

March 16, 2010

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

The Dakota County Board of Commissioners convened at 9:01 a.m. on Tuesday, March 16, 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; James Backstrom, County Attorney; 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. The following appeared:

Linda Jackson, Business Representative, AFSCME Minnesota Council 5

10-132
Approval Of Agenda

Motion: Comm. Branning

Second: Comm. Workman

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on March 16, 2010, with the following revisions:

- Added to the regular agenda - Item 16.2 – Addition Of Legislative Initiative To 2010 Dakota County Legislative Program.
- Added to 21.2 Other Board Activities – Thursday, March 18, 2010, Dakota Communications Center (DCC) Board of Directors Meeting, 8:00 a.m. - DCC, 2860 160th Street West, Training Room, Rosemount.
- Moved Item 9.2 – Support For Google Fiber To Communities Application By Dakota Future from the consent agenda to the regular agenda.

ayes 7

nays none

The Honorable Thomas Poch, First Judicial District Judge, administered the oath of office to appointed Sheriff David Bellows.

The time being 9:16 a.m., and pursuant to public notice, a public hearing was held for the purpose of receiving comments on the Amendments To Dakota County Ordinance 110, Solid Waste Management (Agenda Item 6.1). Environmental Management Director Jeff Harthun presented this item. Interested parties desiring to be heard were afforded the opportunity to address the County Board. No one appeared.

10-133
Closing Of Public Hearing

Motion: Comm. Harris

Second: Comm. Krause

BE IT RESOLVED, That the public hearing is closed at 9:18 a.m.

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ayes 7

nays none

10-134

Adoption Of Amendments To Dakota County Ordinance No. 110, Solid Waste Management

Motion: Comm. Schouweiler

Second: Comm. Krause

WHEREAS, Dakota County Environmental Management Department staff, in consultation with the Dakota County Attorney's Office, has prepared proposed amendments to Dakota County Ordinance No. 110, Solid Waste Management; and

WHEREAS, it is a goal of the Dakota County Board of Commissioners to maintain County Ordinance regulatory authority that effectively minimizes potential negative impacts to the public health, safety, and the environment of Dakota County; and

WHEREAS, the Dakota County Board of Commissioners desires to amend Dakota County Ordinance No. 110, Solid Waste Management, for the purposes of: adding and modifying several definitions; removing the Ordinance section which previously provided an exemption for farmers to burn and bury solid wastes; modifying financial assurance requirements for solid waste facilities; changing how the Ordinance defines major modifications to solid waste facility operations; establishing additional requirements for how landfills may manage contaminated soils; modifying landfill prohibited waste acceptance requirements; establishing a provision to allow landfills to re-circulate leachate; including additional license application requirements for energy recovery facilities; modifying requirements pertaining to scrap yards; establishing additional requirements for the investigation and remediation of contaminated sites; and adding an emergency waiver of standards section; and

WHEREAS, copies of the proposed amendments have been available for review at Dakota County Libraries, the Dakota County Treasurer/Auditor's Office, and on the Dakota County website; and

WHEREAS, the Dakota County Treasurer/Auditor has published in the official County newspaper notice of this public hearing on proposed amendments to Dakota County Ordinance No. 110, Solid Waste Management; and

WHEREAS, the Dakota County Board of Commissioners held a public hearing on March 16, 2010, in the Boardroom, Dakota County Administration Center, Hastings, Minnesota, for the purpose of receiving comments on proposed amendments to Dakota County Ordinance No. 110, Solid Waste Management; and

WHEREAS, the Dakota County Board of Commissioners wishes to make these amendments effective immediately upon adoption.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the amendments to Dakota County Ordinance No. 110, Solid Waste Management, as presented to the County Board on March 16, 2010; and

BE IT FURTHER RESOLVED, That Dakota County Ordinance No. 110, Solid Waste Management, and the adopted amendments thereto, be published in accordance with Minn. Stat. § 375.51.

ayes 7

nays none

The time being 9:18 a.m., and pursuant to public notice, a public hearing was held for the purpose of receiving comments on the Amendments To Dakota County Ordinance 111, Hazardous Waste Regulation (Agenda Item 6.2). Environmental Management Director Jeff Harthun presented this item. Interested parties desiring to be heard were afforded the opportunity to address the County Board. No one appeared.

10-135

Closing Of Public Hearing

Motion: Comm. Krause

Second: Comm. Harris

BE IT RESOLVED, That the public hearing is closed at 9:20 a.m.

March 16, 2010

ayes 7

nays none

10-136

Adoption Of Amendments To Dakota County Ordinance No. 111, Hazardous Waste Regulation

Motion: Comm. Harris

Second: Comm. Gaylord

WHEREAS, Dakota County Environmental Management Department staff, in consultation with the Dakota County Attorney's Office, has prepared proposed amendments to Dakota County Ordinance No. 111, Hazardous Waste Regulation; and

WHEREAS, it is a goal of the Dakota County Board of Commissioners to maintain County Ordinance regulatory authority that effectively minimizes potential negative impacts to the public health, safety, and the environment of Dakota County; and

WHEREAS, the Dakota County Board of Commissioners desires to amend Dakota County Ordinance No. 111, Hazardous Waste Regulation, for the purposes of: adding, deleting, and modifying several definitions; providing for additional financial assurance provisions; clarifying regulatory requirements for various types of hazardous waste facilities; simplifying the adoption procedure for future State rule changes; providing for consistency of the financial assurance requirements between Ordinance No. 111 and Dakota County Ordinance No. 110, Solid Waste Management; and adding an emergency waiver of standards section; and

WHEREAS, copies of the proposed amendments have been available for review at Dakota County Libraries, the Dakota County Treasurer/Auditor's Office, and on the Dakota County website; and

WHEREAS, the Dakota County Treasurer/Auditor has published in the official County newspaper notice of this public hearing on proposed amendments to Dakota County Ordinance No. 111, Hazardous Waste Regulation; and

WHEREAS, the Dakota County Board of Commissioners held a public hearing on March 16, 2010, in the Boardroom, Dakota County Administration Center, Hastings, Minnesota, for the purpose of receiving comments on proposed amendments to Dakota County Ordinance No. 111, Hazardous Waste Regulation; and

WHEREAS, the Dakota County Board of Commissioners wishes to make these amendments effective immediately upon adoption.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the amendments to Dakota County Ordinance No. 111, Hazardous Waste Regulation, as presented to the County Board on March 16, 2010; and

BE IT FURTHER RESOLVED, That Dakota County Ordinance No. 111, Hazardous Waste Regulation, and the adopted amendments thereto, be published in accordance with Minn. Stat. § 375.51.

ayes 7

nays none

The time being 9:20 a.m., and pursuant to public notice, a public hearing was held for the purpose of receiving comments on the Amendments To Dakota County Ordinance 112, Regulating Assemblages Of Large Numbers Of People (Agenda Item 6.3). Public Services and Revenue Deputy Director Jean Erickson presented this item. Interested parties desiring to be heard were afforded the opportunity to address the County Board. The following appeared:

- Tom Severson, Farmington
- Julie May, Farmington
- Lacelle Cordes, Farmington
- Pete Schaffer, Hampton
- Anika Rychner, Farmington
- Joe Folz, Farmingtho
- Howard Kehlenbeck, Farmington

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10-137

Closing Of Public Hearing

Motion: Comm. Workman

Second: Comm. Krause

BE IT RESOLVED, That the public hearing is closed at 9:57 a.m.

ayes 7

nays none

10-138

Adoption Of Proposed Amendments To Ordinance No. 112, Regulating Assemblages Of Large Numbers Of People

Motion: Comm. Workman

Second: Comm. Schouweiler

WHEREAS, Dakota County Ordinance 112, Regulating Assemblages of Large Numbers of People, was last updated in 2004; and

WHEREAS, the need to update several provisions of the ordinance has arisen; and

WHEREAS, staff of the Public Services and Revenue Division, the County Attorney's Office and the County Sheriff's Office have worked together to develop appropriate language; and

WHEREAS, recommended changes were presented to the Administration/Finance/Policy Committee of the Whole on February 9, 2010; and

WHEREAS, a notice of Public Hearing was published in the Rosemount Town Pages on March 5, 2010.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners, hereby adopts amendments to Dakota County Ordinance 112, Regulating Assemblages of Large Numbers of People as presented to the County Board on March 16, 2010, with the addition of the following amendment:

Section 5, Subdivision 4, subparagraph E:

- 11. The applicant shall ensure the availability of at least one two state-certified Emergency Medical Technicians in an enclosed, appropriately heated or air-conditioned facility on the Licensed Premises wherein medical treatment may be rendered, containing one Automatic External Defibrillator and at least two beds for the first 1,000 persons or an incremental portion thereof. Events with less than 3,000 people shall have an emergency ambulance on the site of the Assembly staffed by at least two state certified Emergency Medical Technicians. Events with 3,000 people or greater shall have an emergency ambulance on the site of the Assembly staffed by at least two state-licensed certified Emergency Medical Technicians attendants. For assemblies in excess of 3,000 persons, the necessity of additional medical facilities and personnel shall be recommended by the Dakota County Public Health Department.

ayes 7

nays none

The consent agenda was then approved as follows:

Motion: Comm. Schouweiler

Second: Comm. Gaylord

10-139

Approval Of Minutes

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held February 23, 2010, as presented and entered in Commissioners' Record 2010.

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10-140

Authorization To Execute 2010 Labor Agreement With Teamsters Local 320 Jail Unit

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the appropriate County officials to execute the Labor Agreement with the Teamsters Local 320 Jail unit for the period January 1, 2010 – December 31, 2010, in accordance with the terms and conditions of the Agreement and those contract modifications submitted to the Dakota County Board of Commissioners dated March 16, 2010, and subject to approval by the County Attorney’s Office as to form.

10-141

Authorization To Execute Contract With Sebesta Blomberg & Associates, Inc. To Conduct Energy Audits On County Buildings Using Federal Recovery Act Funding (ARRA)

WHEREAS, Dakota County has established a target of reducing greenhouse gas emissions from County buildings by 10% by 2015; and

WHEREAS, conducting energy audits on County buildings will identify capital projects, system operating procedures, and occupant actions that will help the County achieve this 10% reduction target; and

WHEREAS, the County solicited proposals for energy audits from eight engineering firms that specialize in energy assessments; and

WHEREAS, a staff selection team has reviewed and ranked the submitted proposals and recommends that the project be awarded to Sebesta Blomberg & Associated, Inc.; and

WHEREAS, funding for the energy audits will come from a combination of \$80,000 from the ARRA Energy Block Grant and \$19,820 from the Miscellaneous Project Fund.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract with Sebesta Blomberg & Associates, Inc. to conduct energy audits on County buildings for a fee of \$99,820, subject to approval by the County Attorney’s Office as to form.

10-142

Authorization To Purchase Property Insurance For Policy Year 2010–2011

WHEREAS, Dakota County purchases Commercial Property Insurance for property risk exposures; and

WHEREAS, current policies on Commercial Property Insurance will expire on April 1, 2010; and

WHEREAS, the Operations Management Director and Risk Manager evaluated the insurance marketplace and recommend renewal of the Commercial Property policy with Affiliated FM Insurance Companies.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to purchase the following insurance, to be paid at current rates from the Operations Management Property Insurance budget:

Property Insurance, including Builders Risk, Boiler & Machinery, EDP, Valuable Papers, Extra Expense and Inland Marine Coverage

April 1, 2010–April 1, 2011	Premium	\$121,717	Affiliated FM Insurance
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10-143

Ratification Of Community Development Funding Requests To U.S. Department Of Housing And Urban Development

WHEREAS, the Dakota County Community Development Agency (CDA) is administering the Community Development Block Grant (CDBG) program for Dakota County; and

WHEREAS, funds expended from previously approved projects for Fiscal Year 2004-2009 of the CDBG program must be ratified by the Dakota County Board of Commissioners; and

WHEREAS, the CDA has incurred and paid the requests for payment associated with the CDBG program.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies requisitions to the U.S. Department of Housing and Urban Development for \$605,700.96 as presented.

10-144

Authorization To Submit Grant Applications To 2010 Parks And Trails Legacy Grant Program

WHEREAS, in 2008, Minnesota residents approved a Minnesota Constitutional amendment to increase the State sales and use tax rate and to dedicate this revenue to protecting, improving and enhancing natural land and water resources, providing increased hunting and fishing opportunities, improving park and trail opportunities and facilities, and benefiting arts and preserve cultural heritage; and

WHEREAS, the 2009 Minnesota Legislature provided direction on the administration and dispersal of the dedicated revenue through various agencies and grant programs, including the Lessard-Sams Outdoor Heritage Council (LSOHC), the Lessard-Sams Conservation Partners Legacy Program, the Parks and Trails Legacy Program administered by the Minnesota Department of Natural Resources (DNR), and the Arts and Cultural Heritage Fund administered by the Minnesota Historical Society; and

WHEREAS, the approved Dakota County Park System Plan and individual park unit master plans provide direction on priority improvements and additions to the Dakota County park and greenways system, many of which are eligible for Minnesota Clean Water, Land And Legacy Amendment funding; and

WHEREAS, by Resolution No. 09-549 (October 20, 2009), the Dakota County Board of Commissioners authorized the submissions of six grant applications; and

WHEREAS, four of these six applications have not been recommended for funding; and

WHEREAS, in 2010 there are additional grant funds available and a new opportunity for Dakota County to apply for grant funds through the Parks and Trails Legacy Program administered by the DNR; and

WHEREAS, due to this additional opportunity, staff recommends re-submittal of four of the unfunded grant applications to the Parks and Trails Legacy Program modified to increased competitiveness; and

WHEREAS, staff recommends an additional grant application for construction assistance for a portion of the Mississippi River Regional Trail in Rosemount so as to better meet project funding needs; and

WHEREAS, the projects represented by the five total proposed grant applications are included in the approved 2010-2014 Dakota County Capital Improvement Program, including funds sufficient for the local match requirement of the grants; and

WHEREAS, grant applications to the Parks and Trails Legacy Program must include a resolution of support from the Dakota County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby supports and authorizes the Parks and Open Space Department to submit the following grant applications to the DNR for Parks and Trails Legacy funding:

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\$160,000 for restoring 20 acres of prairie in Lake Byllesby Regional Park including gravel pit regrading.

\$60,000 for converting and restoring 40 acres of agricultural land to oak savanna in the new regional park in Empire Township.

\$60,000 for an interpretive alcove on Schaars Bluff in Spring Lake Park Reserve.

\$200,000 for 2.4 miles of the 4.6-mile, multi-purpose connector trail from the visitor center to Jensen Lake as included in the Lebanon Hills Regional Park master plan.

\$200,000 for assistance with construction costs for a portion of the Mississippi River Regional Trail in Rosemount; and

BE IT FURTHER RESOLVED, That if any grants are awarded they will be presented to the County Board for acceptance and execution.

10-145

Authorization To Execute Lease Agreements For Agricultural Use Of County Property

WHEREAS, there are agricultural leases on County land that remain available for interim use as crop land because funds are not available for restoring these lands to their targeted natural vegetative cover; and

WHEREAS, staff has negotiated lease rates for agricultural use of specified land within Lake Byllesby Regional Park, Spring Lake Park Reserve, the new regional park in Empire Township (former Butler Trust property), and Empire Township property in accordance with Minn. Stat. Sec. 373.01.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute agricultural lease agreements with the following individuals for use of specified County land at the rates and durations described, subject to approval by the County Attorney's Office as to form:

Alfred & Gordon Bauer, d/b/a A & G Ranch, for a lease on no more than 23.8 acres of cropland in Spring Lake Park Reserve at the rate of \$100 per acre for a total amount of \$2,380 for the period of March 25, 2010 through December 31, 2010.

Doug Felton for a lease on no more than 25 acres of cropland in Lake Byllesby Regional Park at the rate of \$80 per acre for a total amount of \$2,000, for the period of March 25, 2010 through December 31, 2010.

Terry Flower for a lease on no more than 24 acres of pastureland in Spring Lake Park Reserve at the rate of \$46 per acre for a total amount of \$1,104, for the period of March 25, 2010 through December 31, 2010.

Darryl Buecksler for a lease on no more than 94 acres of cropland in two areas of the new regional park in Empire Township at the rate of \$130 per acre for a total of \$12,220 for the period of March 25, 2010 through December 31, 2010.

Glen Haefs for a lease on no more than 36 acres of cropland in Empire Township at the rate of \$100 per acre for a total of \$3,600 for the period of March 25, 2010 through December 31, 2010.

10-146

Authorization To Execute Contract Amendment With SRF Consulting Group, Inc. For County Project 97-85 Regional Roadway System Visioning Study

WHEREAS, to promote safe and efficient transportation throughout the County and region, Dakota County is collaborating with the Minnesota Department of Transportation (Mn/DOT), the Metropolitan Council, the Federal Highway Administration, and the Cities of Eagan, Inver Grove Heights, Mendota Heights, and Sunfish Lake and is the lead agency for County Project (CP) 97-85, Regional Roadway System Visioning Study; and

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WHEREAS, the County has entered into a contract with SRF Consulting Group, Inc. for professional services for CP 97-85; and

WHEREAS, the costs for professional services for CP 97-85 are being shared between Dakota County, the Cities of Eagan and Inver Grove Heights, and Mn/DOT; and

WHEREAS, a contract amendment with SRF Consulting Group in the amount of \$20,000 for work not included in the original scope is necessary to complete CP 97-85; and

WHEREAS, Mn/DOT and the Cities of Eagan and Inver Grove Heights have agreed to pay their share of the additional \$20,000 based on the original cost split for the study; and

WHEREAS, adequate funds for this purpose are included in the 2010-2014 Transportation Capital Improvement Program (CIP) budget; and

WHEREAS, the Transportation Director recommends amendment of the contract with SRF Consulting Group, Inc. for professional services for CP 97-85 in an amount not to exceed \$20,000, including reimbursable items.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract amendment with SRF Consulting Group, Inc. to perform professional services for County Project 97-85, in the amount of \$20,000, for a new total contract amount of \$240,343, including reimbursable items, for the work required, subject to approval by the County Attorney's Office as to form; and

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

Expense	
CP 97-85 Professional Services	\$20,000
Future Studies/Professional Services	<u>(20,000)</u>
Total	\$0
Revenue	
Revenue City of Eagan	\$3,333
Revenue City of Inver Grove Heights	3,333
Revenue Mn/DOT	6,667
Future Studies from City of Eagan	(3,333)
Future Studies from City of Inver Grove Heights	(3,333)
Future Studies from Mn/DOT	<u>(6,667)</u>
Total	\$0

10-147

Approval Of Acquisition And Authorization To Amend "Quick Take" Condemnation Of Right Of Way For Parcel 184, CP 23-64

WHEREAS, Dakota County is proceeding with the design of Bus Rapid Transit in the Cedar Avenue (County State Aid Highway (CSAH) 23) Corridor from south of 179th Street in Lakeville to 138th Street in Apple Valley in County Projects (CP) 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 162nd Street in Lakeville to 153rd Street in Apple Valley; and

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

WHEREAS, one appraisal that was previously approved has been updated to include severance damages and the revised amount is being presented in this request; and

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WHEREAS, the revised appraised value for this parcel is \$27,700; 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 this parcel does not appear possible, it is necessary to have the County Board authorize the County Attorney to initiate "quick take" condemnation of this parcel to allow a fall 2010 start date.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the revised appraisal amount 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 No.	Owner	Revised Value	Previous Value
184	Sokhoeun Bauer & Bunthoeun Sorn	\$27,700	\$20,700
Total appraised value (revised):			\$27,700

; 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 parcel to allow a fall 2010 start date, in the event that timely acquisition by direct negotiations of this parcel does not appear possible.

10-148

Authorization To Execute Contract With Bretschneider Co. For Sandblasting And Painting Services For Byllesby Dam

WHEREAS, Dakota and Goodhue Counties are responsible for the operation and maintenance of the Byllesby Dam and Dakota County serves as the administrator and fiscal manager for Byllesby Dam (Dam) revenues and expenditures; and

WHEREAS, Byllesby Dam is jointly owned by Dakota County (60%) and Goodhue County (40%), and Dakota County invoices Goodhue County 40% for the maintenance and operation costs incurred; and

WHEREAS, the Federal Energy Regulatory Commission (FERC) regulates the Dam and requires dam owners to investigate design, condition and public safety issues at their dams; and

WHEREAS, during the 2009 annual inspection of the Dam, FERC required that the Counties sandblast and paint 249 anchor bolts within the Dam to limit rust and corrosion; and

WHEREAS, the requirement to sandblast and paint the anchor bolts provided an opportunity to consider additional painting maintenance at the Dam; and

WHEREAS, staff inventoried and assessed items in the Dam that if re-painted would limit future rust and corrosion; and

WHEREAS, staff prepared a Request for Proposals (RFP) outlining the requirements of the sandblasting and painting work; and

WHEREAS, the RFP was mailed out to 15 firms and advertised on the County's website; and

WHEREAS, nine proposals were received and three were discarded as they did not meet the minimum proposal submittal requirements; and

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WHEREAS, the remaining six proposals varied in cost services from \$68,700 to \$210,000; and

WHEREAS, Bretschneider Co. is recommended by staff at a cost of \$84,810 due to their extensive experience, approach, methods to complete the work, detailed safety plan, and moderate price; and

WHEREAS, Goodhue County staff has also reviewed the proposals and recommends Bretschneider Co.; and

WHEREAS, the Goodhue County Board of Commissioners will consider the selection of Bretschneider Co. at its March 16, 2010 Board meeting; and

WHEREAS, the sandblasting and painting work was identified and approved in the 2010 Byllesby Dam Capital Improvement Program (CIP); and

WHEREAS, the current balance in the CIP is sufficient to cover the sandblasting and painting.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Bretschneider Co. for sandblasting and painting services at Byllesby Dam in an amount not to exceed \$84,810, contingent upon Goodhue County's approval of the contract with Bretschneider Co. for these services, and subject to the approval by the County Attorney's Office as to form.

10-149

Authorization To Appoint Timothy J. Leslie As Chief Deputy Sheriff

WHEREAS, on February 23, 2010, the Dakota County Board of Commissioners accepted the resignation of Sheriff Don Gudmundson effective February 27, 2010; and

WHEREAS, after accepting the resignation of Sheriff Gudmundson, the Dakota County Board of Commissioners appointed Chief Deputy Sheriff David Bellows to complete the term of Sheriff Gudmundson, beginning on February 27, 2010, through the remainder of 2010; and

WHEREAS, with the appointment of Chief Deputy Bellows to Sheriff, a vacancy in the Chief Deputy position was created in the Dakota County Sheriff's Office; and

WHEREAS, Minnesota Statute 387.145 provides for the Sheriff of any county to appoint a Chief Deputy or First Assistant with the approval of the County Board.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners authorizes Sheriff Dave Bellows to appoint Timothy J. Leslie as Chief Deputy Sheriff for the Dakota County Sheriff's Office.

10-150

Authorization To Renew Grant Agreement With Minnesota Department Of Public Safety, Division Of Homeland Security And Emergency Management, To Fund Staff Member To Minnesota Joint Analysis Center (MNJAC) And Request For Budget Amendment

WHEREAS, the Dakota County Sheriff's Office has been a member of the Minnesota Joint Analysis Center (MNJAC) since March 2008; and

WHEREAS, the Sheriff's Office has been awarded grant funding through the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, for providing a staff member at MNJAC; and

WHEREAS, the Sheriff's Office has recently been advised they have been awarded a third grant from the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, in the amount of \$67,000; and

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WHEREAS, the work performed by all members of MNJAC has been beneficial to law enforcement agencies in Dakota County and throughout Minnesota and the United States in disseminating information regarding terroristic and criminal activities; and

WHEREAS, the Dakota County Sheriff wishes to continue the relationship with MNJAC; and

WHEREAS, a budget amendment is required to accept these grant funds.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Sheriff's to execute a grant agreement with the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, to fund a staff member to the Minnesota Joint Analysis Center (MNJAC) for a criminal analyst responsible for the collection, analysis, and dissemination of both terroristic and criminal information for the period of September 1, 2009, through March 31, 2012, subject to approval by the Dakota County Attorney's Office as to form; and

BE IT FURTHER RESOLVED That the Dakota County Sheriff's Office 2010 budget is hereby amended as follows:

Revenue	
2010 Homeland Security Grant	\$45,000
Use of Fund Balance	(45,000)
Total Revenue	0

END OF CONSENT AGENDA

ayes 7

nays none

The following items were on the agenda for informational purposes only: Item 8.2 – Report On Invoices Paid In February 2010; Item 12.1 – Annual Market Value Update; and Item 12.2 – Annual Report On Acceptance Of Credit Cards For Dakota County Services.

There were no plats presented for approval.

Bill Coleman, Dakota Future, addressed the County Board regarding Item 9.1 – Support For Google Fiber To Communities Application By Dakota Future.

**10-151
Support For Google Fiber To Communities Application By Dakota Future**

Motion: Comm. Gaylord

Second: Comm. Schouweiler

WHEREAS, Google, Inc. announced it is planning to fund, build, and test experimental ultra high-speed broadband networks in a small number of trial locations across the United States and has requested responses to a Request for Information from communities interested in hosting such a network by March 26, 2010; and

WHEREAS, the Google Gb Fiber Network would provide connectivity that produces 10 to 100 times faster downloads and upload speeds that are 20 to 100 times faster than current service offerings, further enhancing recognition of Dakota County as a world-class home for businesses and residents requiring ultra high-speed broadband networks; and

WHEREAS, the installation of the Google Network in Dakota County would enhance the ability to attract high technology investment by firms seeking a place to develop and test innovative new applications; and

WHEREAS, the Google Network will enable the delivery of education, health care, and public services more efficiently; and

WHEREAS, the Google Network could be a private investment in the County of up to \$300 million; and

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WHEREAS, Dakota Future is a strategic link between business, education, and government in Dakota County with the goal of achieving recognition for Dakota County as world-class home for businesses and residents to prosper in an economy built on high-speed connectivity of information; and

WHEREAS, working through Dakota Future, Dakota County has been recognized among the "Smart 21 Intelligent Communities" in the world and desires to build on this reputation; and

WHEREAS, Dakota Future is preparing an application in response to the Request for Information (RFI) from Google, Inc. for the development of a Google Gb Fiber Network in Dakota County; and

WHEREAS, 10 Dakota County cities and the Dakota County Community Development Agency are providing monetary support for the development of an application to host a Google Network by Dakota Future.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners supports the application of Dakota Future to host a Google Gb Fiber Network in Dakota County; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners applauds to collaboration of government, business, and education in the development of the response to the Request for Information.

ayes 7

nays none

The time being 10:00 a.m., the annual recognition of HEROES Award recipients was held. Chair Egan and Commissioner Harris presented the HEROES awards, recognizing outstanding collaboration achievements in 2009. The following nominated programs were recognized: Publicly Funded Health Care Access and Insurance Coverage for Jail Inmates and Learning About Nutrition through Activities (LANA). The Dakota County Adult Problem Solving Court team was announced as the winning project for 2009.

10-152

Recognition Of HEROES Awards Recipients

Motion: Comm. Harris

Second: Comm. Krause

WHEREAS, Dakota County has designated one County Board meeting of each year for HEROES recognition day; and

WHEREAS, Dakota County recognizes outstanding collaborations through the HEROES (**H**onoring **E**ffective **R**esponsive **O**utstanding **E**fficient **S**ervice) Awards to recognize employee groups who demonstrate the County's mission of "*Efficient, Effective, Responsive government*" to implement innovative and creative methods for serving customers and the public.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recognizes the following employees and presents them with HEROES Awards for outstanding collaboration achievements in their service to Dakota County in 2009:

Dakota County Adult Problem Solving Court Workgroup

Jim Backstrom	County Attorney's Office
Barb Bauer	Community Corrections
Jessica Bierwerth	County Attorney's Office
Tim Cleveland	Community Corrections
Barb Illsley	Community Corrections
Anita Kennedy	Community Corrections
Phil Prokopowicz	County Attorney's Office
Ken Rodning	Social Services
Dave Rooney	Community Services Administration
Natalie Williams	Community Corrections

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LANA (Learning About Nutrition through Activities) Workgroup

Bonnie Brueshoff	Public Health
Melanie Countryman	Public Health
Maureen Cuddigan	Library
Laurie Haenke	Social Services
Lori Lorentz	Public Health
Theresa Rondeau-Ambroz	Public Health
Joan Visnovec	Social Services

Publicly-Funded Health Care Access and Insurance Coverage for Jail Inmates Workgroup

Dennis Anderson	Employment & Economic Assistance
Kathy Anderson	Community Services Administration
Commander Wm. Blair Anderson	County Sheriff's Office
Wendy Bauman	Public Health
Yvonne Berryman	Public Health
Sheriff Don Gudmundson	County Sheriff's Office
Sheila Happe	County Attorney's Office
Cami Huettl	Employment & Economic Assistance
Sue Krey	Employment & Economic Assistance
Mary Lenarz	Employment & Economic Assistance
Dave Rooney	Community Services Administration

ayes 7

nays none

Mark Ulfers, Dakota County Community Development Agency Executive Director, presented Item 13.2 – Allocate Bonding Authority To Local Issuers Of Recovery Zone Facility Bonds. Jon Hohenstein, City of Eagan, addressed the Board regarding allocation of bonding authority for projects in the City of Eagan.

10-153

Allocate Bonding Authority To Local Issuers Of Recovery Zone Facility Bonds

Motion: Comm. Gaylord

Second: Comm. Branning

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 Facility Bonds; and

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

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

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WHEREAS, the County of Dakota has received a volume caps of 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 Board of Commissioners authorized the County Administrator on January 5, 2010, to notify local issuers of the availability of Recovery Zone Facility Bonds 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; and

WHEREAS, the County sent notification to local issuers of the availability of Recovery Zone Facility Bonds and solicited applications generating responses for three qualifying projects within Dakota County including \$7.5 million in bonding authority requested by the City of Egan for a 90-unit Candlewood Hotel in the Cedar Grove Redevelopment Area, \$12 million in bonding authority requested by the City of Egan for a 80,000 square foot office building (Blue Gentian Corporate Center) located at the intersection of I-494, I-35E, and Highway 55, and \$7.5 million in bonding authority requested by the South Saint Paul Housing and Redevelopment Authority for development of an office/warehouse facility (BridgePoint Business Park) at the site of the former South Saint Paul Stockyards; and

WHEREAS, staff undertook an evaluation of the applicants' readiness to proceed as well as the potential fiscal and economic impacts resulting from each project and identified job creation potential as the primary differentiating factor between the applications; and

WHEREAS, the number and quality of jobs created by successful development of the Blue Gentian Corporate Center and the BridgePoint Business Park were notably higher than generated by the Candlewood Hotel project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby allocates authority to issue \$12,000,000 Recovery Zone Facility Bonds to the City of Egan for the eligible costs of developing the Blue Gentian Corporate Center located at the intersection of I-494, I-35E, and Highway 55; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby allocates authority to issue \$7,500,000 Recovery Zone Facility Bonds to the South Saint Paul Housing and Redevelopment Authority for the eligible costs of developing the BridgePoint Business Park at the site of the former South Saint Paul Stockyards; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby further directs the County Administrator to promptly notify issuers of the allocation authorized above; and

BE IT FURTHER RESOLVED, That the allocation of Recovery Zone Facility Bond authority awarded above will expire on June 30, 2010; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Administrator to reallocate bonding authority not issued by June 30, 2010, to the City of Egan for the Candlewood Hotel application; and

BE IT FURTHER RESOLVED, That the County Administrator return to the Dakota County Board of Commissioners in July 2010, with a report on the issuance of Recovery Zone Facility Bonds, if any, and a recommendation as to whether and how the County Board should further reallocate any unused bonding authority, if any remains at that time.

ayes 7

nays none

March 16, 2010

CJIIIN Manager Mary Cerkvenik introduced Item 14.1 – Authorization To Execute Joint Powers Agreement And Execute Contract For Dakota County Law Enforcement Agencies Records Management System. City of Burnsville Chief of Police Robert Hawkins and City of Inver Grove Heights Lieutenant Jerry Salmey addressed the Board and expressed their appreciation of CJIIIN efforts in this and other projects.

10-154**Authorization To Execute Joint Powers Agreement And Execute Contract For Dakota County Law Enforcement Agencies Records Management System**

Motion: Comm. Schouweiler

Second: Comm. Workman

WHEREAS, the Dakota County Board of Commissioners supports the effort of law enforcement to upgrade its Records Management Systems for the storage, retrieval, retention, archiving, analyzing, and viewing of law enforcement data; and

WHEREAS, Dakota County and its participating cities wish to cooperatively engage in the acquisition, deployment, and ownership of a Records Management system to be utilized by the participants for the mutual benefit of all; and

WHEREAS, the County and the participating cities intend to work cooperatively to improve the management of public safety and law enforcement information for participating Dakota County communities; and

WHEREAS, Dakota County desires to purchase from ProPhoenix, Corporation a multijurisdictional police Records Management System (RMS) for law enforcement agencies in Dakota County for a purchase price of \$328,200; and

WHEREAS, funding for the purchase is anticipated to come from a combination of grant funds awarded to Dakota County from the U.S. Department of Justice 2010 COPS Technology Program; grant funds available after modification from the 2008 COPS Technology Program grant; and funds available from the participating law enforcement agencies; and

WHEREAS, the County Board is anticipated to approve acceptance of the 2010 COPS Technology Program Grant when the appropriate paperwork is received from the U.S. Department of Justice; and

WHEREAS, the remaining funds totaling \$58,200 are available from the participating law enforcement agencies.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Administrator to execute a Joint Powers Agreement with the Cities of Burnsville, Farmington, Hastings, Inver Grove Heights, Mendota Heights, South St Paul and West St Paul to establish and maintain a police Records Management System, substantially as presented to the County Board on March 16, 2010, subject to the approval by the Dakota County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Operations, Management, and Budget Director is hereby authorized to execute a contract with ProPhoenix, Corporation for the purchase of software and professional services for the implementation of a multi jurisdictional Records Management System for law enforcement for \$328,200 as follows, subject to the approval by the Dakota County Attorney's Office as to form.

ayes 7

nays none

Environment and Natural Resources Manager Michelle Beeman introduced item 15.1 – Authorization To Execute Agreement With City Of Inver Grove Heights For Rock Island Swing Bridge.

10-155**Authorization To Execute Agreement With City Of Inver Grove Heights For Rock Island Swing Bridge**

Motion: Comm. Schouweiler

Second: Comm. Gaylord

March 16, 2010

WHEREAS, the Rock Island Swing Bridge (also known as the JAR Bridge or Bridge 5600) (Bridge) spanned the Mississippi River connecting the City of Inver Grove Heights (the City) in Dakota County with the City of St. Paul Park in Washington County until the eastern portion of the Bridge was removed in early 2009; and

WHEREAS, the City has since developed a reuse and removal project to construct a recreational pier and remove the remaining portions of the bridge not necessary for reuse; and

WHEREAS, the City has been awarded a \$1.3 million Transportation Enhancement grant (American Recovery and Reinvestment Act (ARRA) funds) and a \$100,000 Minnesota Historical Society grant to turn the west side of the Bridge into a recreational pier; and

WHEREAS, the City of Inver Grove Heights has requested \$300,000 in funding assistance for the Bridge reuse project from Dakota County; and

WHEREAS, Dakota County amended the Dakota County Parks and Transportation Capital Improvement Program to include the Rock Island Swing Bridge reuse and removal project in the amount of \$150,000; and

WHEREAS, a joint powers agreement was drafted with the City of Inver Grove Heights for County cost participation in the Swing Bridge reuse project; and

WHEREAS, the City would be responsible for design, construction, and ongoing maintenance; and

WHEREAS, the agreement also stipulates removal of the remaining bridge and terms for reimbursement; and

WHEREAS, the City of Inver Grove Heights anticipates awarding the bridge reuse and removal project on March 22, 2010, and completing bridge removal and recreational pier construction in the fall of 2010.

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 Inver Grove Heights for County cost participation in the Rock Island Swing Bridge Reuse Project, in an amount not to exceed \$150,000, subject to approval by the County Attorney's Office as to form.

ayes 7

nays none

Library Director Ken Behringer introduced Item 16.1 – Acceptance Of Gifts To Dakota County Library.

10-156

Acceptance Of Gift To Dakota County Library From Friends Of Wescott Library

Motion: Comm. Schouweiler

Second: Comm. Krause

WHEREAS, the Dakota County Board of Commissioners, by Resolution No. 97-261, delegated to the Dakota County Library Board the authority to accept gifts of personal property of not more than \$500 for public library purposes; and

WHEREAS, the Friends of the Wescott Library donated \$3,437.99 for a VMI disc buffer; and

WHEREAS, this donation greatly enriches the capacity of Dakota County Library to offer valuable materials and programs to customers; and

WHEREAS, the Dakota County Library Board recommends acceptance of this gift.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the donation of \$3,437.99 from the Friends of the Wescott Library and expresses its appreciation for this generous gift.

ayes 7

nays none

March 16, 2010

10-157

Acceptance Of Gift To Dakota County Library From Michael And Lola Hendrickson

Motion: Comm. Schouweiler

Second: Comm. Krause

WHEREAS, the Dakota County Board of Commissioners, by Resolution No. 97-261, delegated to the Dakota County Library Board the authority to accept gifts of personal property of not more than \$500 for public library purposes; and

WHEREAS, Michael and Lola Hendrickson donated \$1,200 to the Dakota County Library System for children’s books; and

WHEREAS, this donation greatly enriches the capacity of Dakota County Library to offer valuable materials and programs to customers; and

WHEREAS, the Dakota County Library Board recommends acceptance of this gift.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the donation of \$1,200 from Michael and Lola Hendrickson and expresses its appreciation for this generous gift.

ayes 7

nays none

10-158

Acceptance Of Gift To Dakota County Library From Friends Of Inver Glen Library

Motion: Comm. Schouweiler

Second: Comm. Krause

WHEREAS, the Dakota County Board of Commissioners, by Resolution No. 97-261, delegated to the Dakota County Library Board the authority to accept gifts of personal property of not more than \$500 for public library purposes; and

WHEREAS, Friends of the Inver Glen Library donated \$2,312.80 to the Dakota County Library System for Lucky U books, furniture and the upcoming ten year anniversary event for Inver Glen; and

WHEREAS, this donation greatly enriches the capacity of Dakota County Library to offer valuable materials and programs to customers; and

WHEREAS, the Dakota County Library Board recommends acceptance of this gift.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the donation of \$2,312.80 from Friends of the Inver Glen Library and expresses its appreciation for this generous gift.

ayes 7

nays none

10-159

Acceptance Of Gift To Dakota County Library From Friends Of Hastings Library

Motion: Comm. Schouweiler

Second: Comm. Krause

WHEREAS, the Dakota County Board of Commissioners, by Resolution No. 97-261, delegated to the Dakota County Library Board the authority to accept gifts of personal property of not more than \$500 for public library purposes; and

WHEREAS, Friends of the Hastings Library donated \$3,000 to the Dakota County Library System with \$1,000 each for children, teen and adult programs and supplies; and

WHEREAS, this donation greatly enriches the capacity of Dakota County Library to offer valuable materials and programs to customers; and

March 16, 2010

WHEREAS, the Dakota County Library Board recommends acceptance of this gift.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the donation of \$3,000 from Friends of the Hastings Library and expresses its appreciation for this generous gift.

ayes 7

nays none

**10-160
Recess**

Motion: Comm. Schouweiler

Second: Comm. Workman

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recesses the meeting at 10:43 a.m.

ayes 7

nays none

The meeting reconvened at 12:25 p.m., in Conference Room 3A with all members present.

**10-161
Closed Executive Session: Discuss Labor Negotiations Strategy**

Motion: Comm. Gaylord

Second: Comm. Schouweiler

WHEREAS, upon adoption of a resolution by majority vote, the Dakota County Board is authorized, pursuant to Minn. Stat. § 13D.03, to hold a closed executive session to discuss labor negotiations strategy; and

WHEREAS, the Dakota County Board of Commissioners desires to meet to discuss labor negotiations strategy.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board meeting on March 16, 2010, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, in order to discuss labor negotiations strategy.

ayes 7

nays none

The time being 12:25 p.m. and pursuant to public notice and Resolution No. 10-161, the County Board adjourned to Conference Room 3A to hold Closed Executive Session to discuss Labor Negotiations Strategy.

The following were 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
- Brandt Richardson, County Administrator
- Karen Schaffer, First Assistant County Attorney
- Kelly Olson, Sr. Administrative Coordinator to the Board
- Will Volk, Employee Relations Director
- Nancy Hohbach, Deputy Employee Relations Director
- Frank Madden, Consultant
- Shirley Martin, Employee Relations
- Shannon Welle, Employee Relations

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Pat Pechacek, Consultant
 Matt Smith, Financial Services Director

The Closed Executive Session continued until 1:45 p.m., at which time the Board reconvened in the Board Room, with all members present.

At this time, Public Services and Revenue Director Tom Novak introduced Item 16.2 – Addition Of Legislative Initiative To 2010 Dakota County Legislative Program.

10-162**Addition Of Legislative Initiative To 2010 Dakota County Legislative Program**

Motion: Comm. Krause

Second: Comm. Workman

WHEREAS, the Dakota County Board of Commissioners approved its legislative initiatives for inclusion in the 2010 Dakota County Legislative Program on November 17, 2009; and

WHEREAS, the Dakota County Board of Commissioners approved the co-location of the Burnsville License Center with the Burnhaven Library in July 2009, in order to improve customer service in a cost-effective manner; and

WHEREAS, the move of the Burnsville License Center requires the waiver of its 10-mile radius rule by the Department of Public Safety; and

WHEREAS, the Department of Public Safety has denied the Dakota County request for variance from its 10-mile radius rule in spite of having not used the rule for the first move the Burnsville License Center and the creation of the Robert Trail License Center.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby supports enactment of legislation during the 2010 legislative session authorizing relocation of the County's Burnsville deputy registrar and driver's license agent to the Burnhaven Library.

ayes 7

nays none

Received a Legislative Update.

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

10-163**Authorization To Approve Settlement Of Parcel 25 (311): CP 42-91**

Motion: Comm. Schouweiler

Second: Comm. Workman

WHEREAS, Dakota County, through County Project (CP) 42-91, reconstructed County State Aid Highway (CSAH) 42 in Burnsville from CSAH 5 to the Scott County line; and

WHEREAS, in Parcel 25 (311), the County condemned for highway purposes 5,973 square feet of permanent highway right of way and 8,875 square feet of temporary construction easement and closed two permitted access locations for which the County offered the landowner \$86,500 in compensation; and

WHEREAS, Osborne Properties, LP, the fee owner of the property, rejected the offer; and

WHEREAS, Osborne Properties, LP has commenced an inverse condemnation action against the county seeking damages for closure of the two permitted access drives as well as closure of the median at Morgan Avenue and CSAH 42; and

March 16, 2010

WHEREAS, the parties to these actions have agreed to a settlement of all damages caused by the takings and the highway construction on the subject parcel in the amount of \$415,000, less the previous quick take payment of \$86,500, subject to approval by the County Board; and

WHEREAS, the County Attorney and Transportation Department Staff recommend approval of the settlement agreement as being a fair and equitable settlement of both cases in view of the impacts to the property, real estate market data, the time, additional expense and risk involved in continued litigation and believe that the settlement represents an appropriate allocation of the prospects for success if both matters are allowed to proceed to trial and to a commissioners' hearing.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the settlement agreement for Parcel 25 (311) as being in the best interest of the County, and authorizes the County Attorney to arrange for final payment of the settlement amount and filing of the necessary court documents to effectuate final settlement of both court actions between the parties.

ayes 7

nays none

10-164

Closed Executive Session: Claim Of Manuel Jovet Ortiz Against Dakota County

Motion: Comm. Harris

Second: Comm. Schouweiler

WHEREAS, Manuel Jovet Ortiz was an inmate in the Dakota County Jail from April 27, 2009, through June 24, 2009; and

WHEREAS, Manuel Jovet Ortiz claims that the subsequent amputation of his great, right toe was the result of the negligence of staff of the Dakota County jail with respect to how jail staff handled his diabetes and demands compensation for his injuries; and

WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to the strategy of defending this matter, the public disclosure of which would benefit the complainant and his counsel to the detriment of Dakota County's position in this matter; and

WHEREAS, pursuant to Minn. Stat. Section 13D.05, subd. 3(b), the County Board by resolution may close a meeting as permitted by the attorney-client privilege.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board meeting on March 16, 2010, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, in order to discuss with the County Attorney the legal strategy of defending the claim of Manuel Jovet Ortiz against Dakota County.

ayes 6

nays none

Abstain 1 Comm. Branning

The time being 2:20 p.m. and pursuant to public notice and Resolution No. 10-164, the County Board adjourned to Conference Room 3A to hold Closed Executive Session to discuss the Claim of Manuel Jovet Ortiz against Dakota County.

The following were 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
- Brandt Richardson, County Administrator

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Karen Schaffer, First Assistant County Attorney
Kelly Olson, Sr. Administrative Coordinator to the Board

The Closed Executive Session continued until 2:49 p.m., at which time the Board reconvened in the Conference Room 3A, with all members present.

10-165
Adjournment

Motion: Comm. Schouweiler

Second: Comm. Workman

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, April 6, 2010

ayes 7

nays none

The County Board meeting was adjourned at 2:49 p.m.

Thomas A. Egan
Chair

ATTEST

Brandt Richardson
County Administrator