds or other obligations; and

WHEREAS, the County has determined to make this declaration of official intent (the "Declaration") to reimburse certain costs from proceeds of tax-exempt bonds or other obligations in accordance with the Reimbursement Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washington County, Minnesota as follows:

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1. The County has duly adopted a Capital Improvement Plan (the “CIP Plan”) for the County in accordance with Minnesota Statutes, Section 373.40, as amended (the “Act”). The CIP Plan identifies various capital improvements projects (the “Project”), including, CSAH 13 from Bailey Road to Afton Road/Pioneer Drive, in the County that are proposed to be financed with the proceeds of general obligation indebtedness of the County issued under the provisions of the Act.
2. The County reasonably expects to reimburse, in a principal amount currently estimated not to exceed \$4,500,000, the expenditures made for certain costs of the Project from the proceeds of general obligation bonds of the county to be issued in 2007. All reimbursed expenditures will be capital expenditures, costs of issuance of the tax-exempt bonds or other obligations, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.
3. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of tax-exempt bonds or other obligations, except for the following expenditures: (a) costs of issuance of bonds or other obligations; (b) costs in an amount not in excess of \$100,000 or 5 percent of the proceeds of an issue of bonds or other obligations; or (c) “preliminary expenditures” up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the County to finance the project for which the preliminary expenditures were incurred. The term “preliminary expenditures” includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.
4. This Declaration is an expression of the reasonable expectations of the County based on the facts and circumstances known to the County as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the tax-exempt bonds or other obligations described in paragraph 2 are consistent with the County’s budgetary and financial circumstances. No sources other than proceeds of tax-exempt bonds or other obligations to be issued by the County are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the County’s budget or financial policies to pay such Project expenditures.
5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

Commissioner Peterson seconded the motion and it was adopted unanimously.

WASHINGTON COUNTY HOUSING AND REDEVELOPMENT AUTHORITY

Commissioner Peterson moved to adopt **Resolution No. 2007-056** as follows:

Issuance of Mortgage Revenue Bonds for
First Time Homebuyers of Single Family Homes

WHEREAS, in accordance with Minnesota Statutes, Chapters 462C, 474A and Section 471.59 (the “Act”), the Washington County Housing and Redevelopment Authority (the “Authority”) proposes to issue, either on its own or together with certain other public entities (together with the Authority, the “Issuers”), one or more series of single family mortgage revenue bonds or refunding bonds (“Mortgage Revenue Bonds”) to finance the acquisition by low and moderate income first-time homebuyers of single family homes within the jurisdictions of the Issuers; and

WHEREAS, the Authority has found and determined that the preservation of the quality of life within the Authority’s jurisdiction is dependent upon the maintenance and provision of adequate, decent, safe and sanitary housing stock and that a need exists for mortgage credit to be made available for both existing and new single family housing and for rehabilitation of existing single family housing and for home improvements; and

WHEREAS, the principal amount of Mortgage Revenue Bonds to be issued by the Authority, or to be allocable to the Authority as part of a bond issue undertaken jointly by the Issuers, is expected to be equal to \$3,009,851; and

WHEREAS, to the extent the Authority issues bonds jointly with the other Issuers, the total principal amount of the Mortgage Revenue Bonds will be the sum of amounts allocable to the Authority as described above and amounts similarly allocable to the other Issuers;

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), the issuance of the Mortgage Revenue Bonds must be approved by the “applicable elected representatives” of the Issuers, and the Washington County Board of Commissioners is the “applicable elected representative” for the issuance of tax-exempt bonds by the Authority;

NOW, THEREFORE, BE IT RESOLVED, by the Washington County Board of Commissioners, that the issuance of Mortgage Revenue Bonds in amount described above as allocable to the Authority, by the Authority or the Issuers pursuant to the Act is hereby approved.

Commissioner Hegberg seconded the motion and it was adopted unanimously.

GENERAL ADMINISTRATION

Jim Schug, County Administrator, presented a brief legislative update and noted that there are several conference committees meeting. He reported on the meeting with the county’s legislative delegation that was held last Friday and felt it was productive.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Peterson distributed copies of the 2006 Metropolitan Transit Development Board Annual Report. She reported that the Eastern Transportation Alliance met yesterday. They discussed some successes of the east metro in the bonding bills and they are working together well. They would like the

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supporters who are members of chambers of commerce to write the Governor and tell him how important these bonding and transportation bills are to the east side of Minnesota. After that meeting she met with Ramsey County Commissioners to discuss a proposal they are putting forth about passenger rail service. Yesterday she attended the first meeting of the Principal Arterial Study Committee for the metro area, and feels that will be a very interesting process. On Saturday she attended Cottage Grove's Arbor Day celebration. She asked that a Commissioner's award be prepared for Brian Voelker, citizen and employee of Cottage Grove for his efforts in that event.

Commissioner Pulkrabek noted a great article in the Star-Tribune Sunday paper that talked about repeat DWI offenders and the sentencing they receive from judges in Minnesota.

Commissioner Orth reported that Washington County will host a future meeting of the Eastern Transportation Alliance; a date has not been selected yet. All of the cities and legislators of Washington County will be invited.

Commissioner Hegberg reported on his trip to Washington D.C. last week seeking funds for transportation. He attended the Foster Care dinner last Thursday and indicated that one foster family had over 800 children go through their house in thirty years. Another family had two children that were mentally handicapped from babyhood through the age of 37 and they are still maintaining them in their home.

Commissioner Peterson announced that two new Viking Cheerleaders were chosen from Cottage Grove, one is Sara McLaughlin, a second grade teacher, and the other, Heather Hopkins Cracauer, is receiving her doctorate in pharmacy.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Peterson moved to adjourn, seconded by Commissioner Orth and it was adopted unanimously. The Board meeting adjourned at 10:27 a.m.

Gary Kriesel, Chair
County Board

Attest:

James R. Schug
County Administrator

