



**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
JANUARY 10, 2023**

WASHINGTON COUNTY REGIONAL RAILROAD AUTHORITY CONVENES

The Washington County Regional Railroad Authority (WCRRA) met in regular session at 10:00 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Miron, Karwoski, Kriesel, Bigham, and Clasen. WCRRA Chair Bigham presided. Also present were Kevin Corbid, County Administrator; Susan Tice, County Attorney Civil Division Chief; Stephanie Kammerud, Administrative Assistant; and county staff. Official Proceedings of the Regional Railroad Authority are available in the Office of Administration.

The Board recited the Pledge of Allegiance.

WASHINGTON COUNTY BOARD OF COMMISSIONERS CONVENES

The Washington County Board of Commissioners met in regular session at 10:14 a.m. in the Washington County Government Center, County Board Room.

Present: Commissioner Fran Miron, District 1
 Commissioner Stan Karwoski, District 2
 Commissioner Gary Kriesel, District 3
 Commissioner Karla Bigham, District 4
 Commissioner Michelle Clasen, District 5

Also Present: Kevin Corbid, County Administrator
 Sue Tice, County Attorney Civil Division Chief
 Stephanie Kammerud, Administrative Assistant

COMMENTS FROM THE PUBLIC

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

CONSENT CALENDAR

Commissioner Bigham moved, seconded by Commissioner Miron, to adopt the Consent Calendar as follows:

1. Approval to appoint William T. Armstrong, Lake Elmo, to a partial first term as Manager on the Valley Branch Watershed District, with a term beginning January 10, 2023, and expiring November 14, 2024.

2. Approve Contract No. 15264 between Washington County and the City of Stillwater Public Safety (Police Department) in the amount of \$122,058 for the period of January 1, 2023, through June 30, 2024.

3. Approval of Amendment No. 2 for Contract No. 14041 with WSB & Associates Inc. to increase the value by \$150,000.
4. Approve Reimbursement Agreement with Northern Natural Gas Company, in the amount of \$152,461 for the County State Aid Highway (CSAH) 14 (40th Street N) and CSAH 24 (Osgood Avenue N) Improvement Project.

The motion was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Miron, Karwoski, Bigam, Clasen, and Kriesel. Nays, none.

PUBLIC WORKS

Resolution for Letter of No Prejudice #2 for Use of Grant Funds for the METRO Gold Line

Planning Director Lyssa Leitner presented a resolution to approve the use of grant funds for civil construction for the METRO Gold Line under a proposed Letter of No Prejudice #2. Ms. Leitner reported that the METRO Gold Line project team submitted materials to the Federal Transit Administration (FTA) to receive the Full Funding Grant Agreement (FFGA) on February 28, 2022. Allowing grant funds for this use will not increase the overall county share, but will allow funds to be spent before the Full Funding Grant Agreement (FFGA) is received. The LONP ensures that any funds spent will be eligible for federal reimbursement, as appropriate, when the FFGA is received. No Washington County property tax dollars will go toward the Gold Line project.

METRO Gold Line began construction in August 2022, under LONP #1, which was approved by the Washington County Board and Washington County Regional Railroad Authority on April 19, 2022. An additional LONP (LONP #2) is necessary if the FFGA is not received by March 1. Due to the long approval process by FTA, action by the County Board is required at this time.

The Gold Line Joint Powers Board will take two actions relative to LONP #2. The first is authorizing the Metropolitan Council to submit the LONP #2 to FTA. That action was approved on December 7, 2022. The second action is to deem the risk of proceeding to advance construction under the LONP #2 to be acceptable, and authorize the use of grant funds for the LONP #2 work. FTA will review and must approve the LONP #2 request before funds are used. FTA's approval will confirm that funds would be eligible for local match.

Ramsey County Regional Railroad Authority and Board approved LONP #2 on December 13, 2022. The Washington County Regional Railroad Authority approved the LONP #2 resolution at its meeting this morning.

Commissioner Karwoski moved to adopt **Resolution No. 2023-003** as follows:

APPROVING THE USE OF GRANT FUNDS FOR CIVIL CONSTRUCTION UNDER A LETTER OF NO PREJUDICE (LONP #2)

WHEREAS, the Gold Line Joint Powers Board (“JPB”) entered into a Capital Grant Agreement for Engineering and Construction for the Gold Line Project (“Grant Agreement”) with the Metropolitan Council (“Council”) effective March 1, 2022; and

WHEREAS, Section 3.04 of the Grant Agreement sets forth the process for the JPB’s prior approval for use of grant funds for expenditures pursuant to a Letter of No Prejudice (“LONP”) issued by the Federal Transit Administration (“FTA”), including the requirement that the JPB approve the submission of a request for an LONP to the FTA; and

WHEREAS, an LONP is required in order to ensure that funds expended on construction activities during the engineering phase of work and prior to a Full Funding Grant Agreement are eligible to be counted as part of the local match to federal funding; and

WHEREAS, the Washington County Board approved the use of grant funds for LONP #1 for the County’s share in the amount of \$21,500,000 for civil construction on April 5, 2022, FTA approved LONP #1 on June 28, 2022, the JPB approved LONP #1 July 11, 2022; and

WHEREAS, advanced construction pursuant to LONP #1 commenced in August, 2022 and funds for LONP #1 are anticipated to be expended by the first quarter of 2023; and

WHEREAS, in the attached correspondence dated November 23, 2022, the Council requested the JPB to approve the submission of a request for LONP #2 in the amount of \$56,000,000 to continue civil construction prior to an FFGA; and

WHEREAS, the Council justified its request for LONP #2 by asserting that stopping construction work until an FFGA is received will lead to project delays and cost increases; and

WHEREAS, on December 7, 2022, the JPB determined that the Council’s written request satisfied the requirements of Section 3.04 of the Grant Agreement and approved the Council's submission of a request for LONP #2 to the FTA regarding civil construction for the Gold Line BRT Project set forth therein in the amount of \$56,000,000 for the work described in the attached letter; and

WHEREAS, Section 3.04 of the Grant Agreement further provides that each of the Joint Powers Board Parties must approve the use of grant funds for civil construction under the proposed LONP #2; and

WHEREAS, pursuant to Section 3.04 of the Grant Agreement, if the Joint Powers Board Parties and the FTA approve the use of grant funds for civil construction as set forth in the proposed LONP #2, the JPB may adopt a resolution approving the requested LONP #2 expenditures that shall include the specific funding share amount, purpose, and a maximum, not-to-exceed amount, as well as any special conditions deemed necessary and amend the Grant Agreement accordingly.

NOW, THEREFORE, BE IT RESOLVED that Washington County hereby approves the use of grant funds in the amount of \$28,000,000 for the civil construction contract under the proposed LONP #2 as described in the attached letter.

Commissioner Clasen seconded the motion, and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Miron, Karwoski, Bigham, Clasen, and Kriesel. Nays, none.

Change Order for Construction on the Highway 36 and Manning Avenue Interchange Project

Construction Engineer Gerritt Bangma presented Change Order No. 19 for Contract No. 14037 for \$199,507.59 with Shafer Contracting, for the County Highway 36 and Manning Avenue Interchange Project.

Mr. Bangma reported that the water reuse pipe planned to be installed under Highway 36, between the northwest pond and the southwest pond, was designed to minimize disruption to motorists. Two attempts to jack the pipe failed after equipment struck large boulders deep underground. After two failed attempts to jack the pipe, Public Works determined jacking the pipe was not going to be possible. Public Works collaborated with the Minnesota Department of Transportation and the Brown's Creek Watershed District and determined that the best course of action was to revert to an open cut installation of the pipe to connect the ponds. This change in methodology constitutes a change order due to differing site conditions encountered during construction. Change Order No. 19 provides payment for the additional costs to open cut the pipe, establish a detour route, traffic control devices, and police officer presence.

Commissioner Miron moved to approve Change Order No. 19 for Contract No. 14037 for \$199,507.59 with Shafer Contracting, for the County Highway 36 and Manning Avenue Interchange Project. Commissioner Bigham seconded the motion, and it was adopted unanimously.

GENERAL ADMINISTRATION

State Legislative Update

Deputy County Administrator Jan Lucke reported that the Washington County legislative reception is this week on Thursday, January 12, at 5:30 p.m. at the Machine Shed in Lake Elmo. Ms. Lucke reported that the legislative agenda has been provided to commissioners and summarized the topics to be discussed.

Federal Legislative Update

Ms. Lucke reported that the National Association of Counties (NACo) Legislative Conference will be February 11-14, 2023, in Washington, D.C. Commissioners Bigham, Clasen, and Karwoski will be attending and staff is working on plans for meetings with members of the Washington County congressional delegation. Staff have also requested a meeting with Federal Transit Administrator Nuria Fernandez to discuss the status of the full funding grant agreement for the Gold Line Bus Rapid Transit Project. The meeting with the FTA administrator will likely be a joint meeting with Ramsey County commissioners attending the conference.

The County Board recessed at 10:51 a.m. to review the commissioner appointments list that was updated after this morning's workshop. The County Board reconvened at 11:00 a.m.

2023 Commissioner Appointments to Committees, Commissions, and Joint Powers Boards

Commissioner Bigham moved to approve the 2023 commissioner appointments to committees, commissions, and joint powers boards. Commissioner Clasen seconded the motion, and it was adopted unanimously.

COMMISSIONER FRAN MIRON, DISTRICT 1

- Washington County
 - Community Development Agency
 - Groundwater Advisory Committee
 - Personnel Committee
 - Planning Advisory Commission (Alternate)
 - Plat Commission (Alternate)
 - Regional Railroad Authority
 - University of Minnesota Extension Advisory Committee
- Association of Minnesota Counties
 - Agriculture & Rural Development Advisory Committee
 - Environment and Natural Resources Policy Committee
- Lower St. Croix Watershed Policy Committee
- Metropolitan Emergency Services Board
 - Executive Committee
- Metropolitan Mosquito Control District
 - Executive Committee
- Ramsey/Washington Recycling & Energy Board
 - Partnership on Waste and Energy

COMMISSIONER STAN KARWOSKI, DISTRICT 2

- Washington County
 - Regional Railroad Authority
 - Workforce Development Board
 - Workforce Board: Oversight Action Committee
- Association of Minnesota Counties
 - Transportation Policy Committee
- East Metro Strong
- Gold Line Joint Powers Board
- Gold Line Executive Change Control Board
- Greater MSP
- Metropolitan Emergency Services Board (Alternate)
- Metropolitan Transportation Advisory Board
- Minnesota Inter-County Association
 - Executive Committee
- National Association of Counties
 - Rural Action Caucus Steering Committee
 - Transportation Steering Committee
- Ramsey/Washington Recycling & Energy Board
- Rush Line Corridor Task Force
- Washington County Yellow Ribbon Network

COMMISSIONER GARY KRIESEL, DISTRICT 3

- Washington County
 - Audit Advisory Committee
 - Community Corrections Advisory Board
 - Finance Committee
 - Historic Courthouse Advisory Committee
 - Law Library Board
 - Planning Advisory Commission
 - Plat Commission
 - Regional Railroad Authority
- Andersen Community Advisory Committee
- Veterans Campground on Big Marine Lake
- Lake Elmo Airport Advisory Commission
- Lower St. Croix Watershed Policy Committee (Alternate)
- Metropolitan Emergency Services Board
- Metropolitan Mosquito Control District
- Ramsey/Washington Recycling & Energy Board
 - Regional Hauler Licensing Board

COMMISSIONER KARLA BIGHAM, DISTRICT 4

- Washington County
 - Finance Committee
 - Groundwater Advisory Committee (Alternate)
 - Library Board
 - Regional Railroad Authority
 - University of Minnesota Extension Advisory Committee
- Association of Minnesota Counties
 - Board of Directors as District X Representative
 - Public Safety Policy Committee
- East Central Regional Juvenile Center
- Metropolitan Library Service Agency
- Metropolitan Transportation Advisory Board (Alternate)
- Minnesota Inter-County Association (Alternate)
- National Association of Counties (NACo)
 - Justice and Public Safety Steering Committee
 - Women of NACo Leadership Network
- Ramsey/Washington Recycling & Energy Board
 - Facility & Finance
 - Partnership on Waste and Energy (Alternate)
- Red Rock Corridor Commission
- Unsheltered Homelessness Committee

COMMISSIONER MICHELLE CLASEN, DISTRICT 5

- Washington County
 - Community Development Agency (Alternate)
 - Library Park Association
 - Mental Health Advisory Council
 - Parks and Open Space Commission
 - Personnel Committee
 - Regional Railroad Authority
 - Workforce Development Board (Alternate)
- Association of Minnesota Counties
 - Board of Directors as District X Representative (Alternate)
 - Economic Development, Workforce, and Housing Policy Subcommittee
 - Local Government Water Roundtable Advisory Committee
- Gold Line Joint Powers Board
- Gold Line Executive Change Control Board
- Minnesota Inter-County Association
- National Association of Counties
 - Community and Economic Development Steering Committee
 - Next Generation
 - Women of NACo Leadership Network
- Ramsey/Washington Recycling & Energy Board
 - Regional Hauler Licensing Board (Alternate)
- State Community Health Services Advisory Committee

Appointment to the State of Minnesota Commission on Judicial Selection

County Administrator Kevin Corbid reported that the State of Minnesota Supreme Court is required to appoint a Commission on Judicial Selection. This commission reviews applicants for openings on the District Court. The Chief Justice of the Supreme Court has asked Washington County Community Corrections Director Terry Thomas to serve as the non-lawyer representative from the Tenth Judicial District.

COMMISSIONER REPORTS

Commissioners reported on meetings and other events they attended. Please see archived web streaming of the board meeting for full commissioner reports at www.co.washington.mn.us, under “County Board.”

BOARD CORRESPONDENCE

No board correspondence was received.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Clasen moved to adjourn. Commissioner Karwoski seconded the motion, and it was adopted unanimously.

The County Board meeting adjourned at 11:15 a.m.

BOARD WORKSHOP WITH ADMINISTRATION

The board met in workshop session, prior to the start of the board meeting, to review commissioner appointments, commissions, and joint powers boards for 2023. Present for the workshop were Commissioners Miron, Karwoski, Kriesel, Bigham, and Clasen. Also present were Kevin Corbid, Jan Lucke, Jennifer Wagenius, and county staff.

BOARD WORKSHOP WITH ADMINISTRATION

The board met in workshop session to discuss a potential Land and Water Legacy conservation easement project in Afton. Present for the workshop were Commissioners Miron, Karwoski, Kriesel, Bigham, and Clasen. Also present were Kevin Corbid, Jan Lucke, Jennifer Wagenius, and county staff.

Attest:

Kevin Corbid

Kevin Corbid
County Administrator

Gary Kriesel

Gary Kriesel
County Board Chair