

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
MARCH 22, 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
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

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 Weik, to adopt the Consent Calendar as follows:

1. Approval of the March 1, 2022, County Board meeting minutes.
2. Approval to reappoint Brian Johnson and Kevin Chapdelaine as managers on the South Washington Watershed District expiring May 1, 2025.
3. Approval to reappoint the following members to the Groundwater Advisory Committee, through December 31, 2024: Brian Zeller, James Westerman, Bob Fossum, Brian Johnson, Dave Schulenberg, and Elden Lamprecht.
4. Approval of **Resolution No. 2022-026** as follows:

**RESOLUTION AMENDING AMERICAN RESCUE PLAN ACT
PROJECT PLAN**

WHEREAS, on March 11, 2021, the United States Congress passed the American Rescue Plan Act of 2021 (ARPA), which provides fiscal relief funds to State and Local Governments, and other programs areas aimed at mitigating the continuing effects of the COVID-19 pandemic; and

WHEREAS, ARPA provided \$65.1 billion in direct aid to counties and allocated hundreds of billions of dollars for public health assistance for vulnerable populations, education and housing stabilization, economic recovery assistance and direct assistance for families and individuals; and

WHEREAS, Washington County is a direct recipient of \$50,975,893.00 under ARPA, of which \$25,487,946.50 was received after providing the required certification to the federal government on May 10, 2021, to address the expenditures and impacts of COVID-19 and to replace revenue shortages related to the pandemic; and

WHEREAS, through the certification signed by the County, the county agrees to spend the funds as required in the American Rescue Plan Act of 2021 (Pub L. No. 117-2) and agrees to regularly report its spending as required by the United States Department of the Treasury, and

WHEREAS, county staff reviewed ARPA eligibility and potential spending options with board members individually and in board workshops on April 13, 2021, to overview ARPA funding for local governments, on May 25, 2021, to review ARPA funding guidance, and on July 27, 2021, to discuss ARPA planning; and

WHEREAS, county staff reviewed the requirements as outlined in ARPA and the Final Rule provided by the United States Department of Treasury (effective on April 1, 2022), as it developed a plan for recommendation to the county board; and

WHEREAS, the county board, by resolution, accepted the ARPA funds and adopted a county project plan on August 24, 2021; and

WHEREAS, the county board wishes to amend the county project plan and allocate up to \$200,000 in ARPA funds to the Washington County Community Development Agency to fund the Elevate Business program as allowed under the Final Rule provided by the United States Department of Treasury (effective on April 1, 2022) for negative economic impacts; and

WHEREAS, the county board wishes to amend a project description, with no dollar amount change, in the county project plan to change the scope of an ARPA project. The broadband matching grant program will provide matching funds for city, township, and broadband provider efforts to provide additional services to residents.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners does hereby adopt the amended project plan under the following categories authorized in ARPA and the final guidance:

- Negative Economic Impacts: Technical Assistance, Counseling, or Business Planning
- Infrastructure: Broadband – Other Projects

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners authorizes the county administrator or his designee to prepare necessary budget amendments authorizing ARPA expenditures as identified in this resolution; and

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners authorizes the county administrator or his designee to execute sub-recipient agreements necessary to authorize ARPA expenditures as identified in this resolution; and

BE IT FURTHER RESOLVED that the Washington County Board of Commissioners authorizes the county administrator or his designee to prepare and submit all required reporting under ARPA.

5. Approval of **Resolution No. 2022-027** as follows:

**ENDORISING APRIL 2022 AS CHILD ABUSE AND NEGLECT
PREVENTION MONTH IN WASHINGTON COUNTY**

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Washington County; and

WHEREAS, our children are our most valuable resources and will shape the future of Washington County; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and

WHEREAS, protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children; and

WHEREAS, Washington County has dedicated individuals and organizations who work daily to counter the problem of child maltreatment and to help parents obtain the assistance they need; and

WHEREAS, effective child abuse prevention activities succeed because of the partnerships created between child welfare, education, health, community and faith-based organizations, and businesses and law enforcement agencies; and

WHEREAS, communities must make every effort to promote programs and activities that create strong and thriving children and families; and

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby endorses the President of the United States' proclamation that the month of April 2022 be Child Abuse and Neglect Prevention Month in Washington County and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

6. Approve Contract No. 14689 with Tree Trust in the amount of \$120,000 for the period of April 1, 2022, through September 30, 2022.
7. Approval of **Resolution No. 2022-028** as follows:

**RESOLUTION TO SUPPORT WASHINGTON COUNTY
APPLYING FOR AND PARTICIPATING IN THE MONARCH
CANDIDATE CONSERVATION AGREEMENT WITH
ASSURANCES (CCAA) PROGRAM**

BE IT RESOLVED that Washington County apply to participate in the Monarch Candidate Conservation Agreement with Assurances (CCAA) Program; a voluntary conservation agreement that encourages land managers to adopt conservation measures to benefit the Monarch Butterfly.

BE IT FURTHER RESOLVED that Washington County continue to pay the annual fee and follow conservation guidelines in accordance with the program structure in future years. The County can at any time opt out of program participation if at any time the County Board determines it is not a beneficial use of County funds.

8. Approval of five-year Contract No. 14542 with FM:Systems Group, LLC in the amount of a flat rate of \$164,250 per year from 2022-2026, for facility management software services.
9. Approval of Contract No. 14619 with Reliable Plus in the amount of \$122,670 for the construction services for the Touch-Free Car Wash Project.

10. Approve permanent use of fund balance in an amount not to exceed \$186,000 from the Capital Repair Fund 411.
11. Approve Joint Powers Agreement No. 14604 that allows the Washington County Sheriff's Office to provide fuel to the City of Bayport for law enforcement services.

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

WASHINGTON COUNTY COMMUNITY DEVELOPMENT AGENCY

Washington County Community Development Agency (CDA) Deputy Executive Director Karly Schoeman presented a resolution to approve the 2023 and 2024 Qualified Allocation Plan for the Housing Tax Credit Program.

The Housing Tax Credit program was created by the Tax Reform Act of 1986 to stimulate private capital investment in new construction, substantial rehabilitation, and preservation of affordable housing. In exchange for federal tax credits over 10 years, a private company becomes an investor partner in the ownership of the development and provides equity to help construct the project. Since the program's inception, housing tax credits have been used to produce or rehabilitate 2,875 affordable apartments in 41 developments across Washington County.

The CDA is designated under Minnesota State law as the tax credit allocating agency for Washington County. Each suballocator is apportioned an allocation of tax credits equal to its formula share multiplied by an annual per capita volume cap established by the Internal Revenue Service. The estimated amount of 2023 and 2024 credits is \$565,270 for each year.

Commissioner Miron moved to approve **Resolution No. 2022-029** as follows:

RESOLUTION APPROVING THE 2023 and 2024 QUALIFIED ALLOCATION PLAN FOR THE HOUSING TAX CREDIT PROGRAM

WHEREAS, Congress has permanently extended the Housing Tax Credit Program by enactment of the Revenue Reconciliation Act of 1993;

WHEREAS, Treasury Regulations (the "Regulations") require allocators of housing tax credits, including the Washington County Community Development Agency (the "Agency") which allocates such credits on behalf of Washington County (the "County"), to provide procedures to allocate low income housing tax credits and monitor compliance of projects to which it has allocated low income housing tax credits pursuant to Section 42 of the Internal Revenue Code of 1986, as amended;

WHEREAS, the Agency has determined it is necessary and appropriate to modify the Agency's previously adopted Housing Tax Credit Qualified Allocation Plan (the "Plan"); and

WHEREAS, the Agency has adopted the Plan, as amended, in substantially the form attached hereto, following a public hearing regarding the revision of the Plan for which not less than 14 days notice was published in a newspaper of general circulation in the County; and

WHEREAS, the Regulations require the Plan to be approved by the elected body of the allocating agency.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Washington County, that the 2023 and 2024 Housing Tax Credit Qualified Allocation Plan previously adopted by the Agency and attached hereto, is hereby adopted and approved.

Adopted by the Board of Commissioners of Washington County this 22nd day of March, 2022.

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.

METROPOLITAN MOSQUITO CONTROL DISTRICT

Metropolitan Mosquito Control District (MMCD) Executive Director Stephen Manweiler presented the annual report on MMCD activities and budget.

Mr. Manweiler summarized the mosquito's life cycle and reported that the MMCD provides comprehensive mosquito control and public education about mosquito- and tick-borne disease.

Mr. Manweiler reported that 2021 was one of the driest years since 1989. Larval and adult control both were lower, and adult mosquito abundance was very low overall. Limitations due to COVID-19 that began in 2020, including hiring fewer seasonal employees, continued through 2021. The dry conditions mitigated service delivery impacts.

Mr. Manweiler provided a financial history. Record service demand in 2014 through 2016 resulted in MMCD expenditures of \$5,891,103 more than funding received. This funding came from reserves. By the end of 2016, MMCD reserves were well below the minimum necessary to support cash flow services. In 2016, MMCD initiated a long-term plan to bring the budget and levy into better balance by incremental annual levy increases. In 2017, MMCD cut \$1,200,000 worth of services, with an expenditure plan cut to spend no more than levy received. This was continued in 2018 and 2019. Long-term plan goals include

restoring reserves, restoring all services cut in 2017, and expanding services in response to growing populations within the seven-county MMCD service area. By the end of 2019, reserves increased to minimum required level.

In January 2020, MMCD planned to restore one-third of services cut in 2017 (\$400,000) because levy was about \$800,000 less than budget. In April 2020, MMCD canceled most service restorations and paused the long-term plan by not increasing the 2021 budget and levy over 2020 levels. MMCD successfully limited 2020 expenditures to \$14,353,143 in response to an expected 10-15% deficit levy receipts, due to COVID-19. This deficit largely did not happen in 2020. In 2021, MMCD chose to restore services enabled by the long-term plan (service restoration originally planned in January 2020). MMCD restarted the long-term plan in July 2021, with a 2% increase in 2022 levy. The 2022 budget is \$19,741,768.

Mr. Manweiler concluded that this will be his final MMCD report to the board, as he plans to retire this year. Commissioners wished Mr. Manweiler the best in his retirement.

PUBLIC WORKS

Contract for County State Aid Highway 38 Multi-use Trail Project and Resolution Requesting a Variance from Minnesota State Aid Rules

Public Works Engineer Kevin Peterson presented a contract with TKDA in the amount of \$189,900 for the County State Aid Highway (CSAH) 38 Multi-use Trail Project, and a resolution requesting a variance from Minnesota State Aid Rules to use 19 mph and 29 mph horizontal curves on CSAH 38. This project is in the City of Newport and identified as #RB-2660 in the Capital Improvement Plan.

This section of county highway was re-built in 2003, in conjunction with the Wakota Bridge project, led by the Minnesota Department of Transportation. Due to right-of-way challenges at the time, pedestrian accommodations were not installed in this area, leaving a gap in the multi-use trail north and south of the project area. Washington County successfully secured \$460,000 in federal grants through the Regional Solicitation program to construct this project.

Washington County, in partnership with the City of Newport, has completed a preliminary engineering and public engagement effort to identify the appropriate community-supported project to close this trail gap.

The final engineering contract will include project coordination, final engineering, public engagement, construction plans and specifications, and utility coordination necessary to deliver this project. The project is scheduled for construction in 2023.

Commissioner Johnson moved to approve Contract No. 14670 with TKDA in the amount of \$189,900 for the CSAH 38 Multi-use Trail Project. Commissioner Weik seconded the motion, and it was adopted unanimously.

Commissioner Johnson moved to approve **Resolution No. 2022-030** as follows:

**RESOLUTION REQUESTING A VARIANCE FROM MINNESOTA
STATE AID FOR THE COUNTY STATE AID HIGHWAY 38
(7th AVENUE, 21st STREET) MULTI-USE TRAIL PROJECT
(SP 082-638-015)**

WHEREAS, the County of Washington was awarded federal funding through the Metropolitan Council Regional Solicitation for the addition of a multi-use trail along County State Aid Highway (CSAH 38) between 20th Street and Maxwell Avenue; and

WHEREAS, the County of Washington and the City of Newport are preparing plans for the addition of a multi-use trail along CSAH 38 between 20th Street and Maxwell Avenue for construction in 2023; and

WHEREAS, the community supported design for the multi-use trail addition requires relocation of the curb line along the east and north sides of CSAH 38 between 20th Street and Maxwell Avenue; and

WHEREAS, Minnesota Rules for State Aid Operation defines this project as Reconstruction because the project involves replacement of curb and gutter for more than 20 percent of the project length; and

WHEREAS, Minnesota Rules for State Aid Operation 8820.9936 require a minimum 30 mile per hour design speed for horizontal curvature; and

WHEREAS, the Washington County Board believes that the minimum design standards set forth by Minnesota Rules for State Aid Operation 8820.9936 as applicable to the proposed horizontal curves associated with the reconstruction of CSAH 38 to meet a 30 mile per hour design speed creates undue hardships.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board does hereby request a variance from the Minnesota Department of Transportation State Aid Operations Rules Chapter 8820.9936, Minimum Design Standards, Urban; New or Reconstruction Projects to allow the following in lieu of the 30 mile per hour minimum design speed:

1. A horizontal curve that achieves a 19 mile per hour design speed at the intersection of 7th Avenue and 21st Street
2. A horizontal curve that achieves a 29 mile per hour design speed at the intersection of 21st Street and Maxwell Avenue

BE IT FURTHER RESOLVED, that the Washington County Board hereby indemnifies, saves and hold harmless the State of Minnesota and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of (project descriptions) in accordance with Minnesota Rules 8820.9936 and further agrees to defend at their sole cost and expense any action or proceeding commenced for the purpose of asserting any claim arising as a result of the granting this variance.

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.

GENERAL ADMINISTRATION

Letter of Support to the Minnesota Department of Natural Resources

Administration Senior Planner June Mathiowetz presented a letter of support for the City of Cottage Grove's application to the Minnesota Department of Natural Resources to permanently protect a portion of the Mississippi Dunes property. The letter commits County Land and Water Legacy Program matching funds up to \$800,000. The county would receive and hold a permanent conservation easement over the project area for its contribution. The city will cover the necessary acquisition costs associated with the project, own and provide ongoing stewardship of the area, and cover the cost of future park infrastructure.

Ms. Mathiowetz reported the address of the project is 10351 Grey Cloud Trail South in Cottage Grove, on the Mississippi River and Mooers Lake. Local residents have great visions for river access for their community. This is reflected most recently in the Cottage Grove Mississippi River Access Strategy Report identifying the Dunes property as the top priority for public access to the Mississippi River. The Dunes property, on which this parcel sits, also has a development component underway on which more than 400 units of housing are proposed, making the incorporation of additional open space in the immediate area all the more important.

The area proposed contains approximately 1,900 feet of the identified 72-mile Mississippi National River and Recreational Area. It is a major international flyway for birds and waterfowl, a Regionally Significant Ecological Area and identified in the Minnesota Biological Survey. This is a place where bald eagles soar, and the views of the river and horizon are expansive. This property's natural features and attributes have been reviewed for prioritization, and the project overall ranks very high. This project is also being brought forward by a city, which allows it to be considered a high priority, even though it is outside of the top 10 high priority areas.

Ms. Mathiowetz continued that the city is proposing a conservation easement over a 20-26 acre area. The conservation easement is between nearly 14 acres of future parkland to its west and 13 new acres being proposed to be added to the DNR's already existing Grey Cloud Dunes Scientific Natural Area to the east. Therefore, this project will provide a critical connection to a much larger and contiguous protected area. The city intends to apply for grant funds from the DNR to assist with acquisition costs. The grant application deadline is March 31st.

The City of Cottage Grove is in negotiations with the developer on the exact number of acres and total project cost. The county will schedule a board workshop to provide updates as needed. For now, the city is asking for county support to match DNR grant funds, allowing it to make the grant application deadline and possibly secure state funds.

Ms. Mathiowetz invited Public Works Director Wayne Sandberg to speak on the development aspects of this project.

Mr. Sandberg reported that Washington County and the City of Cottage Grove have been working cooperatively to identify the route for a future county highway arterial in this portion of the county. At the end of 2020, the county finalized a plan that had a preferred alignment. On May 5, 2021, the City of Cottage Grove formally adopted that plan. Since that time, the city and county have continued to work together to plan for that future arterial roadway. Plans include securing rights-of-ways for roadways, trails, stormwater ponds, management, access locations, and spacing.

Mr. Sandberg reported the open space planned for this development includes the proposed conservation area being discussed today, and a portion of land that was separated from the rest of the development by the future arterial roadway. It is in this specific area that the city has also planned for stormwater ponding that will serve both the development and the future county highway. Mr. Sandberg concluded that the city has been working dutifully and in good faith to secure the land needed to accommodate the future county arterial highway, land needed for future trails along that highway, and land needed for stormwater management, as identified in the southwest arterial study that was formally adopted by the city in May 2021.

Ms. Mathiowetz presented an existing and proposed trails map provided by the city for the proposed protected area noting that the infrastructure planned for this protected area is proposed to be limited to trails. There is currently an asphalt trail on the property the city is seeking to retain with conservation easement allowances for up to 10-15% more area to meet Americans with Disabilities Act (ADA) needs and make connections to the neighborhood. The map identifies a proposed additional 500 linear feet of bituminous, and approximately 4,200 linear feet of proposed rock or grass hiking trails.

Commissioner Johnson moved to approve the letter of support for the City of Cottage Grove's proposal requesting state funds from the Minnesota Department of Natural Resources and committing up to \$800,000 in matching funds from the Washington County Land and Water Legacy Program for protection of the Mississippi Dunes. Commissioner Miron seconded the motion, and it was adopted unanimously.

State Legislative Updates

Deputy County Administrator Jan Lucke reported the Association of Minnesota Counties (AMC) has asked for support in encouraging the state delegation to support the Justice Reinvestment Initiative. Two fact sheets from AMC on this initiative were distributed to commissioners. It is a county-driven initiative and consistent with the board's adopted legislative position requesting additional state funding for community corrections and probation delivery systems. The request includes an additional \$21.3 million for counties over the next biennium and ongoing funding.

Community Corrections staff are engaged with AMC, the Minnesota Association of Community Corrections counties, and others are moving this forward. Commissioners agreed to support this initiative.

Ms. Lucke reported that an evening reception has been scheduled with the legislative delegation to connect mid-session on the county's legislative agenda. It will be held at the State Capitol on Monday, April 4th, an open house format, approximately 5:30 to 7 pm.

Federal Legislative Updates

Ms. Lucke reported that county staff has engaged Downs Governmental Affairs team on a strategy around community project funding requests, or earmarks, for fiscal year 2023.

Public Health & Environment Updates

Public Health & Environment Director David Brummel reported on Diversity, Equity and Inclusion (DEI) activities and a COVID-19 update.

Mr. Brummel reported that last weekend, the Woodbury YMCA and the Woodbury Community Foundation invited individuals interested in racial diversity, equity, and inclusion to a facilitated session to discuss the current environment and efforts that are occurring in Woodbury and surrounding areas. Several Washington County staff participated in the event and it was a good opportunity to meet community members. Discussion about DEI through a community lens helps begin to answer the question: As Woodbury becomes a more diverse community, what is needed to ensure Woodbury is a welcoming community where all feel included and valued?

Mr. Brummel reported that there has been an uptick in the Omicron Variant BA2. It has become the dominate strain in some European countries, and will likely become the dominant strain in the United States sometime this spring. BA2 is showing to be more transmissible, but it is not causing more hospitalizations or deaths.

The Centers for Disease Control and Prevention Community Levels Metric is designed to measure the impact of COVID-19 illness on health and healthcare systems. Washington County is still in the Low Category. This is good news, and it has allowed for some respite from the mitigation strategies, such as masking and social distancing.

Mr. Brummel reported the U.S. Food and Drug Administration is meeting on April 6th to discuss the future role of booster shots, and if boosters be offered for all adults, or adults 65 and older/immunocompromised. Washington County Public Health & Environment continues to offer vaccination clinics, and demand is down significantly.

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 Miron moved to adjourn. Commissioner Weik seconded the motion, and it was adopted unanimously. The County Board meeting adjourned at 11:13 a.m.

BOARD WORKSHOP WITH COMMUNITY SERVICES

The Board met in workshop session for an update on the Co-Responder program. Present for the workshop were Commissioners Johnson, Kriesel, Weik, Miron, and Karwoski. Also present were Kevin Corbid, Jan Lucke, Jennifer Wagenius, county staff, and outside agencies.

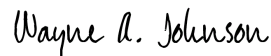
BOARD WORKSHOP WITH PROPERTY RECORDS AND TAXPAYER SERVICES

The Board met in workshop session to review assessment year 2022 and pay 2023 property values. Present for the workshop were Commissioners Johnson, Kriesel, Weik, Miron, and Karwoski. Also present were Kevin Corbid, Jan Lucke, Jennifer Wagenius, and county staff.

Attest:

A handwritten signature in cursive script that reads "Kevin Corbid".

Kevin Corbid
County Administrator

A handwritten signature in cursive script that reads "Wayne A. Johnson".

Wayne A. Johnson
County Board Chair