

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
MAY 21, 2024**

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 Karla Bigham, District 4
Commissioner Michelle Clasen, District 5

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

The Board recited the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC

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

CONSENT CALENDAR

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

1. Approval of the May 7, 2024, County Board meeting minutes.
2. Approval to appoint Gladys Kumenda-Jassam to a partial term on the Workforce Development Board as a Business Representative starting May 21, 2024 and expiring January 1, 2027.
3. Approval to appoint Shana Weiss to a partial term on the Workforce Development Board as a Business Representative beginning May 21, 2024 and expiring July 1, 2026.
4. Approval to submit a grant application to the Minnesota Department of Human Services (DHS) in response to the Request for Proposals to Develop a Network of Community Resource Centers and Kinship Navigation Programs for an amount not to exceed \$750,000.
5. Approval to submit a grant application to the St. Paul & Minnesota Foundation for Bush Prize: Minnesota grant funds for an amount not to exceed \$500,000.

6. Approval of **Resolution No. 2024-054** as follows:

**RESOLUTION APPROVING AN APPLICATION TO
CONDUCT OFF-SITE GAMBLING FOR
BAYPORT AMERICAN LEGION POST 491**

WHEREAS, an application has been received from the Bayport American Legion Post 491 to conduct off-site gambling (Pull-Tabs) activities from July 31, 2024 to August 4, 2024 during the Washington County Fair at the Washington County Fairgrounds located at 12300 N 40th Street, Lake Elmo, Minnesota in Baytown Township, and

WHEREAS, Minn. Stat. 349.165 requires the permit to be approved by the County Board of Commissioners by resolution and remitted to the Minnesota Gambling Control Board for their consideration.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners approves the application to conduct off-site gambling, pull tabs, from the Bayport American Legion Post 491 at the Washington County Fairgrounds located at 12300 N 40th Street, Lake Elmo, Minnesota in Baytown Township and for it to be remitted to the Minnesota Gambling Control Board for their consideration.

7. Approval of **Resolution No. 2024-055** as follows:

**RESOLUTION APPROVING AN APPLICATION TO
CONDUCT OFF-SITE GAMBLING FOR
BAYPORT AMERICAN LEGION POST 491**

WHEREAS, an application has been received from the Bayport American Legion Post 491 to conduct off-site gambling (Pull-Tabs) activities on September 21, 2024 during the Yellow Ribbon Randy Kopesky Field of Bands event at the Washington County Fairgrounds located at 12300 N 40th Street, Lake Elmo, Minnesota in Baytown Township, and

WHEREAS, Minn. Stat. 349.165 requires the permit to be approved by the County Board of Commissioners by resolution and remitted to the Minnesota Gambling Control Board for their consideration.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners approves the application to conduct off-site gambling, pull tabs, from the Bayport American Legion Post 491 at the Washington County Fairgrounds located at 12300 N 40th Street, Lake Elmo, Minnesota in Baytown Township and for it to be remitted to the Minnesota Gambling Control Board for their consideration.

8. Approve Contract No. 16460 for \$230,380 with Sir Lines-A-Lot LLC for the Washington County 2024 Latex Striping Project.
9. Approval of **Resolution No. 2024-056** as follows:

**RESOLUTION TO ACCEPT METROPOLITAN COUNCIL
GRANT AGREEMENT SG-24P1-10-01**

WHEREAS, the Metropolitan Council is authorized by Minn. Stat. § 473.301 to make grants to eligible governmental units for the purpose of acquisition of regional recreation open space in accordance with the Metropolitan Council’s Recreation Open Space Policy Plan; and,

WHEREAS, the Minnesota Legislature appropriated Environmental Natural Resources Trust Fund (ENRTF) funds to the Metropolitan Council for subgrants for the acquisition of lands within the approved park unit boundaries of the metropolitan regional park system; and,

WHEREAS, the Metropolitan Council has expressed its commitment to issue bonds for acquisition and betterment of regional open space lands (“Council Park Bonds”); and,

WHEREAS, Washington County is a governmental unit eligible for a Park Acquisition Opportunity Fund Grant to assist in the acquisition of recreation open space lands; and,

WHEREAS, Washington County Parks applied to Metropolitan Council for a Parks Acquisition Opportunity Fund Grant for partial reimbursement of the purchase price for the property at PIDs 07.031.20.11.0002, 07.031.20.13.0002, 08.031.20.22.0001, 08.031.20.23.0001, and 08.031.20.21.0001 within Big Marine Park Reserve.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners accepts the aforementioned grant from the Metropolitan Council and authorizes its County Board Chair and County Administrator to execute on behalf of the county a Metropolitan Council Grant Agreement SG-24P1-10-01 conditioned upon approval as to form by the Washington County Attorney’s Office.

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

HUMAN RESOURCES

Minnesota Safety Council Governor's Safety Award

Safety and Risk Program Coordinator Parker Prose announced that Washington County was recognized for excellence in workplace safety and health by receiving the 2024 Minnesota Safety Council Governor's Safety Award. During the Minnesota Safety and Health Conference on May 1, 2024, Washington County received a gold achievement award for having a consistent, outstanding record with incident rates that are in the 75th to 89th percentile of the industry's state and national average, and for having a continuously improving and satisfactory safety program.

Mr. Prose reported that Washington County has received the Governor's Safety Award 32 times over the past 33 years, and this consistency is from the efforts of the county's Safety Committee, safety-focused supervisors and employees being mindful of safety, and support from the County Board.

PUBLIC WORKS

Contracts for the Jail Detention Door Hardware Replacement Project

Building Services Capital Projects Manager Erik Jalowitz presented contracts for hardware and carpentry for the Jail Detention Door Hardware Replacement Project. Mr. Jalowitz reported that this project is identified in the Capital Improvement Plan as #BSD-LEC-2202.

Mr. Jalowitz reported that the Washington County Jail was built in 1993, and includes more than 600 doors with locks needing replacement. Mr. Jalowitz provided information on the project schedule, and that funding for this project is through the Capital Repair Fund. Requests for bids were posted in March for hardware, including all heavy-duty jail locks, and carpentry, which includes locks in standard doors. Two bids were received for detention hardware, and one bid was received for the carpentry package.

Commissioner Bigham moved to approve Contract No. 16431 with Stronghold Industries Inc. in the amount of \$1,142,000 for detention hardware for the Jail Detention Door Hardware Replacement project. Commissioner Kriesel seconded the motion, and it was adopted unanimously.

Commissioner Kriesel moved to approve Contract No. 16432 with Parkos Construction Company in the amount of \$200,800 for carpentry for the Jail Detention Door Hardware Replacement project. Commissioner Clasen seconded the motion, and it was adopted unanimously.

Resolution to Repeal Parks Ordinance #213 and Adopt Parks Ordinance #218

Public Works Senior Planner Connor Schaefer presented a resolution to adopt a revised Parks Ordinance #218, repealing Parks Ordinance #213.

The stated purpose of the Parks Ordinance is to provide rules and regulations for the safe and peaceful use of park lands; for the education and recreation of the public; for the protection and

preservation of the property, facilities, and natural resources; and for the safety and general welfare of the public. Minnesota Statutes allow the county to enact ordinances relating to county parks. The last update to the Parks Ordinance was in 2017. Since that time, there have been changes in state laws and in the ways the public uses and enjoys county parks that are driving the need for updates to the ordinance.

Washington County Public Works, in collaboration with staff from the Sheriff's Office and Attorney's Office, performed a comprehensive review of the current Parks Ordinance. This review included comparison of the ordinance with current state law, engagement of other park agencies, park staff, other county departments, the Minnesota Department of Natural Resources, and the Parks and Open Space Commission. This process gave staff the opportunity to address specific issues that have surfaced over the years, and modernize the ordinance through an equity lens.

A public hearing notice was published in the official county newspaper for three weeks, notifying the public regarding opportunities to review and submit comments on the proposed ordinance. The public hearing was conducted and closed on April 23, 2024. Based on the overall engagement and the input received, a new Parks Ordinance will ratify the changes identified.

Mr. Schaefer addressed some sections that received comments during the public hearing.

Mr. Schaefer reported that the section added for electric bikes and electric scooters aligns with state statute, allowing specific types of e-bikes to be treated as bikes. E-bikes with less than 1000 watts are allowed on roads and designated trails. The ordinance accounts for unsafe e-bike behavior, and bikers are expected to abide by traffic laws.

Mr. Schaefer confirmed that Section 8, Interference with Employee Performance on Duty, which refers to protection for employees, also is applicable to volunteers and volunteer groups in the parks.

Mr. Schaefer reported that tobacco use is banned in areas most likely to be used by families/children, and revisions include a change of including fishing piers and areas of the park where tobacco is not allowed. There is a clause included in the ordinance that allows the county flexibility to add additional restrictions in the future without any formal change to the ordinance.

Mr. Schaefer reported that pets in campground continues the current policy, and it also provides the flexibility to adjust this in the future. There is a clause in this section that says exemptions from this prohibition may be made by the Director or authorized by use permit. For example, if the county wanted to pilot allowing pets in campgrounds for one year, it would not require an ordinance update. Additionally, the ordinance re-enforces important policies regarding pets in county parks, such as service animals aligning with state statute, and pets must be on-leash (12 foot) and well-behaved.

Mr. Schaefer provided clarity regarding concerns of the open-ended nature of some of the clauses referring to director discretion. This allows the director flexibility to react and address day-to-day operations and circumstances that may arise. Staff has rescinded this clause in several key areas; however, it remains in sections regarding tobacco and pets.

Commissioner Bigham moved to adopt **Resolution No. 2024-057** as follows:

**RESOLUTION ADOPTING WASHINGTON COUNTY PARKS
ORDINANCE #218**

WHEREAS, Minnesota Statute section 398.34 authorizes the County to enact an ordinance relating to the County Parks System; and prescribes regulations, not inconsistent with law, for the protection and use of County parks in accordance with Minnesota Statute 398.31 to 398.36; and

WHEREAS, Minnesota Statute 466.03, subd. 6e provides immunity to protect the County for purposes related to providing these areas; and

WHEREAS, Washington County Parks Ordinance #213, “an ordinance governing parks under the jurisdiction of Washington County, Minnesota” was adopted on September 15, 2020, and is in need of policy updates; and

WHEREAS, Parks Ordinance #218 is intended to repeal and replace Parks Ordinance #213; and

WHEREAS, a County Board Workshop was held to discuss the proposed update on February 27, 2024; and

WHEREAS, on April 23, 2024, the Washington County Board of Commissioners held a public hearing pursuant to Minnesota State Statute 398.34 to consider the proposed Parks Ordinance #218; and

WHEREAS, the County provided the Commissioner of the Minnesota Department of Natural Resources with 21 days of advance notification of said public hearing as required by Minnesota Statute 398.34, Subdivision 2 due to purposes that may impact public waters of the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED, the Washington County Board of Commissioners hereby adopts Washington County Parks Ordinance #218 and its proposed policies, rules and official controls governing the County Parks System as an update to Parks Ordinance #213.

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners hereby repeals Washington County Parks Ordinance #213, effective on May 21, 2024.

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

SHERIFF'S OFFICE

Resolution to Accept a Donation of Fire Suppression Tools

Sheriff Dan Starry presented a resolution to accept a donation of 14 fire suppression tools, and introduced Matthew Stepaniak, St. John's Masonic Lodge #1, and Stephen Ingram, Newport Masonic Lodge #118. It is the Mason's initiative to raise enough money to buy fire suppression tools to give to first responders throughout the state. These valuable tools will be used in response to calls for service involving a fire.

Commissioner Bigham moved to adopt **Resolution No. 2024-058** as follows:

DONATION OF FIRE SUPPRESSION TOOLS

WHEREAS, Washington County gratefully accepts donations, gifts, and bequests from public and private sources to enhance the programs and services it provides; and

WHEREAS, any gift, donation, or bequest becomes the property of Washington County; and

WHEREAS, the Washington County Board is authorized to approve donations, gifts, and bequests.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners does hereby approve and accept a donation of fourteen (14) fire suppression tools valued at approximately \$1,000 each (\$14,000 total), donated on behalf of the Newport Masonic Lodge #118.

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

GENERAL ADMINISTRATION

Resolution for Land and Water Legacy Program Funding Options

Deputy County Administrator Jan Lucke presented a resolution for funding options for the Land and Water Legacy Program (LWLP). Ms. Lucke reported that in November 2006, Washington County voters approved a \$20 million land and water protection referendum. Since then, the county has utilized \$16.7 million in bond funds and leveraged \$24.9 million in partnership funds to complete 46 projects, which protects more than 1,300 acres. Per workshops held earlier this year, the board provided direction on how to spend the remaining funds, based on a list of projects.

Ms. Lucke reported that Washington County is the recipient of grant funds from the Lessard Sams Outdoor Heritage Conservation Fund. These funds pay for acquisitions, restoration work, and staff time. The funds came with a match requirement of \$720,000 towards acquisition costs.

Ms. Lucke reported that there are conservation projects from willing sellers that are on hold until it is decided what comes next after the original \$20 million bond. A match contribution of 40% towards those projects, the match obligation for the Lessard Sams Outdoor Heritage Conservation Fund grant, and the acquisition trend line from the last few years, leads staff to recommend a \$4 million program funding need for conservation over the next two years. Ms. Lucke reported that the Parks need is smaller at \$400,000. The Kelley Farms project currently accounts for most of the Metropolitan Council match opportunities through 2026. This creates a total program need of \$4.4 million over the next two years.

Ms. Lucke continued that funding options were discussed at a board workshop on April 23. The referendum bond was discussed at a board workshop with Trust for Public Lands (TPL) on April 8, and TPL presented a summary of the results of an independent voter referendum poll it conducted in the preceding months. A \$30 million bond was recommended for the 2024 ballot, and with a strong local campaign, TPL's analysis showed it could pass.

Ms. Lucke summarized the other funding options if the board chose not to approve a 2024 bond referendum. County property tax levy is an annual tax levied by Washington County and paid by the owners of real estate within its jurisdiction. This option would increase the county property tax levy to fund the LWLP for the next two years. It is estimated that this would result in a 1.7% levy increase, above the levy increase that is being contemplated by the board to fund the 2025 budget and 2026 budget. A 1.7% levy increase is approximately a \$17 increase in property tax for a home with a median value of \$412,000.

Interest earnings fluctuate greatly. County policy is to not fully budget interest earnings for ongoing costs to ensure the county is not overly reliant on interest earnings when rates are high. One option is to make a one-time commitment to use excess 2024 interest earnings to fund the LWLP for the next two years, and up to \$6.4 million is available with this option.

Fund balance is a measure of financial resources available in a government fund. Per the county fund balance policy, the county needs to have sufficient fund balances to fund cash flows, and to provide financial resources for unanticipated expenditures and/or revenue shortfalls. The county's current fund balance is well within the fund balance policy of 20% to 50%.

The last option is Mission Directed Budget, which is excess revenue over expenditures in each department at the end of last year. Twenty-five percent (25%) is allocated to each department, 25% is allocated to a countywide pool, and 50% is allocated to county fund balance. Since the LWLP benefits the whole county, the pool allocation is a source that could be used to sustain the LWLP in 2024-2026. Up to \$2 million is available with this option.

Ms. Lucke concluded that based on those options, staff has created two options for the board's consideration. Option A is to refer the LWLP measure to the ballot in 2024 for a \$30 million General Obligation Bond, or Option B, to target a ballot measure in 2026 for a General Obligation Bond, and obligate \$3.4 million in 2024 interest earnings and \$1.0 million in mission directed pooled funds, to support the program through 2026.

Commissioner Clasen requested to amend the resolution presented today, by adding the following Whereas clauses to the resolution:

WHEREAS, the Washington County Parks and Open Space Commission reviewed the information and options to continue the program and has supported the asking of a referenda for voter authorization to issue up to \$30 million for the program at the 2024 election; and

WHEREAS, the Mayors from the City of Woodbury and the City of Cottage Grove sent a letter on March 27, 2024, asking the county board to defer the Land and Water Legacy referendum to a future year, so as not to impact the two cities ballot questions related to local option sales tax that will be on the November 2024 ballot.

Commissioner Miron moved to adopt the resolution, as presented, for the 2024-2026 funding plan for county Land and Water Legacy Program, seconded by Commissioner Bigham.

Commissioner Clasen moved to amend the resolution, as noted above.

Susan Tice, Assistant County Attorney Division Chief, stated that a current motion and second were made for the original resolution, and with the motion to amend the resolution, a second is needed.

Chair Karwoski asked for a second to amend the resolution. There was no second, and the motion failed.

Commissioner Clasen read a letter from the City of Woodbury regarding the county's Land and Water Legacy Program, which was included as an attachment in the board meeting packet for the workshop held on April 9, 2024, to review the Land and Water Legacy Program.

Resolution No. 2024-059 was adopted as follows:

**ADOPTION OF 2024-2026 FUNDING PLAN FOR COUNTY LAND
AND WATER LEGACY PROGRAM**

WHEREAS, in November of 2006, Washington County voters approved a \$20 million land and water protection referendum; and

WHEREAS, 2024 is the 18th year of the county's Land and Water Legacy Program, and to date, the county has utilized the voter approved funds to complete 46 projects that have protected more than 1,300 acres and leveraged nearly \$25 million in partnership funds; and

WHEREAS, to date, \$16.7 million in program funds have been expended and the full \$20 million in funds approved in 2006 will likely be expended by the end of 2024; and

WHEREAS, a feasibility report was completed by the Trust for Public Land and presented to the Washington County Board of Commissioners; and

WHEREAS, the county board held workshops in 2023 and 2024 to discuss how to move forward with the program; and

WHEREAS, county staff have identified \$4 million in conservation project program needs in the next three years, and \$400,000 in parks funding needed during this same time period; and

WHEREAS, the County Board considered the possibility of asking the voters to adopt a new referendum in 2024 for additional Land and Water Legacy Program funding; and

WHEREAS, the County Board directed staff to provide an alternative funding plan to keep the program funded through 2026; and

WHEREAS, staff provided the following options for the county board's consideration:

- Adopt a measure to place a Land and Water Legacy referendum on the 2024 ballot for a \$30 million general obligation bond; or
- Target a Land and Water Legacy referendum on the 2026 ballot for a general obligation bond and obligate \$3.4 million of unbudgeted but expected 2024 interest earnings and \$1 million in mission directed pooled funds (year end 2023 budget savings).

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners directs staff to amend the 2024 budget to provide \$3.4 million in 2024 interest earnings for the Land and Water Legacy Program and direct \$1 million in 2023 mission directed budgeting pooled funds to the Land and Water Legacy Program fund.

The resolution was adopted 4-1 with a Roll Call vote as follows: Ayes, Commissioners Miron, Kriesel, Bigham, and Karwoski. Nay, Commissioner Clasen.

Legislative Updates

Deputy County Administrator Jan Lucke reported that the 2024 Minnesota Legislative Session ended with the Energy Bill being passed, and it is being signed by Governor Tim Walz. It includes \$10 million; \$5 million each year for two years, for the anaerobic digester project. There was no bonding bill or capital projects appropriations adopted, which means none of the county's other funding requests were funded. However, the Tyler Claims Settlement Funding and Property Tax Forfeiture policy changes were both adopted. Ms. Lucke noted that it is believed that the policy change was included in a large omnibus bill that combined 10 different bills, and will take some time to fully understand.

Ms. Lucke reported that five of the county's seven requests for federal Community Project Funding were included in the combined requests from U.S. representatives Angie Craig, Betty McCollum and Pete Stauber. These requests total \$17 million dollars. Ms. Lucke received a call from U.S. Senator Amy Klobuchar's staff this morning to inform the county that the senator put forth all seven of the county's requests to the Senate Appropriations Committee, adding another \$3 million to the county's federal request.

Environment & Natural Resources Trust Fund Lottery Funds Renewal

Deputy County Administrator Jan Lucke reported that more than 30 years ago, 77% of Minnesotans voted in favor of using Minnesota state lottery funds to protect the Great Outdoors. Since then, more than \$900 million has been invested to help restore and protect water, land, and habitat. More than 1,700 lottery projects have been funded to help heal prairies, lakes, and forests.

Ms. Lucke reported that in November, Minnesota voters will be given the opportunity to renew the lottery dedication to continue funding clean lakes, healthy forests, and outdoor recreation, before funding sunsets in 2025. Projects must be for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources. Washington County has received matching funds for its Land and Water Legacy Program land protection projects through this funding source. Supporters of this work have asked Washington County to endorse the constitutional amendment to reauthorize lottery dedication to natural resources.

Commissioner Bigham moved to endorse the constitutional amendment to reauthorize the dedication of Minnesota state lottery funds to the Environment & Natural Resources Trust Fund. Commissioner Clasen seconded the motion, and it was adopted unanimously.

COMMISSIONER REPORTS

Commissioners reported on meetings and other events they attended. Please see archived livestreaming 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 Bigham seconded the motion, and it was adopted unanimously.

The County Board meeting adjourned at 10:54 a.m.

BOARD WORKSHOP WITH PUBLIC WORKS

The board met in workshop session with Metropolitan Council members to discuss ongoing collaboration. Present for the workshop were Commissioners Miron, Kriesel, Bigham, Clasen, and Karwoski. Also present were Kevin Corbid, Jan Lucke, Jennifer Wagenius, outside agencies, and county staff.

BOARD WORKSHOP WITH HUMAN RESOURCES

The board met in workshop session for an update on the county's Diversity, Equity and Inclusion (DEI) program. Present for the workshop were Commissioners Miron, Kriesel, Bigham, Clasen, 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 "Stan Karwoski".

Stan Karwoski
County Board Chair