

May 4, 2010

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

The Dakota County Board of Commissioners convened at 9:02 a.m. on Tuesday, May 4, 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.

**10-228**  
**Approval Of Agenda**

Motion: Comm. Gaylord Second: Comm. Branning

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on May 4, 2010, as presented.

ayes 7 nays none

The time being 9:07 a.m., and pursuant to public notice, a public hearing was held for the purpose of receiving comments on the 2010-2014 Consolidated Plan and 2010 Action Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs (Agenda Item 5.1). Director of Community Revitalization Dan Rogness, Dakota County Community Development Agency, presented this item. Interested parties desiring to be heard were afforded the opportunity to address the County Board. No one appeared.

**10-229**  
**Closing Of Public Hearing**

Motion: Comm. Harris Second: Comm. Gaylord

BE IT RESOLVED, That the public hearing is closed at 9:17 a.m.

ayes 7 nays none

**10-230**  
**Approve Dakota County's Federal Fiscal Years 2010-2014 Consolidated Plan And 2010 Action Plan For Community Development Block Grant And HOME Investment Partnership Programs**

Motion: Comm. Gaylord Second: Comm. Branning

WHEREAS, Dakota County is an Entitlement County for funds through the Community Development Block Grant (CDBG) Program and a Participating Jurisdiction for the HOME Investment Partnership (HOME) Program; and

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WHEREAS, the four Community Development Districts and the City of Northfield have made recommendations to the Dakota County Community Development Agency (CDA) for funding CDBG projects in their districts, including program amendments if applicable; and

WHEREAS, each member of the Dakota County Consortium will review and approve the CDBG and HOME funded projects in their jurisdictions; and

WHEREAS, the Dakota County CDA administers the CDBG and HOME Programs in Dakota County; and

WHEREAS, as part of the application process for CDBG and HOME funds, the U.S. Department of Housing and Urban Development (HUD) requires the submission of a Five-Year Consolidated Plan and a One-Year Action Plan; and

WHEREAS, agreements between HUD and Dakota County for the CDBG and HOME funds and between Dakota County and the Dakota County CDA for CDBG and HOME program administration are required; and

WHEREAS, HUD requires the designation of a certifying officer for environmental reviews associated with the CDBG and HOME activities; and

WHEREAS, HUD also requires that environmental reviews associated with Capital Fund activities be signed by the highest ranking County official or designee for CDBG and HOME; and

WHEREAS, on May 4, 2010, at 9:00 a.m., the Board of Commissioners conducted a Public Hearing in the County Board Room of the Administration Center in Hastings, Minnesota to consider approval of the Dakota County Consortium's 2010-2014 Five-Year Consolidated Plan and 2010 Action Plan for the CDBG and HOME Programs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the Dakota County 2010-2014 Five-Year Consolidated Plan and 2010 One-Year Action Plan as presented on May 4, 2010, for submission to HUD; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the 2010 Residential Anti-Displacement and Relocation Assistance Plan; and

BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to sign the application to HUD for Federal Fiscal Year 2010 CDBG and HOME Programs and the Local Government and Specific CDBG and HOME Certifications; and

BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to execute Federal Fiscal Year 2010 CDBG and HOME agreements with HUD for the acceptance of CDBG funds in the amount of \$1,850,950 and HOME funds of \$2,483,082 for the Consortium and \$820,410 to Dakota County, and a sub-recipient agreement with the Dakota County CDA for the administration of the CDBG and HOME Programs, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Director of Community Revitalization of the Dakota County CDA is hereby designated as the certifying officer for environmental reviews associated with the CDBG, HOME and Capital Fund programs.

ayes 7

nays none

The consent agenda was then approved as follows:

Motion: Comm. Workman

Second: Comm. Schouweiler

**10-231**

**Approval Of Minutes**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held April 20, 2010, as presented and entered in Commissioners' Record 2010.

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**10-232****Authorization To Execute 2010 Labor Agreement With AFSCME Council 5 Local 306 Human Services Unit**

BE IT RESOLVED. That the Dakota County Board of Commissioners hereby authorizes the appropriate County officials to execute the Labor Agreement with AFSCME Council 5 Local 306 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 May 4, 2011, and subject to the approval by the County Attorney's office as to form.

**10-233****Authorization To Submit Grant Applications To Minnesota Department Of Public Safety For 2010 Homeland Security Grant Program**

WHEREAS, Dakota County desires to improve internal preparedness efforts and to assist local agencies to be better prepared for any potential disasters/emergencies in Dakota County; and

WHEREAS, the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, has been provided funding from the federal government under the homeland security grant program to enhance preparedness activities related to natural disasters and terrorism; and

WHEREAS, Dakota County is eligible to apply for 2010 Homeland Security Grant Program (HSGP) funds through the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the submission of grant applications to the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, for the 2010 Homeland Security Grant Program.

**10-234****Authorization To Execute Contract With Aviat Networks, Inc. For Microwave Equipment For Dakota County 800 MHz Subsystem**

WHEREAS, by Resolution No. 10-042 (January 26, 2010), the Dakota County Board of Commissioners authorized submitting an amendment to the Dakota County 800 MHz Radio Plan to the Metropolitan Emergency Services Board for a tenth radio site; and

WHEREAS, the Metropolitan Emergency Services Board on March 10, 2010, approved Dakota County's 800 MHz Radio Plan to include a tenth site in Welch Township; and

WHEREAS, PSC Alliance has been selected to provide professional services to assist in the development of a Dakota County subsystem to the 800 MHz regional radio system; and

WHEREAS, a critical component to the design configuration of the Dakota County 800 MHz Subsystem is the microwave connections; and

WHEREAS, Aviat Networks is the sole source provider of the equipment necessary to implement the microwave connections to the existing 800 MHz network; and

WHEREAS, sufficient federal grant funds are available to the County for the construction and expansion of the 800 MHz subsystem.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract with Aviat Networks, Inc. for the purchase and installation of microwave equipment, in an amount not to exceed \$124,779, which includes a project contingency of \$3,634, subject to approval by the County Attorney's Office as to form.

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**10-235**

**Authorization To Execute Contract With Berwald Roofing Company, Inc. For Roof Replacement At Wescott Library**

WHEREAS, replacement of the roof at the Wescott Library is included in the 2010 Building Capital Improvement Program (CIP); and

WHEREAS, Facilities Management and Roof Spec, Inc. staff prepared bid documents; and

WHEREAS, seven qualified bids were received on April 1, 2010; and

WHEREAS, Berwald Roofing Company, Inc. has submitted the low reasonable and responsive bid of \$260,702 for the Wescott Library roof and skylight replacement; and

WHEREAS, sufficient funds are available within the 2010 CIP Building Fund for this project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract for roof replacement with Berwald Roofing Company, Inc. at the Wescott Library, in an amount not to exceed \$260,702, subject to approval by the County Attorney's Office as to form.

**10-236**

**Authorization To Execute Contract With Berwald Roofing Company, Inc. For Roof Replacement At Wentworth Library**

WHEREAS, replacement of the roof at the Wentworth Library is included in the 2010 Building Capital Improvement Program (CIP); and

WHEREAS, Facilities Management and Roof Spec, Inc. staff prepared bid documents; and

WHEREAS, eight qualified bids were received on April 1, 2010; and

WHEREAS, Berwald Roofing Company, Inc. has submitted the low reasonable and responsive bid of \$167,697 for the Wentworth Library roof replacement; and

WHEREAS, sufficient funds are available within the 2010 CIP Building Fund for this project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract for roof replacement with Berwald Roofing Company, Inc. at the Wentworth Library, in an amount not to exceed \$167,697, subject to approval by the County Attorney's Office as to form.

**10-237**

**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 2002-2009 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 \$388,971.63 as presented on May 4, 2010.

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**10-238****Reappointment Of County Engineer**

WHEREAS, Minn. Stat. § 163.07 requires each county to appoint a county engineer; and

WHEREAS, the Dakota County Engineer position has been successfully filled with the appointment and reappointment of Mark Krebsbach (Resolution No. 02-78, January 29, 2002; Resolution No. 03-59, January 28, 2003; and Resolution No. 07-056, January 23, 2007); and

WHEREAS, Mark Krebsbach has solid technical and leadership skills and a strong customer orientation that is an asset to the County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby reappoints Mark Krebsbach to the position of Dakota County Engineer for a four-year term of May 30, 2010 through May 31, 2014.

**10-239****Authorization To Accept Parks And Trails Legacy Grant And Authorization To Execute Grant Agreement With State Of Minnesota**

WHEREAS, in 2008, Minnesota residents approved the 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 Parks and Trails Legacy Program administered by the Minnesota Department of Natural Resources (DNR); and

WHEREAS, by Resolution No. 09-549 (October 20, 2009), the Dakota County Board of Commissioners authorized the submission of six grant applications, including a \$11,250 grant through the Parks and Trails Legacy Program for a solar hot water system at the Lebanon Hills Regional Park campground; and

WHEREAS, Resolution No. 09-549 also directed that the solar hot water system project be included in the 2010-2014 Parks and Open Space Capital Improvement Program and that, subject to award of the grant, the County Board will consider authorizing the execution of the grant agreement at a future meeting; and

WHEREAS, on February 22, 2010, the DNR notified Dakota County that the grant application for the solar hot water system was selected for \$11,000 of funding; and

WHEREAS, the solar hot water system project at the Lebanon Hills Regional Park campground is included in the approved 2010-2014 Capital Improvement Program in the amount of \$11,250, plus an estimated \$4,000 of local cash match derived from the Public Facilities Upkeep Fund, and installation will be coordinated by park staff with staff hours providing an in-kind contribution, for a total estimated project cost of \$20,160; and

WHEREAS, the \$250 discrepancy between the grant request and award is not considered material to the financial feasibility of the project; and

WHEREAS, the DNR requires that the County Board officially accept the grant award, enter into an agreement with the State of Minnesota, comply with all applicable laws, and name a Dakota County fiscal agent for the grant.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the Parks and Trails Legacy grant in the amount of \$11,000 for the construction of a solar hot water system at the Lebanon Hills Regional Park Campground; and

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BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a grant agreement with the State of Minnesota for said grant award, subject to approval of the County Attorney's office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby agrees to comply with all applicable laws, environmental requirements and regulations, as stated and agreed upon in the grant agreement; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby names the fiscal agent for Dakota County for this project as:

Finance Director or Designee  
Dakota County  
Department of Financial Services

; and

BE IT FURTHER RESOLVED, That Dakota County hereby assures that the solar hot water system project will be maintained for a period of no less than 20 years.

**10-240**

**Authorization To Execute Revision Number 1 To Cooperative Agreement 73-6322-09-01 To Receive Federal Farm And Ranch Lands Protection Program Matching Funds For Fiscal Year 2010**

WHEREAS, the County Board has established a Farmland and Natural Areas Program; and

WHEREAS, the Natural Resources Conservation Service (NRCS) of the United State Department of Agriculture administers the federal Farm and Ranch Lands Protection Program (FRPP) which provides up to 50 percent of the cost of acquiring permanent agricultural conservation easements through the Farmland and Natural Areas Program; and

WHEREAS, by Resolution No. 10-130 (February 23, 2010), the County Board approved submission of a Fiscal Year (FY) 2010 FRPP funding proposal to the state office of the NRCS; and

WHEREAS, the NRCS notified Dakota County on March 24, 2010, that the County has been allocated the entire State of Minnesota's FY 2010 FRPP allocation totaling \$1,385,800; and

WHEREAS, a cooperative agreement with the United States Commodity Credit Corporation through the NRCS is necessary before Dakota County is eligible to receive FRPP FY 2010 matching funds; and

WHEREAS, by Resolution No. 09-368 (July 21, 2009), the County Board authorized the Physical Development Director to execute Cooperative Agreement No.73-6322-09-01 to secure FY 2009 FRPP funds; and

WHEREAS, the NRCS has drafted Revision Number 1 to the Cooperative Agreement No.73-6322-09-01 as the basis for securing FY 2010 FRPP funds; and

WHEREAS, the NRCS has requested that Revision Number 1 to the Cooperative Agreement No. 73-6322-09-01 be executed by the County and submitted no later than May 15, 2010.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute Revision Number 1 to the Cooperative Agreement No. 73-6322-09-01 with the United States Commodity Credit Corporation through the Natural Resources Conservation Service to provide up to \$1,385,800 of Fiscal Year 2010 Farm and Ranch Lands Protection Program matching funds to Dakota County for acquiring permanent agricultural conservation easements, subject to approval by the County Attorney's Office as to form.

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**10-241**

**Award Of Bid And Authorization To Execute Contract With Highway Technologies, Inc. For County Project 97-101 Epoxy Pavement Markings At Locations On County Highway System**

WHEREAS, to promote an efficient transportation system throughout Dakota County, the Transportation Department uses epoxy markings for centerline, edgeline, and pavement markings on several County roads; and

WHEREAS, in order to secure favorable pricing, the County bid for the services on behalf of Dakota County and all of the political subdivisions that sign a Joint Purchasing Agreement with Dakota County; and

WHEREAS, pursuant to advertisement, three bids were received for epoxy markings on the County Highway System until 9:00 a.m. on April 27, 2010; and

WHEREAS, depending on the County's specific needs, the County may increase or decrease quantities of any contract item or may choose not to utilize the contract at all; and

WHEREAS, the bid by Highway Technologies, Inc. in the amount of \$166,100, is the lowest responsible bid received; and

WHEREAS, the County Engineer recommends awarding the contract to Highway Technologies, Inc. for epoxy markings in an amount not to exceed \$250,000; and

WHEREAS, funds in the amount of \$250,000 are included in the approved 2010 Capital Improvement Program (CIP) for Durable Pavement Markings; and

WHEREAS, the epoxy contract includes \$250,000 in durable markings; and

WHEREAS, the contract allows Dakota County to utilize quantity amounts for County Project (CP) 97-101 up to \$250,000 depending on the County's needs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Division Director to execute the contract with Highway Technologies, Inc. for epoxy markings in an amount not to exceed \$250,000, 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:

<b>Expense</b>	
CP 97-101 Epoxy Pavement Markings Contract	\$250,000
Durable Pavement Markings	(250,000)
<b>Total Expense</b>	<b>\$0</b>

**10-242**

**Authorization To Execute Traffic Signal Agreement With City Of Eagan For County Project 28-30**

WHEREAS, promoting safe and efficient operation of the highway system throughout the County is the mission of the Transportation Department; and

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

WHEREAS, County Project 28-30 will implement improvements to the West Segment of CSAH 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

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WHEREAS, County Project 28-30 also includes the installation of a traffic signal at the relocated intersection of CSAH 28 and Promenade Avenue; and

WHEREAS, a traffic signal agreement is necessary to define the traffic signal installation cost shares and maintenance and operation responsibilities at the intersection of CSAH 28 and Promenade Avenue as a part of CP 28-30; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a traffic signal agreement with the City of Eagan for the new traffic signal at the intersection of CSAH 28 and Promenade Avenue for County Project 28-30 in accordance with County policy, subject to approval by the County Attorney's Office as to form.

**10-243**

**Authorization To Execute Traffic Signal Agreement No. 96049R With Minnesota Department Of Transportation And City Of South St. Paul For State Project 1912-56, County Project 14-24**

WHEREAS, promoting safe and efficient operation of the highway system throughout the County is the mission of the Transportation Department; and

WHEREAS, the County is partnering with the Minnesota Department of Transportation (Mn/DOT) and the City of South St. Paul for State Project 1912-56, County Project (CP) 14-24, SAP 019-614-010; and

WHEREAS, CP 14-24 is the removal of the existing traffic signal system and installation of a new signal system to current standards at the intersection of Minnesota Highway 156 and County State Aid Highway (CSAH) 14 (Grand Avenue) with a new traffic signal system and Emergency Vehicle Preemption (EVP); and

WHEREAS, Mn/DOT is the lead agency on CP 14-24; and

WHEREAS, the 2010-2014 Transportation Capital Improvement Program (CIP) budget includes funds for unspecified signal projects that can be utilized for CP 14-24; and

WHEREAS, a budget amendment is needed to transfer funds in the Transportation CIP to CP 14-24 in the amount of \$50,050 from Unspecified Signal Funds; and

WHEREAS, a joint powers agreement with Mn/DOT and the City of South St. Paul is needed to define costs and responsibilities associated with the removal and construction, and maintenance and operation responsibilities of the traffic signal at the intersection of Minnesota Highway 156 and CSAH 14 (Grand Avenue) for CP 14-24; and

WHEREAS, Agreement No. 95020R will supersede and terminate the applicable operating and maintenance terms of Agreement Nos. 82-15 (June 8, 1982), and 58293 (Resolution No. 44, August 17, 1976), previously entered into between Dakota County, Mn/DOT and the City of South St. Paul, for the signal at Minnesota Highway 156 at CSAH 14 (Grand Avenue), formerly John Carroll Boulevard.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute Agreement No. 96049R with Mn/DOT and the City of South St. Paul for State Project 1912-56, County Project 14-24, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2010 Transportation Capital Improvement Program is hereby amended as follows:

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<b>Expense</b>	
CP 14-24	\$50,050
Unspecified Signal Projects	(50,050)
<b>Total Expense</b>	<b>\$0</b>

**10-244****Authorization To Execute Joint Powers Agreement With City Of Eagan For Turn Lane Construction On County State Aid Highway 32, County Project 32-69**

WHEREAS, Dakota County is the lead agency for pavement preservation projects and the 2010 projects include work on County State Aid Highway (CSAH) 32 (Cliff Road), County Project 32-69, in the City of Eagan; and

WHEREAS, County Project 32-69 will resurface CSAH 32 from Slater Road to Interstate 35E and includes the construction of west bound right turn lanes on CSAH 32 at Cliff Drive, Scott Trail, and Park Center Drive, the construction of a second west bound left turn on CSAH 32 at Cliff Lake Road/Rahncliff Road and revisions to the signal system; and

WHEREAS, the approved 2010-2014 Transportation Capital Improvement Program (CIP) includes County and City funding in 2010 for Safety and Management Projects to cover the costs for CSAH 32 turn lane construction and revisions to the signal system; and

WHEREAS, the City of Eagan will reimburse the County for their share of costs associated with turn lane construction and signal system revisions.

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 Eagan for turn lane construction and signal system revisions on CSAH 32 in County Project 32-69, in accordance with County policy, subject to approval by the County Attorney's Office as to form.

**10-245****Cancellation Of Public Hearing To Receive Comments On Proposed Amendments To Dakota County Ordinance No. 50, Shoreland Zoning And Floodplain Management**

WHEREAS, since 1980, Dakota County has been one of more than 20,400 participating communities in the National Flood Insurance Program (NFIP); and

WHEREAS, as a requirement for NFIP participation, Dakota County administers a floodplain program by ordinance throughout the 13 unincorporated townships, which includes maps and a flood insurance study to ensure new construction is safely located outside of designated floodplain areas; and

WHEREAS, since late 2003, Dakota County has partnered with Federal Emergency Management Agency (FEMA) to complete a new county-wide floodplain restudy; and

WHEREAS, in January of this year, FEMA approved the final floodplain maps and insurance study and had required Dakota County to adopt the new maps and insurance study by amending Ordinance No. 50 by June, 2010; and

WHEREAS, the Dakota County Board of Commissioners scheduled a public hearing for Tuesday, May 18, 2010, in the Board Room, Dakota County Administration Center, Hastings, Minnesota, to receive comments on the proposed amendments to Dakota County Ordinance No. 50, Shoreland Zoning and Floodplain Management; and

WHEREAS, FEMA subsequently notified the County on April 20, 2010, that it was rescinding its prior approval of the final floodplain maps because of procedural errors on the part of FEMA and its contractor; and

WHEREAS, FEMA has indicated that the correction of these errors will result in a delay of at least 14 months for FEMA to issue a final approval notification for the maps.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby cancels the public hearing previously scheduled for May 18, 2010, to receive comments on the proposed amendments to Dakota County Ordinance 50, Shoreland and Floodplain Management.

**10-246**

**Authorization To Renew Contract With Allina Medical Clinic For Medical Services For Jail Inmates**

WHEREAS, the Dakota County Sheriff's Office has contracted with Allina Medical Clinic for the purpose of providing on-site medical services to the inmates of the Dakota County Jail since 1989; and

WHEREAS, the Sheriff and representatives of Allina Medical Clinic would like to continue this relationship in 2010.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Sheriff to execute a contract with Allina Medical Clinic for jail medical services at a cost of \$87,497, and any additional medical services provided by Allina Medical Clinic according to the Allina Standard Fee Schedule in a total contract amount not to exceed \$110,000 for the period of January 1, 2010, through December 31, 2010, subject to approval by the Dakota County Attorney's office as to form.

**10-247**

**Award Of Bid And Authorization To Execute Contract For Furnishing, Printing And Delivery Of Ballots**

WHEREAS, a Primary and General Election will be held in 2010, and the Property Taxation and Records Department is responsible for the preparation, furnishing, printing and delivery of ballots for all local governments in Dakota County; and

WHEREAS, \$90,000 is included in the Property Taxation and Records Department budget for 2010 election support, which includes the cost of ballots; and

WHEREAS, pursuant to advertisement, bids for this project were received until 10:00 a.m. on April 19, 2010; and

WHEREAS, two bids were received; and

WHEREAS, Graphic Design, Inc. submitted the lowest responsible bid in an amount not to exceed \$90,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Property Taxation and Records Director to execute a contract with Graphic Design, Inc. for the furnishing, printing and delivery of ballots for the 2010 Primary and General Election in an amount not to exceed \$90,000, subject to approval by the County Attorney's Office as to form.

**10-248**

**Approval Of Application For Permit For 1 To 4 Day Temporary On-Sale Liquor License**

WHEREAS, an application was received from Farmington Eagles #4031 for a 2 day on-sale liquor license; and

WHEREAS, the application was reviewed and approved by the County Sheriff, County Attorney and Castle Rock Township.

NOW THEREFORE BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from Farmington Eagles #4031 for a 2 day on-sale liquor license issued by Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division for the period of May 15-16, 2010, for a World War II Re-enactment event hosted by Dakota City Heritage Village, Inc. located at the Dakota County Fairgrounds; and

BE IT FURTHER RESOLVED, That the County Property Taxation and Records Department is authorized to approve the application upon payment of the proper fees.

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**10-249****Approval Of Applications For 3.2% Temporary Malt Beverage Licenses**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following applications for temporary licenses to sell 3.2% Malt Beverages and authorizes the Property Taxation and Records to issue licenses upon payment of the proper fees:

Castle Rock Township:

Hispano Records, Inc.

La Mera Buena Event (Held at Fairgrounds)	May 9, 2010	\$34.00	Temp On-Sale
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Dakota County Agricultural Society, Inc.

Dakota County Fair	August 9-15, 2010	\$34.00	Temp On-Sale
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**10-250****Approval Of Application For Assemblage Of Large Numbers Of People License For Dakota City Heritage Village, Inc. World War II Re-Enactment**

WHEREAS, an application has been submitted by Dakota City Heritage Village, Inc. for a World War II (WW II) Re-enactment on May 15-16, 2010; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed license, and the application has been reviewed for compliance with County Ordinance No. 112 and has been approved by the Public Services and Revenue Division, Physical Development Division, Public Health Department, Risk Management and Sheriff's Office; and

WHEREAS, Castle Rock Township has been notified of said event and does not intend to consider the matter.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application for Assemblage of Large Numbers of People license received from Dakota City Heritage Village, Inc. for the WW II Re-enactment to be held May 15-16, 2010, at the Dakota County Fairgrounds, and authorizes the County Property Taxation and Records Director to issue the license.

**10-251****Approval Of Application For Assemblage Of Large Numbers Of People License For La Mera Buena**

WHEREAS, an application has been submitted by La Mera Buena to host a Cinco de Mayo and Mothers Day event on May 9, 2010, at the Dakota County Fairgrounds; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed license, and the application has been reviewed for compliance with County Ordinance No. 112 and has been approved by the Public Services and Revenue Division, Physical Development Division, Public Health Department, Risk Management and Sheriff's Office; and

WHEREAS, Castle Rock Township has been notified of said event and does not intend to consider the matter.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application for Assemblage of Large Numbers of People license received from La Mera Buena to host a Cinco de Mayo and Mothers Day event at the Dakota County Fairgrounds to be held May 9, 2010, at the Dakota County Fairgrounds, and authorizes the County Property Taxation and Records Director to issue the license.

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**10-252**

**Approval Of Application For Assemblage Of Large Numbers Of People License For Minnesota Scottish Fair And Highland Games**

WHEREAS, an application has been submitted by Donald Cogswell, President of Minnesota Scottish Fair and Highland Games, to hold an event at the Dakota County Fairgrounds on May 22, 2010; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed license, and the application has been reviewed for compliance with County Ordinance No. 112 and has been approved by the Public Services and Revenue Division, Physical Development Division, Public Health Department, Risk Management and Sheriff's Office; and

WHEREAS, Castle Rock Township has been notified of said event and does not intend to consider the matter.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application for Assemblage of Large Numbers of People license received from Donald Cogswell, President, Minnesota Scottish Fair and Highland Games to host an event at the Dakota County Fairgrounds to be held May 22, 2010, and authorizes the County Property Taxation and Records Director to issue the license.

END OF CONSENT AGENDA

ayes 7

nays none

There were no plats presented for approval.

An appointment was made to the Dakota-Scott Workforce Investment Board.

**10-253**

**Appointment To Dakota-Scott Workforce Investment Board**

Motion: Comm. Branning

Second: Comm. Harris

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individual to the Dakota-Scott Workforce Investment Board:

Representing	Name	Term Ending
Private	Mandy LaChance	June 30, 2011

ayes 7

nays none

**10-254**

**Authorization To Approve Settlement With Autumn Libby, Richard Mickelson And Valerie Mickelson**

Motion: Comm. Schouweiler

Second: Comm. Krause

WHEREAS, Dakota County, through County Project (CP) 30-09, constructed a roundabout at the intersection of Diffley Road and Rahn Road in the City of Eagan; and

WHEREAS, Dakota County received a right of entry from Autumn Libby to use 1,890 square feet of the parcel she is purchasing on a contract for deed from Richard and Valerie Mickelson (PID 10-16700-130-11) for a temporary construction easement; and

WHEREAS, Autumn Libby, through her attorney, has rejected all settlement offers made by the County; and

WHEREAS, Dakota County purchased fee simple title to the parcel immediately east of the Libby parcel (PID 10-16700-120-11), removed all improvements and used a portion for additional right of way; and

May 4, 2010

WHEREAS, a tentative settlement has now been negotiated with Autumn Libby, subject to County Board approval; and

WHEREAS, the approval provides for payment of \$15,000 and execution of a quit claim deed conveying Dakota County's interest in the remnant portions of PID 10-16700-120-11 to Autumn Libby, Richard Mickelson and Valerie Mickelson in full, final and complete settlement of all claims arising from this right of way acquisition; and

WHEREAS, the County Board finds the settlement to be fair and appropriate and in the best interest of all parties to avoid the additional time, expense and risk of initiating litigation to resolve this matter.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes payment to Autumn Libby, Richard Mickelson and Valerie Mickelson of the sum of \$15,000, and further authorizes the Chair of the Board and the Clerk to the Board to execute a quit claim deed to be prepared by the County Attorney to all three individuals for the remnant portions of PID 10-16700-120-11, as full, final and complete settlement for all damages owing to said individuals, caused by the acquisition of right of way for CP 30-09; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby instructs the Dakota County Treasurer-Auditor to combine for property tax purposes PID 10-16700-120-11 and 10-16700-130-11 into one tax parcel in accordance with Minn. Stat. §272.46.

ayes 7

nays none

**10-255**

**Closed Executive Session: Demand Of Qwest Corporation For Reimbursement Of Costs To Relocate Utilities, County Project 28-36**

Motion: Comm. Harris

Second: Comm. Schouweiler

WHEREAS, in 2008, Dakota County reconstructed County Road 28 (80<sup>th</sup> Street) between Babcock Trail and Robert Street in the City of Inver Grove Heights (County Project 28-36); and

WHEREAS, in connection with County Project 28-36, Dakota County has entered into a joint powers agreement with the City of Inver Grove Heights, pursuant to which, inter alia, the City of Inver Grove Heights installed new municipal utility lines within the right of way of County Road 28; and

WHEREAS, installation of new municipal utility lines required Qwest Corporation to relocate its utilities that were already located within the right-of-way of County Road 28; and

WHEREAS, on April 21, 2010, Qwest Corporation demanded that Dakota County and the City of Inver Grove Heights reimburse Qwest Corporation for its costs to relocate its utilities, in the amount of \$311,732.27; and

WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to its legal duty, if any, to pay such demand and with respect to the strategy of defending against the demand, the public disclosure of which would benefit Qwest Corporation and its counsel to the detriment of Dakota County's position; and

WHEREAS, pursuant to Minn. Stat. § 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 May 4, 2010, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, in order to discuss with the County Attorney the legal strategy of defending against the demand of Qwest Corporation for reimbursement of its costs to relocate its utilities in connection with County Project 28-36.

ayes 7

nays none

May 4, 2010

The time being 9:24 a.m. and pursuant to public notice and Resolution No. 10-255, the County Board adjourned to Conference Room 3A to hold Closed Executive Session to discuss the legal strategy of defending against the demand of Qwest Corporation for reimbursement of its costs to relocate its utilities in connection with County Project 28-36.

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  
Mike Ring, Assistant County Attorney  
Lynn Thompson, Physical Development Director  
Mark Krebsbach, Transportation Director

The Closed Executive Session continued until 9:45 a.m., at which time the Board reconvened in the Board Room, with all members present.

Received a Legislative Update.

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

**10-256**

**Adjournment**

Motion: Comm. Krause

Second: Comm. Schouweiler

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, May 18, 2010.

ayes 7

nays none

The County Board meeting was adjourned at 10:28 a.m.

Thomas A. Egan  
Chair

ATTEST

Brandt Richardson  
County Administrator