

February 9, 2010

STATE OF MINNESOTA )  
COUNTY OF DAKOTA )  
OFFICE OF COUNTY BOARD )

The Dakota County Board of Commissioners convened at 9:03 a.m. on Tuesday, February 9, 2010. The meeting was called to order by Chair Thomas Egan who welcomed everyone and opened the meeting with the Pledge of Allegiance. 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 Nancy Schouweiler, District 4
- Commissioner Liz Workman, District 5
- Commissioner Paul J. Krause, District 6
- Commissioner Willis E. Branning, District 7

Also in attendance were: Brandt Richardson, County Administrator; Karen Schaffer, First Assistant County Attorney; and Kelly Olson, Senior Administrative Coordinator to the Board.

Chair Egan asked if there was anyone in the audience who wished to address the County Board on an item not scheduled on the agenda or on any item on the consent agenda. No one appeared.

**10-070**  
**Approval Of Agenda**

Motion: Comm. Krause Second: Comm. Workman

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on February 9, 2010, with the following revisions:

- Items 7.11 – Approval Of interim Community Services Guidelines For Serving Homeless Families And Individuals, Amendment To Dakota Woodlands, Inc. Contract, And To Rescind County Board Resolution No. 97-450; 10.1 – Authorization To Extend Date For Vacation Of Byllesby Dam; and 10.7 – Authorization To Execute Agreements With City Of Apple Valley And City Of Lakeville For County Projects 23-59, 23-64, And 23-70, Cedar Avenue Transitway were moved from the consent agenda to the regular agenda.

ayes 7 nays none

At this time, Transportation Director Mark Krebsbach presented the Minnesota County Engineer’s Association Project of the Year Award For County State Aid Highway 42: Segment 8 In Burnsville and Scott County and recognized the Board, other government officials and staff for their contributions to the project. The following Transportation staff members were present: Todd Howard, Kristine Elwood, Kristi Sebastian, Tom Anton, Gary Peppard, Mark Jelinek and Ross Beckwith.

The consent agenda was then approved as follows:

Motion: Comm. Gaylord Second: Comm. Workman

**10-071**  
**Approval Of Minutes**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held January 26, 2010, as presented and entered in Commissioners’ Record MM.

February 9, 2010

**10-072**

**Authorization To Execute Joint Powers Agreements With Black Dog, Gun Club Lake, Lower Mississippi River, And North Cannon River Watershed Management Organizations For Funding Water Plan Activities**

WHEREAS, commencing in 1994, Dakota County made funding available to Water Management Organizations (WMOs) in Dakota County to assist with water management plans, through special levy; and

WHEREAS, over the years both the funding source and eligible WMOs have changed; and

WHEREAS, in 2010 Dakota County allocated \$65,000 for the purpose of providing funding support for water plan activities for those WMOs that do not have the ability to directly levy for funding; and

WHEREAS, based on a formula combining land area and tax capacity within the watershed the distribution of the funding is recommended as follows: Black Dog WMO: \$12,600, Gun Club Lake WMO: \$15,100, Lower Mississippi River WMO: \$16,900, North Cannon River WMO: \$20,400; and

WHEREAS, funding is recommended to be applied within the individual WMOs for the following authorized purposes:

- Construction costs for priority capital improvement projects in the WMO's Watershed Plan.
- Feasibility and design costs for the construction of any priority capital improvement in the WMO's Watershed Plan.
- Design and construction costs for best management practices (BMPs) within the Watershed. This is limited to 50% of the outstanding cost of the design and construction of any BMP. "Outstanding cost" means the costs remaining after any other available funding has been applied to the total design and construction costs of a BMP.
- To develop or enhance water quality monitoring in accordance with the objectives in the WMO's Watershed Plan.
- To use as matching dollars for any grant received from a federal or state agency related to any of the authorized purposes listed above; and

WHEREAS, all four WMOs have expressed interest in receiving the funds and will adhere to the funding recommendations listed above; and

WHEREAS, to accomplish this, staff requests authorization to execute individual joint power agreements with each of the WMOs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the Black Dog Watershed Management Organization, as presented to the Physical Development Committee of the Whole on February 2, 2010, in an amount not to exceed \$12,600, subject to the approval of the Dakota County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the Gun Club Lake Watershed Management Organization, as presented to the Physical Development Committee of the Whole on February 2, 2010, in an amount not to exceed \$15,100, subject to the approval of the Dakota County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the Lower Mississippi River Watershed Management Organization, as presented to the Physical Development Committee of the Whole on February 2, 2010, in an amount not to exceed \$16,900, subject to the approval of the Dakota County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the North Cannon River Watershed Management Organization, as presented to the Physical Development Committee of the Whole on February 2, 2010, in an amount not to exceed \$20,400, subject to the approval of the Dakota County Attorney's Office as to form.

February 9, 2010

**10-073**

**Approval Of Lebanon Hills Regional Park Phase Two Project Preferred Development Concept And Authorization To Advance To Design Development**

WHEREAS, by Resolution No. 01-361 (May 15, 2001), the Dakota County Board of Commissioners adopted the Lebanon Hills Regional Park Master Plan (master plan); and

WHEREAS, the master plan provides direction for the development of Lebanon Hills Regional Park; and

WHEREAS, Phase I of the master plan implementation included construction of the Lebanon Hills Visitor Center; and

WHEREAS, the master plan provides direction on additional development near the Lebanon Hills Visitor Center to improve the recreational experience and safety, responsibly manage storm water, and improve natural resource quality; and

WHEREAS, the Lebanon Hills Regional Park Visitor Center Phase II Project (Phase II) includes improvements recommended in the master plan, including redevelopment of the existing and overflow parking lots, trail development including a portion of the connector trail, shade structures, interpretive elements, improved picnicking opportunity, and other closely related development; and

WHEREAS, by Resolution No. 09-289 (June 16, 2009), the County Board authorized a contract with Close Landscape Architecture for the provision of required design and engineering services to accomplish Phase II; and

WHEREAS, staff and Close Landscape Architecture developed Phase II goals and work program derived from the master plan and presented site organization and design alternatives for public comment on November 24, 2009; and

WHEREAS, the Dakota County Park and Recreation Advisory Committee (PARAC) reviewed the site organization and design alternatives and public comments on December 2, 2009; and

WHEREAS, the PARAC provided comments to inform development of a preferred development concept; and

WHEREAS, staff and Close Landscape Architecture presented a preferred development concept for public review and comment on January 4, 2010, that creatively and sensitively meets all master plan program requirements; and

WHEREAS, the PARAC reviewed the preferred development concept and public comments on January 6, 2010, and provided additional comment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the Lebanon Hills Regional Park Visitor Center Phase II project preferred development concept as substantially presented to the Physical Development Committee of the Whole on February 2, 2010, and authorizes the project to advance to design development and preparation of construction documents.

**10-074**

**Establish Name For Regional Park In Empire Township**

WHEREAS, on December 23, 2003, the County Board directed staff to pursue an Empire Wetlands regional park and natural area partnership through the development of a master plan; and

WHEREAS, on November 16, 2004, the County Board adopted the Empire Wetlands Acquisition Master Plan; and

WHEREAS, the Empire Wetlands Regional Park name was used to coincide with the search area description; and

WHEREAS, the approved acquisition master plan focused on the park boundary without any further evaluation of park name options; and

February 9, 2010

WHEREAS, the new regional park is located adjacent to the Vermillion River Aquatic and Wildlife Management Area and Vermillion Highlands Modified Wildlife Management Area; and

WHEREAS, the County Board is authorized to establish and name County parks pursuant to Minn. Stat. § 389.32; and

WHEREAS, park names in Minnesota traditionally have been drawn from categories such as natural features or geology, culture or history, individual or community group, or geography; and

WHEREAS, Dakota County park names generally have been based on site-related geographic features; and

WHEREAS, staff initially developed and evaluated two dozen potential names; and

WHEREAS, staff used a series of criteria to further narrow the choices, including whether the names are culturally appropriate, attractive, memorable, meaningful, unique, fit the brand and are not distracting or confusing; and

WHEREAS, on January 6, 2010, the Dakota County Parks and Recreation Advisory Committee evaluated park names and recommended three name preferences including Dakota Vista Regional Park, Vermillion Highlands Regional Park and Vermillion Ridge Regional Park; and

WHEREAS, in a letter dated January 26, 2010, the Empire Township Board requested County Board consideration of three name options including Empire Lake Regional Park, Lake in Empire Regional Park and Empire Ridge Regional Park; and

WHEREAS, staff evaluated PARAC and Empire Township's suggestions, and other name options and recommends either Vermillion Ridge Regional Park or Lake of the Hills Regional Park.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby directs staff to establish park name options for future County Board consideration with the preparation of the park development master plan scheduled for 2010.

#### **10-075**

#### **Development Of 2010-2014 Consolidated Plan For Community Development Block Grant And HOME Investment Partnership Programs**

WHEREAS, Dakota County receives annual grants for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs in amounts determined by Congress to be used toward housing and community development activities; and

WHEREAS, Dakota County guides the use of said funds through a Five-Year Consolidated Plan and subsequent Annual Action Plans; and

WHEREAS, the Consolidated Plan establishes Dakota County's priorities and funding distribution process for CDBG and HOME funds within a Housing and Urban Development (HUD) Agency -prescribed framework; and

WHEREAS, on May 3, 2005 (Resolution No. 09-199), the Dakota County Board adopted the 2005-2009 Consolidated Plan; and

WHEREAS, the 2005-2009 Consolidated Plan ends on June 30, 2010; and

WHEREAS, a 2010-2014 Consolidated Plan must be submitted to HUD by May 15, 2010; and

WHEREAS, the Dakota County Community Development Agency (CDA) administers the CDBG and HOME programs on behalf of Dakota County; and

WHEREAS, CDA staff is developing a 2010-2014 Consolidated Plan for County Board consideration following a public hearing to be scheduled in early May 2010.

February 9, 2010

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby directs CDA staff to include the recommended priorities, funding allocation formula and funding distribution process, as presented on February 2, 2010, in the draft 2010-2014 Consolidated Plan for further review during the public hearing process; and

BE IT FURTHER RESOLVED, That staff are hereby directed to develop options for the use of countywide CDBG funding in 2010 for review during the public hearing process and consideration by the County Board prior to adoption of the 2010 Action Plan.

**10-076****Authorization To Send Letter To Legislative Delegation In Support Of Metropolitan Energy Policy Coalition Proposals**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chair of the County Board to sign a letter to the legislative delegation in support of legislative initiatives proposed by the Metropolitan Energy Policy Coalition as presented at the Physical Development Committee of the Whole on February 2, 2010.

**10-077****Ratification Of FastTRAC Proposal Submitted To Minnesota Department Of Employment And Economic Development, Authorization To Amend 2010 Employment And Economic Assistance Budget To Add FastTRAC Grant 9142500 Funds And Authorization To Execute Related Grant Agreement And Contracts**

WHEREAS, on November 1, 2009, the Minnesota Department of Employment and Economic Development (DEED) issued a request for proposals (RFP) to provide stackable credential training that would create collaboration between Workforce Centers, Minnesota State Colleges and Universities (MNSCU), and local Adult Basic Education (ABE); and

WHEREAS, Dakota-Scott Workforce Services responded to the RFP in collaboration with Special School District 6/ABE and Inver Hills Community College/MNSCU to provide health care credential training to eligible Dakota and Scott County participants; and

WHEREAS, DEED notified staff that Dakota-Scott Workforce Services has been awarded \$75,000 through a competitive request for proposals process; and

WHEREAS, the Dakota-Scott Workforce Investment Board approved the funded proposal to provide health care credentialed training to eligible Dakota and Scott County residents through contracts with Inver Hills Community College (IHCC) and Special School District 6 (SSD6); and

WHEREAS, staff request authorization to execute a contract with IHCC and SSD6 to implement the project as approved by DEED.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the FastTRAC proposal submitted to DEED by Dakota-Scott Workforce Services in collaboration with SSD6 and IHCC in the amount of \$75,000; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director, with the concurrence of the Workforce Investment Board (WIB), to execute a grant agreement with the Minnesota Department of Employment and Economic Development to accept FastTRAC Grant 9142500 in the amount of the funds awarded, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director, with the concurrence of the Workforce Investment Board (WIB), to execute a contract with Inver Hills Community College to create the curriculum and provide instruction to two groups of students in training and program evaluation as well as cardiopulmonary resuscitation (CPR) certification and Mantoux testing as required for the nursing assistant credential in an amount not to exceed \$41,700 for the period of February 9, 2010 through March 28, 2011, subject to approval by the County Attorney's Office as to form; and

February 9, 2010

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director, with the concurrence of the Workforce Investment Board (WIB), to execute a contract with Special School District 6 to create the curriculum and provide instruction to two groups of students in training and program evaluation in an amount not to exceed \$27,500 for the period of February 9, 2010 through March 28, 2011, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director, with the concurrence of the Workforce Investment Board (WIB) to amend said contracts within the amount of the FastTRAC 9142500 grant award, to alter the number and types of clients, type of services provided, reporting requirements, contract amount and contract term, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2010 Employment and Economic Assistance budget is hereby amended as follows:

<b>Expense</b>	
Direct Program	\$69,200
<b>Total Expense</b>	<b>\$69,200</b>
<b>Revenue</b>	
DEED Revenue	\$75,000
Increase in Fund Balance	(5,800)
<b>Total Revenue</b>	<b>\$69,200</b>

; and

BE IT FURTHER RESOLVED, That these contracts shall contain a provision that allows the County to immediately terminate the contracts in the event sufficient funds from county, state or federal sources are not appropriated at a level sufficient to allow payment of the amounts due.

**10-078**

**Authorization To Execute Contract With Alliance Health Services For Personal Care Assistance Reassessments**

WHEREAS, the Dakota County Board of Commissioners serves as the Community Health Board, pursuant to County Board resolutions adopted October 31, 1978, and Resolution No. 87-4 (January 6, 1987), and has responsibility to prevent disease, and promote and protect the health and safety of County residents; and

WHEREAS, the 2009 Minnesota Legislature (Minn. Stat. § 256B.0625, subd. 19a) made changes to the Personal Care Assistance (PCA) program effective January 1, 2010, so that PCA recipients must be assessed under the new program criteria; and

WHEREAS, the new state mandate requires that 1,490 Public Health Nurse (PHN) assessments be completed in the first six months of 2010; and

WHEREAS, the Public Health Department is the responsible entity in the County to perform PCA assessments and requires assistance to meet the mandate in a timely manner; and

WHEREAS, by Resolution No. 09-577 (November 17, 2009), the County Board authorized a contract with Minnesota Visiting Nurse Agency (MVNA) effective December 1, 2009, to assist in completing PCA reassessments that were beyond Dakota County's capacity to complete within the required timeframe; and

WHEREAS, staff recommends that a second provider be added so that the June 30, 2010 timeline is met; and

WHEREAS, Alliance Health Services has qualified PCA assessors available to assist the County.

February 9, 2010

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners authorizes the Community Services Director to execute a contract with Alliance Health Services for PCA assessments for the period of February 9, 2010 through December 31, 2010, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That Alliance Health Services will bill Medical Assistance (MA) through the Minnesota Department of Human Services' Medicaid Management Information System (MMIS) system at a rate of \$260.91 per assessment, and will remit \$50.00 per assessment completed to Dakota County; and

BE IT FURTHER RESOLVED, That this contract shall contain a provision that allows the County to immediately terminate this contract in the event sufficient funds from county, state or federal sources are not appropriated at a level sufficient to continue providing these services.

**10-079****Authorization To Distribute Grants To Cities And Schools For State Health Improvement Program Projects, Amend Local Grant Agreements, And Allocate Other Funds**

WHEREAS, the Dakota County Board of Commissioners acts as the Community Health Board and has responsibility to and a long history of supporting efforts to prevent disease and disability, and promote and protect the health and safety of county residents; and

WHEREAS, the Statewide Health Improvement Program (SHIP) was signed into law in 2008 as an integral component of Health Care Reform with the goal to help Minnesotans live longer, better, healthier lives by reducing the burden of chronic diseases through a focus on tobacco use and obesity (physical activity and nutrition) in worksites, healthcare settings, schools, and other community settings; and

WHEREAS, the Minnesota Department of Health notified Public Health staff that Dakota County has been awarded \$2.783 million for the two-year period beginning July 1, 2009 and ending June 30, 2011; and

WHEREAS, by Resolution No. 09-323 (July 7, 2009), the County Board authorized acceptance of SHIP funds from the Minnesota Department of Health and execution of a grant agreement with the Minnesota Department of Health and related contracts; and

WHEREAS, by Resolution No. 09-632 (December 1, 2009), the County Board authorized shifting funds from staff salary and benefit savings to use in program areas, including increasing the amount for active living grants for cities from \$50,000 to \$115,400; and

WHEREAS, a second round of active living funding was approved and applications were solicited, received, and reviewed with recommendations for awards now finalized; and

WHEREAS, staff requests that local grant agreements be executed and/or amended to expand implementation of the approved interventions resulting from the reallocated savings in an amount up to \$79,760, which is \$14,760 more than the previously designated amount; and

WHEREAS, staff recommends using the previously unallocated amount of \$12,588 from staff salary and benefit savings and \$2,172 from unused program funds (\$14,760 in total) for the active living grants to cities; and

WHEREAS, staff recommends using the balance of \$26,021 from school physical activity initiatives primarily to offer a second round of funding for walking/biking to school events this spring and to support the needs of the 13 schools that are working on comprehensive safe routes to school plans.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes County staff to use \$12,588 reallocated from staff salary and benefit savings for the active living grants to cities to increase access to recreational facilities and support non-motorized transportation; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend the local grant agreements with the cities to add \$79,760 effective February 9, 2010, for a total amount not to exceed \$145,160 to fund the proposals received to date for the period of July 1, 2009 through June 30, 2010, subject to approval by the County Attorney's Office as to form; and

February 9, 2010

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend the local grant agreements with school districts, as needed, to add up to \$26,021 effective February 9, 2010, to fund walk/bike to school events this spring and to support the needs of the 13 schools that are working on comprehensive safe routes to school plans for a total amount not to exceed \$38,000 for the period of July 1, 2009 through June 30, 2010, subject to approval by the County Attorney's Office as to form.

**10-080**

**Authorization To Execute Joint Powers Agreement With Anoka, Carver, Ramsey, Scott And Washington Counties To Conduct Joint Metro-Area Adult Health Survey**

WHEREAS, local public health agencies are required by state law to conduct a community health assessment and develop action plans, if needed, every five years; and

WHEREAS, by Resolution No. 09-323 (July 7, 2009), the County Board authorized acceptance of the State Health Improvement Program (SHIP) grant awarded by the Minnesota Department of Health (MDH), to the Dakota County Public Health Department; and

WHEREAS, MDH requires that 10% of the total grant award be set aside for evaluation, and Resolution No. 09-323 (July 7, 2009) authorized that \$115,406 be spent for evaluation services in the first year of the grant cycle; and

WHEREAS, the purpose of this project is to develop and implement a coordinated Metro-Area Adult Health Survey to obtain baseline estimates for health risk behaviors and overall health status of adults in the metro region of Minnesota; and

WHEREAS, staff from Dakota County have been collaborating with staff from Anoka, Carver, Scott, Ramsey, and Washington Counties to develop a joint powers agreement to plan, implement, and share data collected through the survey; and

WHEREAS, Carver County, on behalf of the six counties, will enter into a contract with the independent contractor and serve as the fiscal agent for the funds; and

WHEREAS, staff recommends that the County Board authorize execution of the Joint Powers Agreement with Anoka, Carver, Ramsey, Scott and Washington Counties for the Metro-Area Adult Health Survey effective through December 31, 2010.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a Joint Powers Agreement with Anoka, Carver, Ramsey, Scott and Washington Counties to carry out the proposed Metro-Area Adult Health Survey substantially as presented to the Community Services Committee of the Whole on February 2, 2010, in an amount not to exceed \$25,000, effective from the date of execution by all parties through December 31, 2010, subject to approval by the County Attorney's Office as to form.

**10-081**

**Authorization To Execute Contract With Everyday Living, AFC, LLC, For Adult Foster Care Services**

WHEREAS, the Elderly Waiver (EW), Community Alternatives for Disabled Individuals (CADI), Community Alternatives for Care (CAC), and Traumatic Brain Injury (TBI) community-based waivers each serve a targeted population who is at risk of nursing home placement or hospitalization; and

WHEREAS, Social Services case managers authorize a wide range of services for clients based on individual client needs; and

WHEREAS, the County desires an array of services from various providers to address the mental health, brain injuries, and housing needs of its citizens; and

WHEREAS, County staff has identified an out-of-county provider who is successfully serving Dakota County clients in their Carlton County locations, and staff who formerly worked for that provider have formed a new company here in Dakota County entitled Everyday Living, AFC, LLC; and

February 9, 2010

WHEREAS, staff have determined that additional corporate foster care services are needed for clients who have mental health diagnoses, traumatic brain injuries, chemical dependency concerns, and challenging behaviors that can be best provided as proposed by Everyday Living, AFC, LLC; and

WHEREAS, if a contract is authorized, clients currently being served outside of Dakota County would have the opportunity to be served in their home community; and

WHEREAS, funding for these services is provided through Group Residential Housing (GRH), Medical Assistance waivers, and funds already identified in the Social Services budget for client services; and

WHEREAS, the Commissioner of the Minnesota Department of Human Services sets the maximum service rates for GRH and waiver programs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Everyday Living, AFC, LLC, for residential services and related support services at rates not to exceed those set forth by the Department of Human Services for a period commencing on the date the facility becomes available and licensed to provide client services, but no earlier than March 1, 2010 through June 30, 2011, subject to approval by the County Attorney's office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, to alter the types of services provided, service rates or contract term, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That in the event sufficient funds from the county, state or federal sources are not appropriated at a level sufficient to continue providing these services, this contract will contain a provision that allows the county to immediately terminate the contract.

**10-082**

**Elimination Of Requirement For Temporary/Seasonal Employees To Make Deferred Compensation Contributions In Lieu Of Social Security Tax And Rescind Resolution No. 91-1002**

WHEREAS, the Omnibus Budget Reconciliation Act (OBRA) of 1990 allowed Dakota County to require temporary/seasonal employees, working less than six months, to contribute 7.5% of their wages to their deferred compensation plan instead of paying into Social Security; and

WHEREAS, the confusion generated by this OBRA provision has created significant administrative overhead which more than offsets the savings created by not owing the employer portion of FICA taxes for these employees; and

WHEREAS, the new category of long-term temporary employees are not eligible for the OBRA provision.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby rescinds Resolution No. 91-1002, thereby returning temporary and seasonal employees to Social Security participation from the first date of employment, effective March 1, 2010.

**10-083**

**Authorization To Execute Contract With LifeCycle Technologies For Professional Services For Criminal Justice Information Integration Network**

WHEREAS, the Dakota County Criminal Justice Information Integration Network (CJIIN) provides applications and services to integrate select state and local criminal justice information through collaboration with local and state agencies; and

WHEREAS, the Dakota County CJIIN requires technical/professional services in the areas of development and implementation of applications software and systems for CJIIN applications and the Integration Hub; and

February 9, 2010

WHEREAS, Dakota County has contracted with LifeCycle Technologies previously to provide technical/professional services focused on the development of scheduling and eForms, and integration of applications for law enforcement and criminal justice agencies as part of CJIIN; and

WHEREAS, Dakota County desires to contract with LifeCycle Technologies from February 15, 2010 through June 30, 2010, to continue the work relating to the development and implementation of applications software and systems for CJIIN Applications and the Integration Hub, for a total contract amount not to exceed \$60,000; and

WHEREAS, there are funds available in the adopted 2010 CJIIN budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations, Management, and Budget Director to execute a contract with LifeCycle Technologies for professional services for the Criminal Justice Information Integration Network, from February 15, 2010, through June 30, 2010, for a total contract amount not to exceed \$60,000, subject to approval by the County Attorney's Office as to form.

#### **10-084**

#### **Authorization To Purchase Fleet Vehicles And Equipment**

WHEREAS, to provide an efficient, effective and responsive fleet, replacement of major equipment is programmed in the Dakota County Fleet Capital Equipment Program (Fleet CEP); and

WHEREAS, outdated equipment is replaced in accordance with the Fleet CEP replacement criteria; and

WHEREAS, 27 vehicles and pieces of equipment are recommended for purchase at this time because they meet the replacement criteria; and

WHEREAS, staff has determined that the proposed replacements meet Dakota County energy goals, are needed to maintain the current level of service, and will reduce overall lifecycle costs; and

WHEREAS, Dakota County holds a cooperative purchase agreement with the State of Minnesota that allows the County to purchase from vendors under contract with the State of Minnesota; and

WHEREAS, the cooperative purchasing agreement with the State of Minnesota allows Dakota County to avoid performing a separate competitive bidding process, reducing waste and duplication of activity; and

WHEREAS, the specified vehicles and equipment are available for purchase from State contract vendors.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to purchase:

- Four Ford Crown Victoria police type sedans from Elk River Ford, Inc., for a total amount not to exceed \$89,405.28, pursuant to State of Minnesota Contract Number 439865
- Two Dodge Grand Caravan minivans from Elk River Chrysler, Inc., for a total amount not to exceed \$42,560.60, pursuant to State of Minnesota Contract Number 442467
- Two Ford Transit Connect minivans from Elk River Ford, Inc., for a total amount not to exceed \$44,072.13, pursuant to State of Minnesota Contract Number 442458
- One Ford Escape hybrid sport utility from Elk River Ford, Inc., for a total amount not to exceed \$31,004.28, pursuant to State of Minnesota Contract Number 44054
- One Chevrolet Impala sedan from Thane Hawkins Polar Chevrolet, for a total amount not to exceed \$18,779.91, pursuant to State of Minnesota Contract Number 442459
- Two Ford Fusion hybrid sedans from Elk River Ford, Inc., for a total amount not to exceed \$53,486.44, pursuant to State of Minnesota Contract Number 440054

February 9, 2010

- One Chevrolet E2500 cargo van and one Chevrolet K1500 pickup from Thane Hawkins Polar Chevrolet, for a total amount not to exceed \$47,853.65, pursuant to State of Minnesota Contract Number 442459
- Six GMC Canyon compact pickups and five GMC ¾ ton pickups from Perkins, Inc., for a total amount not to exceed \$261,633.33, pursuant to State of Minnesota Contract Number 442494
- Two Stepp asphalt trailers from Stepp Manufacturing, Inc., for a total amount not to exceed \$68,778.48, pursuant to State of Minnesota Contract Number 442346

**10-085****Request For Amendment To Wold Design Contract For Burnhaven Library Renovation Design**

WHEREAS, the 2010 – 2014 Building CIP expanded the renovation of the Burnhaven Library to include the Burnsville License Center; additional heating, ventilation, and air conditioning system changes; and additional exterior insulation; and

WHEREAS, the changes in project scope increased the project budget from \$1,495,000 to \$2,422,000; and

WHEREAS, Wold Architects and Engineers has submitted a revised fee proposal of \$72,931 to accommodate the change in design services, along with an increased reimbursable cap of \$2,494.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract amendment with Wold Architects and Engineers for the design of the Burnhaven Library Renovations and License Center for a fee increase of \$72,931 and additional reimbursable expenses of \$2,494 for a total contract amount of \$166,925, subject to approval by the County Attorney's Office as to form.

**10-086****Scheduling Of Public Hearing To Receive Comments On Recommended 2010-2011 Solid Waste Hauler Fee Schedule**

WHEREAS, in accordance with County Board Resolution No. 95-96 (February 7, 1995), the Dakota County Board of Commissioners approved an amendment to the Solid Waste Management Coordinating Board (SWMCB) Joint Powers Agreement that provides for a regional mixed municipal solid waste (MSW) hauler licensing program and for a fee for MSW haulers to be established by the SWMCB; and

WHEREAS, the SWMCB has established a fee of \$50 per licensed vehicle for the regional MSW hauler licensing program; and

WHEREAS, in accordance with the requirements of Dakota County Ordinance 110, Solid Waste Management, Dakota County also licenses non-MSW haulers not covered by the SWMCB regional MSW hauler licensing program; and

WHEREAS, pursuant to Dakota County Ordinance 110, Section 15.08, the County Board is to establish a hauler license fee by March 1 of each year; and

WHEREAS, the Dakota County Board of Commissioners desires to maintain consistent fee levels for all solid waste haulers operating in Dakota County; and

WHEREAS, pursuant to Minn. Stat. § 373.41, the Dakota County Board of Commissioners may charge fees to recover program costs for the administration of the hauler licensing program by the Environmental Management Department; and

WHEREAS, Environmental Management Department staff recommend that the per vehicle hauler license fee be set at \$50 for the period of July 1, 2010, through June 30, 2011; and

WHEREAS, copies of the recommended solid waste hauler license fees have been mailed to all current licensees for review and consideration and notification of this recommended fee and public hearing have been posted on the Dakota County website.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing for February 23, 2010, at 9:00 a.m. in the Boardroom, Dakota County Administration Center, 1590 Highway 55, Hastings, Minnesota, for the purpose of receiving comments on the recommended 2010-2011 solid waste hauler license fee schedule; and

February 9, 2010

BE IT FURTHER RESOLVED, That the Environmental Management Department is hereby directed to post this Resolution on the Dakota County website, as notice of the County Board's intent to enact this fee schedule, pursuant to Minn. Stat. § 373.41.

**10-087**

**Authorization To Execute Information Compliance Agreement With United States Department Of Agriculture Natural Resources Conservation Service**

WHEREAS, Dakota County has been cooperating with United States Department of Agriculture (USDA) Natural Resources Conservation Services (NRCS) to permanently protect farmland since 2003; and

WHEREAS, the Food, Conservation, and Energy Act of 2008 requires all cooperators with the USDA to comply with Section 1619; and

WHEREAS, Section 1619 requires that cooperators with the USDA shall not disclose information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in the programs of the USDA; or disclose geospatial information otherwise maintained by the Secretary of Agriculture about agricultural land or operations; and

WHEREAS, Section 1619 also requires that all cooperators with the USDA sign an Acknowledgement of Section 1619 Compliance Agreement with the NRCS to be eligible for current and future funding through the 2008 Farm Bill.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby acknowledges and will comply with requirements set forth by Section 1619 of the Food, Conservation, and Energy Act of 2008; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to sign the Acknowledgement of Section 1619 Compliance Agreement with the NRCS as required by the federal Food, Conservation, and Energy Act of 2008, and as approved as to form by the County Attorney's Office.

**10-088**

**Authorization To Execute Joint Powers Agreement With City Of Lakeville For Bikeway Trail Construction, County Project 9-48**

WHEREAS, to provide a safe and efficient transportation system, and to provide intermodal transportation opportunities throughout the County and region, Dakota County will partner with the City of Lakeville for Bikeway Trail Construction on County Project 9-48; and

WHEREAS, a joint powers agreement is necessary to clarify the roles and cost participation of each agency for CP 9-48; and

WHEREAS, the City of Lakeville will administer the contract; and

WHEREAS, Dakota County's 55% share of the Bikeway Trail cost is estimated at \$27,500; and

WHEREAS, the City of Lakeville has requested the County to pay their share of the project, estimated at \$22,500, with the City reimbursing the County in 2013; and

WHEREAS, the Transportation Capital Improvement Program (CIP) budget has adequate funds for the full cost of CP 9-48 in the Bike Trail line item; and

WHEREAS, the County Engineer recommends entering into agreement with the City of Lakeville for Bikeway Trail Construction.

February 9, 2010

NOW, THEREFORE, BE IT RESOLVED that the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the City of Lakeville for County Project 9-48, at a cost estimated to be \$50,000, and wherein Dakota County agrees that the City of Lakeville's 45% share of project costs are not owed to Dakota County until March 31, 2013, subject to approval of the County Attorney's Office as to form.

BE IT FURTHER RESOLVED, That the 2010 Transportation CIP budget is hereby amended as follows:

<b>Expense</b>	
CP 9-48	\$50,000
Bike Trail	<u>(50,000)</u>
<b>Total Expense</b>	<b>\$0</b>

**10-089**

**Authorization To Execute Joint Powers Agreement With City Of Farmington For Bikeway Trail Construction, County Project 31-69**

WHEREAS, to provide a safe and efficient transportation system, and to provide intermodal transportation opportunities throughout the County and region, Dakota County will partner with the City of Farmington for Bikeway Trail Construction on County Project (CP) 31-69; and

WHEREAS, a joint powers agreement is necessary to clarify the roles and cost participation of each agency for CP 31-69; and

WHEREAS, the City of Farmington will administer the contract; and

WHEREAS, Dakota County's 55% share of the Bikeway Trail cost is estimated at \$128,150; and

WHEREAS, the Transportation Capital Improvement Program (CIP) budget has adequate funds for CP 31-69 in the Bike Trail line item; and

WHEREAS, the County Engineer recommends entering into agreement with the City of Farmington for Bikeway Trail Construction.

NOW, THEREFORE, BE IT RESOLVED that the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the City of Farmington for County Project 31-69, at a cost estimated to be \$128,150, subject to approval of the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2010 Transportation CIP budget is hereby amended as follows:

<b>Expense</b>	
CP 31-69	\$128,150
Bike Trail	<u>(128,150)</u>
<b>Total Expense</b>	<b>\$0</b>

**10-090**

**Approval Of Acquisition And Authorization To Initiate "Quick Take" Condemnation Of Right Of Way For Cedar Avenue Transitway**

WHEREAS, Dakota County is proceeding with the design of Bus Rapid Transit in the Cedar Avenue (CSAH 23) Corridor from south of 179<sup>th</sup> Street in Lakeville to 138<sup>th</sup> Street in Apple Valley in County Projects 23-59, 23-64, and 23-70 (Projects); and

WHEREAS, the Projects include the construction of bus shoulder lanes and access modifications along CSAH 23 and the construction of a third through lane from 162<sup>nd</sup> Street in Lakeville to 153<sup>rd</sup> Street in Apple Valley; and

WHEREAS, acquisition of right of way is necessary to move forward with the Cedar Avenue corridor projects; and

February 9, 2010

WHEREAS, two appraisals that were previously approved have been updated and the revised amounts are being presented in this request; and

WHEREAS, a portion of the remaining right of way parcels have been appraised and offers will be made to the property owners; and

WHEREAS, the appraised value for the revised parcels and the new right of way is \$1,224,400; and

WHEREAS, Federal and Counties Transit Improvement Board (CTIB) funds are anticipated to cover 90% of the right of way costs and 10% shared with Lakeville or Apple Valley per joint powers agreement; and

WHEREAS, adequate funds are available in the Transportation Capital Improvement Program (CIP) budget for Cedar Avenue right of way acquisition in 2010; and

WHEREAS, in the event that timely acquisition by direct negotiation of all required parcels does not appear possible, it is necessary to have the County Board authorize the County Attorney to initiate "quick take" condemnation of the remaining parcels to allow a fall 2010 start date.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the revised appraisal amounts for right of way acquisition for Cedar Avenue Bus Rapid Transit (County Projects 23-59, 23-64 and 23-70) and authorizes payment from the 2010 Transportation CIP budget as follows:

Parcel		
<u>No.</u>	<u>Owner</u>	<u>Value</u>
12	MSP McDevitt Development Company	\$6,800
109	Lakepointe Holdings II LLC	\$31,000
Total appraised value (revised):		\$37,800

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves acquisition of right of way acquisition for Cedar Avenue Bus Rapid Transit (County Projects 23-59, 23-64 and 23-70) and authorizes payment from the 2010 Transportation CIP budget as follows:

Parcel		
<u>No.</u>	<u>Owner</u>	<u>Value</u>
21	Brent & Nanette Eilers	\$5,750
27	Jayson Kooser	\$1,250
29	Michael & Sharon Moeller	\$11,700
32	Shayla Hering	\$2,150
33	Barbara Moeller	\$2,200
37	Dakota County CDA	\$21,900
38	Christopher Wulke	\$10,200
41	Karyn Kopecko	\$500
45	Edward & Irene Wessee	\$9,400
47	Rudolph & Carol Martin	\$1,800
52	John & Denise Boos	\$2,200
54	Gregory & Pamela Miller	\$12,850
55	Randy & Tracy Maple	\$8,300
56	Nancy Anderson	\$4,400
58	William Jr. & Amanda Selle	\$7,000
59	Imran Ali	\$9,000
60	Alan & Shelly Olson	\$5,600

February 9, 2010

61	Erika Opdahl & Alexander Johnson	\$7,700
99	Empire Four LLC & Mari E. Forbush	\$137,000
113	Paul Graffunder	\$77,500
119-121	Joe Graeve	\$90,000
130	Cedar 140 Holdings LLC	\$71,300
155	CJ Ryan LLC	\$328,000
166	Wayne & Carol Wieber	\$27,000
170	2020 Minnesota LLC	\$13,400
185	Judith Jorgenson	\$25,000
205	Arthur Jr. & Margaret Ersfeld	\$12,200
206	Keith Haverland	\$7,300
207	Unknown	\$100
208	David, Jack, Kenneth & Peggy Hohag	\$6,600
211	Charles & Jill Jacobson Trustees	\$500
212	Marfam Properties LLC	\$3,000
213	Brian & Martina Edgren	\$5,800
214	Daniel & Timothy Boermer	\$4,800
215	Terry Cushman	\$10,500
218	Chad & Nicole Hartje	\$200
224	Nancy Kocer & Stephen Fox	\$600
226	Revestors Group 3 LLC	\$117,300
233	Michael & Eileen Devney	\$124,600

Total appraised value (new): \$1,186,600

Total appraised value (new & revised parcels): \$1,224,400

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney to initiate "quick take" condemnation on the above parcels to allow a fall 2010 start date, in the event that timely acquisition by direct negotiations of all parcels does not appear possible.

**10-091**

**Approval Of Plats**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following plats, having been approved by the respective City Councils, and submits them to the Property Taxation and Records Department for recording:

Eagan Fire Station No 2	Eagan
Clemmer Second Addition	Lakeville

END OF CONSENT AGENDA

ayes 7

nays none

**10-092**

**Approval Of Interim Community Services Guidelines For Serving Homeless Families And Individuals, Amendment To Dakota Woodlands, Inc. Contract, And To Rescind County Board Resolution No. 97-450**

Motion: Comm. Gaylord

Second: Comm. Schouweiler

February 9, 2010

WHEREAS, homelessness threatens the safety of vulnerable people and increases the likelihood of crises that increase costs for individuals and the County; and

WHEREAS, the Dakota County Board of Commissioners has long been committed to preventing homelessness through services and supports through use of multiple funding streams; and

WHEREAS, Dakota County has the discretion to determine the approaches to addressing homelessness that match local needs and available resources; and

WHEREAS, a rapid increase in demand for housing support and the reality of current budget constraints prompted a review of the current guidelines for use of County funds for homelessness and preventing homelessness; and

WHEREAS, the 2010 Social Services adopted budget for housing and homelessness prevention was reduced by \$200,000 (to \$760,082) from what was budgeted in 2009; and

WHEREAS, one quarter of the \$760,082 (\$190,020) budgeted for housing and homelessness prevention is included in the Social Services budget and three quarters (\$570,062) is included in the County-wide budget; and

WHEREAS, staff recommends approval of interim Community Services guidelines for serving homeless families and individuals resulting in no County levy used to subsidize housing for families and individuals who are not served by the Dakota County Social Services Department; and

WHEREAS, staff will continue comparative or benchmark analysis with other counties and will also incorporate currently pending proposals for additional housing support into the final recommendation; and

WHEREAS, staff recommends that the Dakota Woodlands, Inc., contract for emergency and transitional shelter services be amended to reflect a change in payment methodology effective February 1, 2010; and

WHEREAS, staff recommends that 100 percent of the Family Homelessness and Prevention grant from Minnesota Housing Finance Agency be used to fund homelessness prevention services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts and approves the following "Interim Community Services Guidelines For Serving Homeless Families And Individuals" as it applies to the use of County levy as follows, effective February 10, 2010:

#### **FAMILIES**

##### **Emergency Shelter:**

Provide shelter for families at Dakota Woodlands, Inc. Families must develop and make progress on a plan to resolve their housing crisis.

##### **Transitional Housing:**

Provide transitional housing through subsidies for those families served by Dakota County Social Services and who are moving out of the shelter or awaiting other subsidies. Families must be making progress on a plan for permanent housing through work with a case manager. The total number and amount of county housing subsidies is limited to the amount budgeted for this purpose.

##### **Case Management:**

Provide case management when families enter a shelter or when families are in transitional housing.

February 9, 2010

**SINGLE ADULTS AND COUPLES WITHOUT CHILDREN**

**Emergency Shelter:**

Non-disabled single adults and couples without children will be referred to metro-wide shelters.

Non-disabled single adults and couples without children will be provided up to three days shelter during November through April if metro-wide shelters are full.

**Transitional Housing:**

Continue to provide housing subsidies for disabled adults served by Dakota County Social Services. The total number and amount of county housing subsidies is limited to the amount budgeted for this purpose.

**Case Management:**

Provide case management to disabled adults if served by Dakota County Social Services. No case management is provided to non-disabled adults.

; and

BE IT FURTHER RESOLVED, That the guidelines for assistance to individuals and families who are homeless or at risk of becoming homeless approved by Resolution No. 97-450 (July 1, 1997), are hereby rescinded in their entirety; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to amend the contract with Dakota Woodlands, Inc., to reflect a change in payment methodology effective February 1, 2010, subject to approval by the County Attorney's Office, as to form and as follows:

The County will make bi-monthly payments of \$5,625 to Dakota Woodlands, Inc., for emergency and transitional shelter services provided to homeless, single disabled women age 18 and older and homeless men and women age 18 and older with minor children for a total amount not to exceed \$123,750 for the period of February 1, 2010 through December 31, 2010; and

BE IT FURTHER RESOLVED, That the 2010 County budget be amended as follows:

<b>Expense</b>	
County-wide	(\$277,160)
Social Services – homelessness prevention	205,959
Employment & Economic Assistance – homelessness prevention	71,201
NCC	\$0

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners direct staff to provide an update on a quarterly basis, for the remainder of 2010, to the Community Services Committee of the Whole.

ayes 5

nays 2 Comms. Egan, Workman

Assistant County Attorney Jay Stassen responded to a question regarding Item 10.1 – Authorization To Extend Date For Vacation Of Byllesby Dam relating to ownership of equipment and repair of said equipment.

**10-093**

**Authorization To Extend Date For Vacation Of Byllesby Dam**

Motion: Comm. Gaylord

Second: Comm. Harris

WHEREAS, Dakota and Goodhue Counties (Counties) jointly own a hydropower facility at the Byllesby Dam (Byllesby Hydropower Facility); and

February 9, 2010

WHEREAS, in 1987, Dakota and Goodhue Counties (Counties) entered into a Restated Lease Agreement with North American Hydro, Inc., n/k/a North American Hydro Holdings, Inc. (NAHH) for operation of the Byllesby Hydropower Facility (Lease Agreement) and NAHH assigned its interests in the Lease Agreement to Neshkoro Power Associates (Neshkoro)(collectively referred to as Lessees); and

WHEREAS, in July 2009, the Counties adopted resolutions terminating this Lease Agreement and required the Lessees to vacate the Facility by September 8, 2009; and

WHEREAS, in September 2009, the County Boards adopted resolutions extending the time for Neshkoro to cease operations at the Facility until February 15, 2010; and

WHEREAS, several tasks remain to be completed before an effective transfer of operations at the Facility to the Counties can be accomplished; and

WHEREAS, Dakota County staff and Goodhue County staff recommend that the Counties grant Neshkoro an extension to operate the Facility on behalf of the Counties from February 15, 2010 to October 31, 2010, to allow all parties additional time to complete necessary transition tasks; and

WHEREAS, Goodhue County has indicated that it is willing to agree to this extension to the Facility vacation date.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Administrator to execute an agreement with Neshkoro Power Associates to extend the period in which Neshkoro Power Associates will operate the Byllesby Hydropower Facility operations on behalf of the Counties, from February 15, 2010 to October 31, 2010, using the same compensation terms as applied during the prior Lease Agreement extension, subject to the approval of the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That this authorization is contingent upon Goodhue County's execution of the same agreement.

ayes 6

nays 1 Comm. Workman

Transportation Director Mark Krebsbach and Assistant County Attorney Mike Ring presented Item 10.7 – Authorization To Execute Agreements With City Of Apple Valley and City Of Lakeville For County Projects 23-59, 23-64 And 23-70, Cedar Avenue Transitway and reviewed revisions to the proposed agreements since they were presented to the Physical Development Committee of the Whole on January 12, 2010. The requested revisions include removal of conveyance of property located at Whitney Drive eliminating the need for a temporary easement and requests from the City of Apple Valley and the City of Lakeville that require Dakota County to defend against legal actions brought against the Cities related to acquisition of property for the Cedar Avenue Transitway. Discussion continued.

Commissioner Branning moved and Commissioner Harris seconded to approve the resolution as presented. Commissioner Harris moved and Commissioner Schouweiler seconded to amend the main motion by including standard language in the agreements with the City of Apple Valley and City of Lakeville and not include provisions for defending against inverse condemnation actions. A vote was taken on the motion to amend as follows: ayes 6, nays 1 Comm. Branning. Motion carried.

A vote was then taken on the amended motion as follows:

**10-094**

**Authorization To Execute Agreements With City Of Apple Valley And City Of Lakeville For County Projects 23-59, 23-64 And 23-70, Cedar Avenue Transitway**

Motion: Comm. Branning

Second: Comm. Harris

February 9, 2010

WHEREAS, Dakota County is the lead agency for County Projects (CP) 23-59, 23-64 and 23-70 in partnership with the Cities of Apple Valley and Lakeville, the Dakota County Regional Rail Authority, the Metropolitan Council and the Minnesota Valley Transit Authority; and

WHEREAS, right of way acquisition, highway and transitway construction, signal construction, utility relocations and streetscape improvements are planned for CP 23-59,23-64 and 23-70; and

WHEREAS, an agreement with the City of Apple Valley is necessary to define the County's and City's responsibilities and obligations regarding the right-of-way acquisition, highway and transitway construction, signal construction, utility relocations and streetscape improvements; and

WHEREAS, an agreement with the City of Lakeville is necessary to define the County's and City's responsibilities and obligations regarding the right-of-way acquisition, highway and transitway construction, signal construction, utility relocations and streetscape improvements; and

WHEREAS, final design is near completion and will provide construction plans and specifications; and

WHEREAS, entering into an agreement with the City of Apple Valley is necessary to proceed with the project; and

WHEREAS, entering into an agreement with the City of Lakeville is necessary to proceed with the project; and

WHEREAS, the Transportation Department is planning construction of CP 23-59, 23-64 and 23-70 beginning in 2010; and

WHEREAS, the approved 2010–2014 Transportation Capital Improvement Program includes CP 23- 59, 23-64 and 23-70.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with the City of Apple Valley for CP 23-59 and CP 23-64, consistent with the terms presented at the February 9, 2010 County Board meeting, with the replacement of language contained in "Section 5. Right of Way" requiring Dakota County to defend the City against inverse condemnation actions with the County's standard right of way language, subject to approval by the County Attorney's Office as to form, and contingent on final approval and execution by the City of Apple Valley; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with the City of Lakeville for CP 23-59 and CP 23-70, consistent with the terms presented at the February 9, 2010 County Board meeting with the replacement of language contained in "Section 5. Right of Way" requiring Dakota County to defend the City against inverse condemnation actions with the County's standard right of way language, subject to approval by the County Attorney's Office as to form, and contingent on final approval and execution by the City of Lakeville.

ayes 7

nays none

At this time, Chair Egan recognized David Rooney, Community Services Director, for his 22 years of service to Dakota County. The Board recessed at 10:09 a.m. for a retirement reception honoring Mr. Rooney.

The Board reconvened at 10:35 a.m. with all members present.

Operations, Management and Budget Director Jack Ditmore introduced Barbara Ronnengan, Senior State Demographer, who presented Item 12.1 – Presentation and Resolution In Support Of 2010 Census. Ms. Ronnengan responded to questions regarding timelines, census forms and methods of counting specific population groups such as college students and jail inmates.

#### **10-095**

#### **Resolution In Support Of 2010 U.S. Census**

Motion: Comm. Gaylord

Second: Comm. Schouweiler

February 9, 2010

WHEREAS, for more than two centuries the United States Census Bureau has been required by the U.S. Constitution to conduct a thorough count of the population of the nation every ten years; and

WHEREAS, the Dakota County Board of Commissioners is committed to ensuring that every resident of Dakota County is counted in the 2010 Census; and

WHEREAS, Dakota County's completion rate for the 2000 Census, at 82 percent, was the highest in the state, and Minnesota's 2000 Census completion rate was the highest in the nation (at 75 percent); and

WHEREAS, more than \$400 billion annually in federal and state funding (more than \$1,300 per Minnesotan) is allocated to communities, based in part on population counts derived from the Census, including funds for health care, housing, transportation, community development, education, social services, and employment; and

WHEREAS, population counts derived from the Census determine how many seats each state will have in the U.S. House of Representatives, and often are used to re-draw district boundaries for elected officials at the federal, state and local levels; and

WHEREAS, data about individuals collected during the Census are kept confidential and not released or shared for 72 years.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners supports the goals and ideals for the 2010 Census and therefore encourages people who live in the County to participate in the Census by completing forms quickly and completely.

ayes 7

nays none

Transportation Director Mark Krebsbach presented Item 13.1 – Authorization To Execute Joint Powers Agreement With City Of Eagan For County Project 28-30 and responded to questions regarding access to businesses.

**10-096**

**Authorization To Execute Joint Powers Agreement With City Of Eagan For County Project 28-30**

Motion: Comm. Krause

Second: Comm. Schouweiler

WHEREAS, Dakota County is proceeding with County Project 28-30 for the design, right of way acquisition and construction of intersection modifications, new public street connections and median closures on County State Aid Highway 28 (Yankee Doodle Road) from Denmark Avenue to Lexington Avenue; and

WHEREAS, County Project 28-30 will implement improvements to the West Segment of County State Aid Highway 28 as identified in the adopted County State Aid Highway 28 Corridor Study (Resolution No. 07-390, August 28, 2007); and

WHEREAS, Dakota County is the lead agency for County Project 28-30; and

WHEREAS, County Project 28-30 also includes modifications of traffic operations at the intersection of Denmark Avenue and Promenade Place which will be funded entirely by the City; and

WHEREAS, funding for County Project 28-30 is included in the current 2010-2014 Transportation Capital Improvement Program (CIP); and

WHEREAS, a joint powers agreement is necessary to define the project cost shares and responsibilities for County Project 28-30.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with the City of Eagan for County Project 28-30 in accordance with County policy, subject to approval by the County Attorney's Office as to form.

February 9, 2010

ayes 7

nays none

Received a Legislative Update.

Inter-agency announcements and reports were then presented. The County Administrator's Report followed.

**10-097**

**Adjournment**

Motion: Comm. Krause

Second: Comm. Workman

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, February 23, 2010.

ayes 7

nays none

The County Board meeting was adjourned at 12:01 p.m.

Thomas A. Egan  
Chair

ATTEST

Brandt Richardson  
County Administrator