

**DAKOTA COUNTY  
ADMINISTRATION/FINANCE/POLICY COMMITTEE OF THE WHOLE**

**Meeting Minutes**

**December 15, 2009**

**Administration Center, Government Center, Conference Room 3A, Hastings, Minnesota**

1. **Call To Order And Roll Call.** Commissioner Thomas A. Egan, Chair of the Administration/Finance/Policy (AFP) Committee of the Whole, called the meeting to order at 1:53 p.m. Roll was called with the following members present:

Commissioner Joseph A. Harris, District 1  
Commissioner Kathleen A. Gaylord, District 2  
Commissioner Thomas A. Egan, District 3  
Commissioner Liz Workman, District 5  
Commissioner Paul J. Krause, District 6  
Commissioner Willis E. Branning, District 7

*Others present included:*

Brandt Richardson, County Administrator  
Karen Schaffer, County Attorney's Office  
Kelly Olson, Sr. Administrative Coordinator

2. **Audience.** Commissioner Egan asked if there was anyone in the audience who wished to address the Committee of the Whole on an issue not on the agenda or to discuss an item on the consent agenda. No one appeared.
3. **Approval Of Agenda.** On a motion by Commissioner Gaylord, seconded by Commissioner Harris, the agenda was approved.
4. **Introduction Of New Employees.** Operations Manager Taud Hoopingarner introduced Joe Neisen, Engineering Supervisor, Facilities Management.

**CONSENT AGENDA**

On a motion by Commissioner Harris, seconded by Commissioner Gaylord, the consent agenda was unanimously approved as follows:

5. **Approval Of Minutes** of meeting held on November 3, 2009.

**6.1 Authorization To Execute Contract With Lockridge Grindal Nauen For Federal Legislative Services.**

WHEREAS, it is in the interest of the citizens of Dakota County that the Board of Commissioners participate in federal legislative and administrative processes to assure that County interests are considered in the adoption of federal legislation and rules and awarding of federal grants; and

WHEREAS, since 1988, the Board of Commissioners has contracted for federal legislative services and support in working with executive agencies that has resulted in benefits to Dakota County, including necessary waivers to provide innovative services, authorizations and appropriations for critical projects, and federal grants; and

WHEREAS, the Board of Commissioners desires to contract for federal intergovernmental relations services for work with the legislative and executive branches of the federal government during the calendar year 2010, and the recommended 2010 budget includes funds for this purpose; and

WHEREAS, the Lockridge Grindal Nauen Federal Relations Group has provide federal intergovernmental relations services on behalf of Dakota County since 2002 and has submitted a proposal to continue to provide such services.

NOW, THEREFORE, BE IT RESOLVED, That, subject to the adoption of the recommended Dakota County budget for 2010 that includes contract funds, the Dakota County Board of Commissioners hereby authorizes the County Administrator to prepare and execute a one-year contract (January 1, 2010 to December 31, 2010), with Lockridge Grindal Nauen (Federal Relations Group) for intergovernmental relations services related to securing Congressional action and executive branch decisions in the interests of the citizens of Dakota County, in an amount not to exceed \$62,400 for 2010, subject to the approval of the County Attorney's Office; and

BE IT FURTHER RESOLVED, That the federal intergovernmental relations services provided to Dakota County shall include a continuing focus on the authorization and appropriation of funds to meet the transportation needs and interests of Dakota County; directed appropriations requests; health, human services, public safety, and workforce issues of interest to the Board of Commissioners; and other issues as identified in the Board's approved 2010 federal legislative program.

**7.1 Authorization To Execute Amendment To Extend Contract With DARTS To Implement Aging Initiative.**

WHEREAS, in May 2006, the Aging Initiative was launched in response to County Board direction; and

WHEREAS, on April 3, 2007, the Initiative was presented to the County Board, identifying a vision, six primary strategies for achieving the vision, and more than 50 recommendations for consideration; and

WHEREAS, on July 10, 2007, the County Board directed that the Aging Initiative move forward through a partnership with Dakota Area Resources and Transportation for Seniors (DARTS); and

WHEREAS, in December 2007, Dakota County entered a contract with DARTS to implement Phase II of the Aging Initiative in 2008; and

WHEREAS, Dakota County anticipated a contract for up to three years to implement Phase II of the Aging Initiative, contingent on successful progress and availability of funds, and Aging Initiative Specialist and to fund project expenses associated with the aging implementation effort; and

WHEREAS, DARTS has made significant progress in securing community volunteers to work on implementation of the Aging Initiative, and progress toward tangible implementation and action plans has been accomplished, but not completed; and

WHEREAS, DARTS is committed to continuing implementation and action plans and will return to the Dakota County Board of Commissioners for review of those actions twice during 2010.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations, Management, and Budget Director to execute an amendment to extend the contract with DARTS for implementation of the County's Aging Initiative, for the period of January 1, 2010 to December 31, 2010, in an amount not to exceed \$110,000, to provide services related to implementation of the Aging Initiative, subject to approval by the County Attorney's Office as to form.

**REGULAR AGENDA**

**8.1 Request For Authorization To Enter Into Lease Agreement With Aggregate Industries At Empire Transportation Facility Site.** Operations Manager Taud Hoopingarner presented this item.

On a motion by Commissioner Harris, seconded by Commissioner Gaylord, the following resolution was recommended to the County Board:

WHEREAS, Aggregate Industries, Inc. has received a twenty seven (27) year Interim Use Permit (IUP) from Empire Township in order to operate an aggregate wash plant, aggregate processing and distribution, and ready mix concrete facility on the 80 acre parcel of land directly to the east of the Dakota County Empire Transportation Facility site; and

WHEREAS, Aggregate Industries intends to mine aggregate on property over which it has obtained mining rights on the west, southwest and south of the Dakota County Transportation Facility Site; and

WHEREAS, Aggregate Industries, Inc. has requested a lease of Dakota County property, approximately 150' wide by 1320' long (approximately 4.5 acres) across the south edge of the County's Empire Transportation Facility property to place a conveyor system on the property, in order to move aggregate mined on the west and southwest side of the County parcel, to the east side of the County Parcel for processing into concrete and other aggregate products; and

WHEREAS, Dakota County has evaluated the impact of this lease on the County's current and future operations on this site, and has identified specific conditions that will become a part of the lease in order to protect the County's investment in the site, and reduce the potential for adverse impact on the County property from Aggregate Industries use of the leased area, and adjacent operations; and

WHEREAS, Dakota County Operations Management and County Attorney's Office staff have negotiated the rate and terms for this lease, and believe they are consistent with the approach the County uses to value leases for this type of purpose.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Director of Operations Management to sign a Lease Agreement with Aggregate Industries under the following terms and conditions:

Aggregate Industries will pay \$6,750 per year, adjusted annually by the Minneapolis – St. Paul Consumer Price Index for Urban Areas (CPIU) for the previous twelve (12) month report as calculated by the U.S. Department of Labor in order to lease approximately 4.5 acres for a term of 10 years, effective Jan. 1, 2010. Aggregate Industries may extend the lease for one or two five-year extensions, with rent negotiated for the "then fair market value." The County may terminate the lease for cause upon one year's notice.

Aggregate Industries will not perform any aggregate mining activities on County property, and will maintain at least a 50 foot setback to County property for any mining activities adjacent to County property.

Aggregate Industries will indemnify Dakota County for any damages incurred to persons or property, as result of mining activities on or adjacent to our County Property.

Aggregate Industries will immediately cease and desist any operations that interfere with the DCC's ability to provide 911 service to Dakota County residents.

Aggregate Industries will operate the aggregate operation consistent with all current and future Federal, State, and local government laws, rules, regulations, and ordinance, including any and all Empire Township Interim Use Permit(s) requirements; and

BE IT FURTHER RESOLVED, That such lease agreement is subject to approval as to form by the Dakota County Attorney's Office.

- 9.1 Authorization To Renew Joint Powers Agreement With Dakota County Drug Task Force.** Chief Deputy Sheriff Dave Bellows presented this item and responded to questions from Committee members and the County Administrator.

On a motion by Commissioner Branning, seconded by Commissioner Workman, the following resolution was unanimously recommended to the County Board:

WHEREAS, the Dakota County Board of Commissioners supports the efforts of law enforcement in Dakota County to combat narcotics sales and trafficking; and

WHEREAS, federal grant funds are available through the Federal Anti-Drug Abuse Act of 1986 (Public Law 99-570) in Minnesota through the State and Local Assistance for Narcotics Control Program; and

WHEREAS, the Dakota County Sheriff's Office has participated in a federal grant program each year since 1988 through the East Metro Coordinated Narcotics Task Force and through the South Metro Drug Task Force; and

WHEREAS, the Sheriff's Office and the Cities of Apple Valley, Burnsville, Eagan, Farmington, Hastings, Inver Grove Heights, Lakeville, Mendota Heights, Rosemount, Savage, South St. Paul, and West St. Paul desire to combine in the Dakota County Drug Task Force for the years 2010 through 2014, and funds have been approved for their participation in a combined drug task force; and

WHEREAS, funds are available in the Sheriff's 2010 recommended budget request to meet the requirements of the county's portion of local government matching funds.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Sheriff's Office to execute a Joint Powers Agreement with the Cities of Apple Valley, Burnsville, Eagan, Farmington, Hastings, Inver Grove Heights, Lakeville, Mendota Heights, Rosemount, Savage, South St. Paul, and West St. Paul for maintaining the Dakota County Drug Task Force for the purpose of apprehending and prosecuting drug offenders in Dakota County for the period of January 1, 2010, through December 31, 2014, Substantially as presented to the AFP Committee on December 15, 2009, subject to approval by the Dakota County Attorney's Office as to form.

**10.1 Amendment Of County Board Operating Rules And Guidelines.** Senior Administrative Coordinator Kelly Olson presented this item.

Commissioner Gaylord moved, and Commissioner Branning seconded to approve the resolution as presented:

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby amends the County Board Operating Rules and Guidelines as presented to the Administration/Finance/Policy Committee of the Whole on December 15, 2009; and

BE IT FURTHER RESOLVED, That these amendments shall be effective on January 5, 2010.

The motion failed.

On a motion by Commissioner Workman, seconded by Commissioner Krause, the following resolution was recommended to the County Board:

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby amends the County Board Operating Rules and Guidelines as presented to the Administration/Finance/Policy Committee of the Whole on December 15, 2009, with the deletion of Section IX. Legislative Workgroup and any cross references thereto; and

BE IT FURTHER RESOLVED, That these amendments shall be effective on January 5, 2010.

**10.2 Authorize Solicitation Of Applications For "Recovery Zone" Bonding Authority.** Financial Services Director Matt Smith presented this item. Community Development Agency Executive Director Mark Ulfers responded to questions from Committee members.

On a motion by Commissioner Gaylord, seconded by Commissioner Workman, the following resolution was recommended to the County Board:

WHEREAS, on February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 Stat. 115 (2009 ("ARRA")); and

WHEREAS, Section 1401 of Title I of Division B of ARRA authorizes state and local governments to issue Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; and

WHEREAS, Recovery Zone Economic Development Bonds may be used to finance certain "qualified economic development purposes" and Recovery Zone Facility Bonds may be used to finance certain "recovery zone property," as such terms are defined in ARRA; and

WHEREAS, the term "Recovery Zone" means: 1. Any area designated by the issuer as having significant poverty, unemployment, a high rate of home foreclosures or general distress; 2. Any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, and 3. Any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of ARRA, which effective date is February 17, 2009; and

WHEREAS, Recovery Zone Economic Development Bonds are considered "qualified" bonds for purposes of Section 6431 of the Internal Revenue Code of 1986, as amended, and provide for a federal subsidy through a refundable tax credit paid to State or local governmental issuers in an amount equal to 45 percent of the total coupon interest payable to investors in these taxable bonds; and

WHEREAS, the interest on State or local Recovery Zone Facility Bonds is excludable from gross income for Federal income tax purposes; and

WHEREAS, Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds must be issued before January 1, 2011; and

WHEREAS, the County of Dakota has received a volume caps of Recovery Zone Economic Development Bonds in the amount of \$13,966,000 and Recovery Zone Facility Bonds in the amount of \$20,949,000, and may use such volume cap for eligible costs or may allocate such volume cap in any reasonable manner as the Dakota County Board of Commissioners shall determine in good faith at their discretion for use for eligible costs for qualified economic development purposes or recovery zone property; and

WHEREAS, the County of Dakota does not have at the present time a qualifying and cost-effective opportunity to utilize these bonding authorities within the prescribed time limit of December 31, 2010; and

WHEREAS, the Dakota County Community Development Agency is a qualified issuer and has developed a proposal for use of the Recovery Zone Economic Development Bonds in connection with the development of affordable senior housing in Dakota County; and

WHEREAS, the Dakota County Board of Commissioners desires to ascertain whether there are qualified issuers in Dakota County of Recovery Zone Facility Bonds for qualifying projects, such that the Dakota County Board of Commissioners might allocate such bonding authority within Dakota County.

NOW, THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners hereby allocates authority to issue \$13,966,000 Recovery Zone Economic Development Bonds to the Dakota County Community Development Agency for the eligible costs of developing affordable housing for seniors within Dakota County; and

BE IT FURTHER RESOLVED, that the Dakota County Board of Commissioners hereby authorizes the County Administrator to undertake a program of informing potential issuers within Dakota County of the opportunity and requirements for Recovery Zone Facility bonds; and

BE IT FURTHER RESOLVED, that the Dakota County Board of Commissioners hereby further authorizes the County Administrator to establish a process and timeline for solicitation and evaluation of applications for allocation of such bonding authority; and

BE IT FURTHER RESOLVED, that such applications shall include information about the extent and assurance of site control, legal authority to issue Recovery Zone Facility bonds together with estimates of net improvement in tax base and new jobs created as a result of the project, and also including such additional information which the County Administrator deems relevant; and

BE IT FURTHER RESOLVED, that the Dakota County Board of Commissioners hereby imposes an application fee of \$20.00 per \$100,000.00 requested bonding allocation; and

BE IT FINALLY RESOLVED, that the County Administrator return to the Dakota County Board of Commissioners as soon as practicable, but no later than February 9, 2010, with a report on applications received, if any, and a recommendation, if any, as to whether and how the County Board should allocate such bonding authority.

- 10.2 Update On State Budget Forecast And PERA Financial Conditions.** Financial Services Director Matt Smith presented this item. Budget Director Brent Gustafson responded to questions from Committee members. This item was for information only; no action was requested.
- 11. County Administrator's Report.** The County Administrator had no report.
- 10. Adjournment.** On a motion by Commissioner Workman, seconded by Commissioner Harris, the meeting was adjourned at 3:58 p.m.

Respectfully submitted,

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Kelly D. Olson  
Senior Administrative Coordinator to the Board