OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
FEBRUARY 8, 2022

WASHINGTON COUNTY BOARD OF COMMISSIONERS CONVENES

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: Commissioner Fran Miron, District 1
Commissioner Stan Karwoski, District 2, via WebEx
Commissioner Gary Kriesel, District 3
Commissioner Wayne Johnson, District 4
Commissioner Lisa Weik, District 5

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

Board Chair Wayne Johnson announced that because of the continuing COVID-19 Pandemic first declared by the World Health Organization on March 11, 2020, some or all of the County Board members may participate by telephone or other electronic means and the board meeting will be conducted pursuant to and in compliance with Minnesota Statute 13D.021. The County Board meeting will be conducted at the regular meeting location of the Board Room, Washington County Government Center, 14949 62nd Street North, Stillwater, MN. Members of the public can attend the meeting in person, or view/monitor the meeting electronically from a remote location via live webstream.

Noted for the record:
1. That Washington County's County Board Chair has determined that an in-person meeting of the entire County Board may not be practical nor prudent because of the existing pandemic.
2. All County Board members participating in this meeting, whatever their physical location, can hear one another and can hear all discussion and testimony.
3. All members of the public present here today at the regular meeting location, if any, can hear all discussion and testimony and all votes of the members of the County Board.
4. At least one member of the County Board or the Chief Administrator of the County is physically present at the regular meeting location.
5. Each member of the County Board participating in this meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.
6. Proper notice of this meeting has occurred.
7. All votes will be conducted by roll call.

The Board recited the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC

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

CONSENT CALENDAR

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

1. Approval of the January 25, 2022, County Board meeting minutes.

2. Approve an application for renewal of an On-Sale and Sunday Liquor License for the Disabled Veteran's Rest Camp Association, located in May Township.

3. Approve Amendment No. 2 to Contract No. 13303 with Alliant Engineering Inc. in the amount of $357,420 for the County State Aid Highway (CSAH) 33 (Everton Avenue North) Pedestrian & Safety Improvement project.

4. Approve Amendment No. 1 to land lease agreement for the Hugo Yard Waste Collection Site.

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

PUBLIC WORKS

Public Works Planning Director Lyssa Leitner presented a resolution to update the Gold Line project budget, and a request for permanent use of fund balance.

Ms. Leitner reported that the METRO Gold Line project team is preparing to submit materials to the Federal Transit Administration (FTA) to receive the Full Funding Grant Agreement (FFGA). Receiving this grant agreement will bring in approximately $240 million in federal funds for this project. To apply for the FFGA, funding commitments are needed for the local share.

Washington County and Ramsey County, through the Gold Line Joint Powers Board (JPB), first approved a 30% project budget in August 2019. The budget was updated for 60% design and approved in January 2021, and has now been updated to reflect 90% design. On November 24, 2021, the Gold Line JPB approved the 90% and Full Funding Grant Agreement scope, schedule, and budget.

The resolution includes financial commitment for total project share, financial capacity for 10% of additional contingency (split between Ramsey and Washington counties), and commitment to fund one federally ineligible expense for a noise wall.

On February 8, 2022, Ramsey County Board will also consider approving the funding commitment based on the 90% and Full Funding Grant Agreement budget.

The County Board approved the 2022 Gold Line budget at the December 14, 2021, County Board meeting. The 2022 budget was based on a project schedule and expense assumptions from mid-2021. The overall project budget that was determined as part of FTA Risk Assessment in Summer 2021 did not change, but the timing of when the budget would be spent did. Additionally, the 2022 budget was based on a calendar year and did not take into consideration that the Federal Fiscal year starts in October. The proposed budget amendment fully funds the 2022 anticipated project expenses from the January cash flow document.

Commissioner Weik moved to approve **Resolution No. 2022-011** as follows:

GOLD LINE FUNDING COMMITMENT

WHEREAS, the METRO Gold Line Bus Rapid Transit ("BRT") will provide transit infrastructure improvements in the eastern portion of the Twin Cities; and

WHEREAS, the purpose of METRO Gold Line BRT Project ("Project") is to provide transit service to meet the existing and long-term regional mobility and local accessibility needs for businesses and the traveling public within the Project area by providing all-day, bi-directional, station-to-station service that complements existing and planned bus service in the corridor; and

WHEREAS, the METRO Gold Line BRT is located in Ramsey and Washington Counties, Minnesota, ("Counties") and extends approximately ten miles, running between Saint Paul, Maplewood, Landfall, Oakdale and Woodbury ("Cities"); and

WHEREAS, in 2016, the Counties and the Cities in the corridor selected BRT in a dedicated guideway as the locally preferred alternative; and

WHEREAS, on October 24, 2018, the Metropolitan Council ("Council") included METRO Gold Line BRT in the regional Transportation Policy Plan; and

WHEREAS, the Council and the Counties are advancing design and construction of the Project through the Gold Line Project Office in partnership with the Minnesota Department of Transportation and the Cities; and

WHEREAS, the Council is the local project sponsor and the Federal Transit Administration ("FTA") grantee and therefore is responsible for the planning, designing, acquiring rights of way, constructing, equipping, and commissioning the Project; and

WHEREAS, the Project entered the Project Development Phase of the New Starts program in January 2018 and completed all FTA requirements associated with this phase, including the required environmental review process; and

WHEREAS, the Project entered the Engineering Phase of the News Starts program in April 2021 and has been advancing through the FTA requirements of this phase; and

WHEREAS, many residents and businesses have participated in numerous open house meetings, neighborhood meetings, and other public forums, including project committees, to provide feedback on project elements as part of the issue resolution and design advancement and refinement processes leading to the creation and advancement of the design plans; and

WHEREAS, at the completion of 90% design, the total capital cost of the Project is $505,306,409 of which amount the local share (from all local sources) is $265,960,860 and the federal share is anticipated to be $239,345,550; and

WHEREAS, one of the FTA requirements for project advancement is a risk assessment of the Project, which occurred in Fall 2021, and which resulted in an FTA required 21.4% contingency fund; and

WHEREAS, the FTA further requires commitment of an additional contingency in the amount of 10% of the total project cost and that this contingency be available in the event that the project budget is insufficient to meet unforeseen circumstances, thereby increasing the total Project cost by $50,530,640; and

WHEREAS, after the Project is constructed it will be owned and operated by the Council; and

WHEREAS, demonstration of local financial commitment to the Project, including the additional 10% contingency amount, is a required component of FTA's evaluation criteria and rating process for securing the Full Funding Grant Agreement.

NOW, THERFORE, BE IT RESOLVED that Washington County commits the following to the METRO Gold Line BRT Project:

a) 45.3% of the cost of the Project Development and Engineering Phase of Work, in an amount not-to-exceed $54,865,540; and
b) 17% of the cost of the Construction Phase of Work, in an amount not-to-exceed $64,459,849; and
c) 23.8% of the total Project cost of $505,306,409 in an amount not-to-exceed $120,325,390 (which amount includes the County's contributions to all phases of work); and
d) 50% of the cost of the FTA required additional 10% contingency, in an amount not-to-exceed $25,265,320; and
e) 25% maximum of the net operating subsidy upon commencement of revenue operations.

BE IT FURTHER RESOLVED that Washington County acknowledges that the Project includes certain costs in the total amount of $396,035.83 that are not eligible for federal matching funding because the expenditure is to reconstruct a sound wall along I-94 that was recently funded with federal funds; and the County commits to pay 50% of the federal share in the amount of $198,017.91 subject to the terms and conditions of funding agreement to be entered into by the Gold Line Joint Powers Board and the Metropolitan Council.

BE IT FURTHER RESOLVED that fulfillment of Washington County's obligations under its full funding commitment of 23.8% of the total Project cost is contingent upon the following conditions being met or occurring:

a) No expenditures for construction activities, vehicle acquisition, or right of way acquisition may be incurred or obligated prior to the completion of any necessary state and federal environmental review and findings, including any amendments, supplements, or other additional requirements, and publication of the environmental decision document in the Federal Register.
b) Any expenditure of Washington County funds pursuant to a Letter of No Prejudice issued by the FTA or pre-award authority is subject to the prior approval of the Gold Line Joint Powers Board ("JPB") and each of the JPB Parties.
c) Fulfillment of the County's obligations under its full funding commitment of 23.8% of the total capital cost, in an amount not to exceed $120,325,390, is contingent upon FTA execution of a Full Funding Grant Agreement for not less than $239,345,550.
d) The Gold Line JPB has reviewed and approved the Project scope, cost estimate, and schedule at the completion of 30 percent design, 60 percent design, 90 percent design, and 100 percent design.
e) The project contingency shall be managed in accordance with the procedures established by the Gold Line JPB, as required in the Joint Powers Agreement. Excess funds resulting from low bids shall be deposited in the unallocated contingency and shall be managed in accordance with such contingency management procedures.
f) Funds are used only for New Starts federally-eligible activities, except as authorized herein.

BE IT FURTHER RESOLVED that, in the event the FTA deems any Project expenditure as ineligible to qualify as part of the local match for the Project pursuant to a Full Funding Grant Agreement, the Council shall reimburse the Gold Line JPB for its proportional share of all ineligible expenditures.

BE IT FURTHER RESOLVED that the terms and conditions of this funding commitment will be fulfilled by and subject to the terms and conditions of grant agreements entered into by the Gold Line JPB and the Council, which agreements must include the conditions set forth herein.

BE IT FURTHER RESOLVED that the County commits to work in partnership with the Council to jointly address the ongoing success and funding of the Project.

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

Commissioner Karwoski moved to approve $19,354,900 permanent use of fund balance in Fund 216 Metro Gold Line. Commissioner Weik seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Miron, Karwoski, Kriesel, Weik, and Johnson. Nays, none.

EXECUTIVE (CLOSED) SESSION – ADMINISTRATION

Commissioner Miron moved to move into Executive (closed) session. Commissioner Weik seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Miron, Karwoski, Kriesel, Weik, and Johnson. Nays, none.

The Board met in Executive (closed) session at 9:44 a.m. to review the appraisal for the property at PIDs 16.028.20.23.0005, 16.028.20.23.0006, 16.028.20.23.0007, 16.028.20.23.0011, 17.028.20.14.0003 for the potential purchase of a Conservation Easement on Valley Creek, pursuant to Minnesota Statute 13D.05, Subd. 3(c). Present for the Executive session were Commissioners Miron, Karwoski, Kriesel, Johnson, and Weik, Kevin Corbid, Jan Lucke, Jennifer Wagenius, Jessica Oertel, June Mathiowetz, Tina Simonson, and Stephanie Kammerud.

The Executive session closed at 10:17 a.m.

EXECUTIVE (CLOSED) SESSION – ADMINISTRATION

The Board met in Executive (closed) session at 10:17 a.m. to review the appraisal for a potential purchase of a Conservation Easement for property on the St. Croix National Scenic Riverway at the following PIDs: 18.031.19.31.0002, 18.031.19.42.0002, 18.031.19.41.0001, 18.031.19.31.0003, 18.031.19.43.0001, 19.031.19.12.0001, 19.031.19.12.0002, 18.031.19.34.0003, 19.031.19.21.0003, 19.031.19.12.0003, 18.031.19.42.0007, 18.031.19.42.0006, 18.031.19.42.0005, 18.031.19.42.0004, 18.031.19.42.0011, 18.031.19.42.0008, 19.031.19.21.0004, 19.031.19.12.0004, 18.031.19.41.0009, 18.031.19.41.0008, 18.031.19.41.0007, 18.031.19.41.0006, 18.031.19.41.0005, 18.031.19.41.0004, pursuant to Minnesota Statute 13D.05, Subd. 3(c). Present for the Executive session were Commissioners Miron, Karwoski, Kriesel, Johnson, and Weik, Kevin Corbid, Jan Lucke, Jennifer Wagenius, Jessica Oertel, June Mathiowetz, Tina Simonson, and Stephanie Kammerud.

The Executive session closed at 10:27 a.m.

GENERAL ADMINISTRATION

Resolution - Land and Water Legacy Program Appraisal

Senior Planner June Mathiowetz presented a resolution to approve making a Land and Water Legacy Program appraisal public data.

Washington County had an appraisal completed on January 10, 2022, to determine a Land and Water Legacy Program contribution to the Valley Creek Regionally Significant Ecological Area Project in Afton. The County seeks to share the three-page summary of the appraisal with the landowner for purposes of negotiating its purchase. To do so, the County Board must demonstrate its will to make this protected data public by a majority vote. The Minnesota Department of Natural Resources, the project partner, defers to the County Board on appraisal reclassifications.

Commissioner Kriesel moved to approve **Resolution No. 2022-012** as follows:

RESOLUTION TO APPROVE MAKING LAND AND WATER LEGACY PROGRAM SUMMARY OF APPRAISAL DATED JANUARY 10, 2022, RELATED TO THE VALLEY CREEK REGIONALLY SIGNIFICANT ECOLOGICAL AREA, PUBLIC DATA

WHEREAS, pursuant to Minnesota Statute Chapter 84C and Minnesota Statutes Sections 373.40 and 394.25, Washington County is authorized to acquire and improve land and interests in land for the purposes of preserving open space, including natural and scenic areas and agricultural land; and

WHEREAS, Washington County has enacted the Acquisition of Development Rights Ordinance #175 to establish a program for the preservation of open space, parks and public water, commonly referred to as the Land and Water Legacy Program and has established the policies, rules and official controls governing such acquisitions; and

WHEREAS, Washington County has determined that the Valley Creek Regionally Significant Ecological Area (PIDs 16.028.20.23.0005, 16.028.20.23.0006, 16.028.20.23.0007, 16.028.20.23.0011, 17.028.20.14.0003) meets the requirements of the Land and Water Legacy Program and that the Washington County Board of Commissioners considers the proposed land to merit protection; and

WHEREAS, Washington County is partnering with Belwin Conservancy to make the purchase of this property possible, including Belwin entering into a separate transaction to buy the property from the landowner in fee, followed by the County purchasing a conservation easement (the Project); and

WHEREAS, Washington County had appraisals completed for the purposes of determining a Land and Water Legacy Program contribution to the Project; and

WHEREAS, the appraisal completed on January 10, 2022, included a three page summary letter prepared by the appraiser titled “Before and After Market Value Appraisal (Land Only), Measuring the Impact of a Proposed Conservation Easement;” (Summary Letter); and

WHEREAS, pursuant to Minnesota Statute Section 13.44, subd. 3 (a) appraisals and appraisal data are deemed confidential or protected nonpublic data; and

WHEREAS, appraisal data can be reclassified as public data at the discretion of the County Board, determined by majority vote, pursuant to Minnesota Statute Section 13.44(c); and

WHEREAS, the Washington County Board has determined that reclassifying the Summary Letter dated January 10, 2022, as public data, would assist in facilitating the negotiations among the Project partners and landowner; and

WHEREAS, the Minnesota Department of Natural Resources, a project funding partner, defers to the County Board on appraisal data reclassification.

NOW, THEREFORE, BE IT RESOLVED, the Washington County Board approves making the Summary Letter public data, pursuant to its authority under Minnesota Statute Section 13.44, subd. 3(c).

BE IT FURTHER RESOLVED, that the Summary Letter dated January 10, 2022, related to the Project is hereby designated as public data.

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

Legislative Updates

Deputy County Administrator Jan Lucke reported on state and federal legislative updates.

Ms. Lucke reported that staff has scheduled weekly meetings with the Larkin Hoffman team for Administration and Department Heads to discuss legislative items. Margaret Vesel, Government Relations Director, also plans to attend upcoming county board meetings to provide direct updates to the board. The Governor, Senate, and House are beginning to work on advancing their priorities. Public Safety is an emerging theme from all bodies. Staff will be monitoring proposed legislation and new funding initiatives, and working with the Sheriff and the County Attorney to identify opportunities for Washington County.

Ms. Lucke reported that the National Association of Counties (NACo) Legislative Conference begins this weekend, February 12th through February 16th. Commissioners Johnson, Karwoski, and Weik will be representing Washington County. Staff is working with the Downs Government Affairs teams on meetings with Congressional members who represent Washington County. It is likely many if not all the meetings will be virtual as federal buildings remain closed due to the pandemic.

COVID-19 Update

Public Health & Environment Director David Brummel reported positive news that community transmission rates of COVID and Metropolitan Council's COVID Wastewater Surveillance data indicate that the county and state have passed the peak of omicron variant of the coronavirus. The current case rate in Minnesota is 875 per 100,000, which is down from 1,647 last week. Washington County's case rate is 1,037, which is down from 1,709 last week. However, hospitalization and death rates typically lag behind case rates, and healthcare systems are still full.

Mr. Brummel reported that on February 1st, Pfizer applied to the Federal Drug Administration (FDA) for emergency use authorization for COVID-19 vaccine for children ages 6 months through 4 years. The FDA's Vaccine and Related Biologics Advisory Committee is scheduled to meet on February 15th for discussion. This vaccine will have a maroon cap on its container and is a smaller dose than the 5-11 year-old formulation, and will have similar storage and handling recommendations. The vaccine may be a two- or three-dose series. Pfizer has submitted the two-dose data and the third-dose data will be submitted in a rolling fashion. The Department of Public Health & Environment (PHE) is planning to be a provider of the ages 6 months through 4 years vaccine. PHE has completed paperwork with the Minnesota Department of Health and anticipate starting these vaccinations in early March.

Mr. Brummel reported that PHE staff continues to be out in the community providing vaccinations and targeting individuals who may otherwise have a barrier to getting to a county facility for vaccination. PHE has received 2,500 KN95 masks from the state and has distributed them to local food shelves and county COVID-19 shelter locations. PHE has standing vaccination clinics at the Cottage Grove Service Center on Mondays, Government Center in Stillwater on Wednesdays, and Headwaters Service Center in Forest Lake on Thursdays.

Mr. Brummel reported that the COVID-19 testing volume at local Armory locations has been going down. At the peak of the omicron variant, the Stillwater Armory averaged nearly 1,300 tests a day. On January 29th, there were 383 tests for the day, and on January 30th, there were 389.

Change in County Board Meetings for March 2022

County Administrator Kevin Corbid stated on the County Board's 2022 meeting schedule, the board was scheduled to meet on March 8, 2022, and there was no meeting scheduled on March 15, 2022. Mr. Corbid has talked to board members about switching those meetings. Therefore, there will be no board meeting on March 8th, and a regular board meeting on March 15th.

Washington County

New Director of the Public Works Department

Mr. Corbid announced that Wayne Sandberg has been appointed as the new Director of the Public Works Department. Mr. Corbid stated that Mr. Sandberg is a long-term county employee and is an excellent addition to the leadership team.

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

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Miron moved to adjourn. Commissioner Weik seconded the motion, and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Miron, Karwoski, Kriesel, Weik, and Johnson. Nays, none. The County Board meeting adjourned at 11:17 a.m.

Attest:

Kevin Corbid

Kevin Corbid
County Administrator

Wayne A. Johnson

Wayne A. Johnson
County Board Chair