

May 18, 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, May 18, 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:

Mike Huntington, Apple Valley

10-257
Approval Of Agenda

Motion: Comm. Workman

Second: Comm. Krause

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on May 18, 2010, with the following revision:

- Item 9.1 – Authorization To Execute Contracts With Premium Electric Services And A&J Electric For Electrical Maintenance, Repair, And Installation Services was moved from the consent agenda to the regular agenda.

ayes 7

nays none

The time being 9:02 a.m., and pursuant to public notice, a public hearing was held for the purpose of receiving comments on the Issuance By Dakota County Community Development Agency Of Bonds To Finance Affordable Rental Housing For Seniors (Agenda Item 5.1). Dakota County Community Development Agency Executive Director Mark Ulfers presented this item and introduced Springsted, Inc. Financial Advisor Kathy Aho, Presbyterian Homes President and CEO Dan Lindh, and Assistant Director of Housing Finance Deborah Haugh. Mr. Lindh commented on the Valley Ridge Shopping Center housing project in Burnsville. Interested parties desiring to be heard were afforded the opportunity to address the County Board. No one appeared.

10-258
Closing Of Public Hearing

Motion: Comm. Krause

Second: Comm. Harris

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

ayes 7

nays none

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10-259

Approve Issuance By Dakota County Community Development Agency Of Bonds To Finance Affordable Rental Housing For Seniors

Motion: Comm. Gaylord

Second: Comm. Schouweiler

WHEREAS, pursuant to Minnesota Statutes, Chapter 475 and Sections 469.001 through 469.047 (Act), and particularly Section 469.034, Subd. 2, the Dakota County Community Development Agency (CDA) is authorized to issue its bonds to finance or refinance qualified housing development projects and, with the consent of Dakota County (County), to pledge the County's full faith and credit to such bonds; and

WHEREAS, the CDA proposes to issue bonds (New Money Bonds) to finance three multifamily rental housing developments expected to be located in Farmington, South St. Paul and Burnsville (together, the Developments), each of which will provide housing for low and moderate income elderly persons and each of which constitutes a qualified housing development project; and

WHEREAS, the Burnsville Development will contain both an independent senior living facility to be operated by the CDA and an assisted living facility expected to be leased to Presbyterian Homes, a qualified 501(c)(3) organization, to further the CDA's program of providing affordable senior housing; and

WHEREAS, the CDA further proposes to issue refunding bonds (Refunding Bonds) to refund some or all of the outstanding principal amount of certain bonds secured by the full faith and credit of the County, which were previously issued by the Agency to finance qualified housing development projects providing housing for low and moderate income elderly persons in order to achieve debt service savings; and

WHEREAS, the CDA has requested that the County approve the pledge by the CDA of the County's full faith and credit to the New Money Bonds and the Refunding Bonds; and

WHEREAS, the Act requires as a condition precedent to issuance of the New Money Bonds that both the CDA and the County hold public hearings regarding the issuance of the bonds; and

WHEREAS, the CDA conducted a public hearing on May 11, 2010; and

WHEREAS, the County Board conducted a public hearing on May 18, 2010.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the issuance by the CDA of the New Money Bonds to finance the Developments and the pledge by the CDA of the full faith and credit of the County to secure such bonds, subject to a determination by the CDA that the revenues pledged to the payment of the New Money Bonds will equal or exceed 110% of the principal and interest due on the New Money Bonds for each year of their term; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the issuance by the CDA of the Refunding Bonds to refund some or all of the outstanding principal amount of the Prior Bonds and the pledge by the CDA of the full faith and credit of the County to the Refunding Bonds; and

BE IT FURTHER RESOLVED, That the maximum principal amount of the New Money Bonds and the Refunding Bonds, plus the outstanding principal amount of bonds previously issued pursuant to Section 469.034, Subd. 2 (not including any Prior Bonds to the extent refunded), shall not exceed one-half of one percent of the taxable market value of the County; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes staff of Dakota County to work cooperatively with the CDA in the preparation of a preliminary official statement and a final official statement with respect to the New Money Bonds and Refunding Bonds and to execute and deliver such documents and certificates, including without limitation, a continuing disclosure agreement, as are necessary or convenient to provide for the issuance of the New Money Bonds and Refunding Bonds.

ayes 7

nays none

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The consent agenda was then approved as follows:

Motion: Comm. Schouweiler

Second: Comm. Workman

10-260

Approval Of Minutes

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held May 4, 2010, as presented and entered in Commissioners' Record 2010.

10-261

Authorization To Amend 2010 CJIN Budget To Add 1.0 FTE For Dakota County Law Enforcement Agency Records Management System Support

WHEREAS, the Dakota County Board of Commissioners supports the effort of law enforcement agencies in the county to upgrade their 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 (RMS) 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, the County and the participating cities have signed a joint powers agreement (JPA) delegating certain responsibilities to the CJIN Office for the support of the RMS; and

WHEREAS, the costs associated with support will be provided from participating JPA agencies in an amount to support the FTE expense, based on the cost allocation formula included in the JPA and will continue only so long as revenues are provided by the participating agencies; and

WHEREAS, the Dakota County Board of Commissioners supports the hiring of one FTE position to assist the CJIN Office in meeting its obligations to support the multijurisdictional police records management system.

NOW, THEREFORE, BE IT RESOLVED, That the 2010 CJIN Office budget is hereby amended as follows:

Expense:

1.0 FTE Systems Analyst (6 months)	
Salary	\$28,026
Health Insurance	9,312
FICA	2,144
PERA	1,892
Other benefits	154
Staff training	210
Office supplies	500
County Wide Indirect	4,046
Total Expense	\$46,284

Revenue:

Reimbursement from JPA Agencies	\$46,284
Total Revenue	\$46,284

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10-262

Request For Approval Of Burnhaven Library Renovation Design Development

WHEREAS, the 2010 – 2014 Building Capital Improvement Program (CIP) authorized the renovation of the Burnhaven Library to include adding the Burnsville License Center to the building, with a project budget of \$2,422,000; and

WHEREAS, the project will improve patron and staff accessibility and use of the library; and

WHEREAS, Dakota County staff have worked with Wold Architects and Engineers to complete a Design Development Plan for the Burnhaven Library Renovation Project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the Design Development Plan for the Burnhaven Library as presented at the Administration/Finance/Policy Committee of the Whole meeting on May 4, 2010.

10-263

Authorization To Proceed With Security Upgrades For Juvenile Services And Law Enforcement Centers

WHEREAS, the electronic security systems in the Juvenile Services and Law Enforcement Centers are ten years old, reaching the end of their useful lives, and becoming increasingly difficult to repair and maintain; and

WHEREAS, the project goal is to replace or upgrade critical security systems prior to failure; and

WHEREAS, Wold Architects, along with Latta Technical Services, was awarded the security consulting contract on October 20, 2009, to study existing security systems, make recommendations for improvements, and complete the design and specifications for all system improvements; and

WHEREAS, the consultant has completed review of all security systems and prepared the final report, which includes recommendations and estimated costs to upgrade the various security systems in each building; and

WHEREAS, the report and recommendations have been reviewed by the County project team to ensure that all security needs are being addressed for both buildings; and

WHEREAS, based upon operational needs and the condition of existing systems, the Sheriff's Office and Community Corrections Department have prioritized their recommendations for scheduling upgrades by project year; and

WHEREAS, based upon the current conditions of each security system and consultant recommendations, staff recommend that the design be completed for all security systems and upgrades to the following systems be completed in 2010:

Law Enforcement Center	Camera, Duress and Video Visitation Systems
Juvenile Services Center	Central Control Panel

; and

WHEREAS, funding in the amount of \$365,900 is available in the 2010 project budget to address these needs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioner hereby authorizes project staff to proceed with the design phase, specifications, and bidding for security system upgrades for the Law Enforcement and Juvenile Services Centers, based upon the Security Report and recommendations prepared by Wold Architects.

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10-264**Authorization To Execute Water Supply Wells Delegation Agreement With Minnesota Department Of Health**

WHEREAS, the Minnesota Department of Health (MDH) is charged with protecting public health and groundwater under Minn. Stat. Chs. 103I and 144 and has the duty to regulate and inspect the construction, repair, and sealing of water-supply wells; and

WHEREAS, under Minn. Stat. § 103I.111, the MDH has the authority to delegate all or part of these duties to a local board of health through a written delegation agreement; and

WHEREAS, the Dakota County Board of Commissioners acts as the County Board of Health pursuant to Minn. Stat. § 145A.01, subd. 1(a) (Resolution No. 87-4); and

WHEREAS, since 1989, the MDH has delegated the aforementioned duties to Dakota County through a delegation agreement; and

WHEREAS, the delegation agreement was last updated in 1992, and the MDH is requesting that Dakota County execute an updated version; and

WHEREAS, Dakota County desires to continue to exercise the authorities delegated to it by the MDH to regulate water-supply wells to protect public health and safety, the environment and groundwater resources.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes its Chair to execute the water-supply wells delegation agreement with the Minnesota Department of Health, as presented to the Physical Development Committee of the Whole at its meeting on May 11, 2010, subject to approval by the County Attorney's Office as to form.

10-265**Authorization To Execute Contract With Dakota Electric And Agreement 96754 With Minnesota Department Of Transportation, And Authorization For Dakota County To Pay Maintenance And Utility Costs For County Project 97-89**

WHEREAS, to provide a safe and efficient transportation system, transportation staff reviews rural County roadway segments and identifies best measures to improve safety; and

WHEREAS, rural intersection street lights are low-cost safety measures that can reduce both day and night crashes by improving awareness of drivers approaching an intersection; and

WHEREAS, Transportation staff assessed all 56 unlit county-road-to-county-road intersections (paved or unpaved County State Aid Highway or County Road) within townships based on safety and volume criteria; and

WHEREAS, County Project (CP) 97-89 is the installation of lighting at 17 identified rural county road intersections; and

WHEREAS, County staff determined the most cost feasible method for constructing CP 97-89 was through a contract with Dakota Electric (sole source for this project method); and

WHEREAS, the total estimated cost of CP 97-89 is \$91,000 with a federal contribution of \$81,000 for the project cost through the central safety fund program; and

WHEREAS, since the adopted 2025 Transportation Plan provides for up to fifty percent County cost share for intersection street lights when addressing a safety issue and does not allow for County participation in maintenance or operation costs, nor does the Transportation Plan obligate the townships to cost participate in County projects, a variation from current policy is necessary to proceed with CP 97-89 and the future operating and maintenance costs associated with the project; and

WHEREAS, the County would contribute \$10,000 of the project cost from the Safety and Management fund to CP 97-87; and

WHEREAS; sufficient funds are available and will be administratively transferred; and

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WHEREAS, the County will pay energy and maintenance costs from the current Traffic Operations Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Dakota Electric for CP 97-89, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute agreement 96754 with the State of Minnesota, Department of Transportation for federal participation in Force Account for SP 19-070-02; M.P.CSF 08(054), rural intersection lighting for the Commissioner of Transportation to be appointed as Agent of the County to accept federal aid funds, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Transportation Director/County Engineer to pay annual maintenance and energy costs for CP 97-89 through the Traffic Operations Budget.

10-266

Authorization To Revoke County Road Status And Designate County State Aid Highway Status For Segment Of County State Aid Highway 28 (80 Street East) In City Of Inver Grove Heights

WHEREAS, designation of County State Aid Highway 28 (80th Street East) provides an east-west connection and completes Dakota County's 1998 mileage request to the Minnesota Department of Transportation (Mn/DOT) Screening Board; and

WHEREAS, the roadway serves local and regional traffic; and

WHEREAS, for this segment of roadway, the Dakota County Engineer recommends revoking CR status and designating the roadway as County State Aid Highway (CSAH) 28; and

WHEREAS, Mn/DOT rules require County Board actions to occur on all revocations and designations; and

WHEREAS, Mn/DOT rules require City Council action of concurrence for designation following County Board action; and

WHEREAS, City of Inver Grove Heights staff has indicated the City's intent to revoke Municipal State Aid (MSA) status and to pass a resolution of concurrence with the County's proposed CSAH designation; and

WHEREAS, designation of CSAH mileage to new or existing segments of County Roads will enhance Dakota County's CSAH system continuity; and

WHEREAS, the County Engineer recommends designation of CSAH status for CR 28.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby designates County State Aid Highway status, subject to the approval of the Commissioner of Transportation of the State of Minnesota, for segments of CSAH 28 as follows:

County State Aid Highway 28 beginning in Sections 8 & 17, Township 27 North, Range 22 West, at the westerly junction of CSAH 73 (Babcock Trail); thence easterly along 80th Street East through said sections 9, 10, 11, 14, 15, 16, Township 27 North, Range 22 West, in Inver Grove Heights to the westerly junction of County State Aid Highway (CSAH) 56 (Concord Boulevard), and there terminating; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Transportation Director/County Engineer to forward two certified copies of this resolution and the supporting resolution from the City of Inver Grove Heights to the Minnesota Commissioner of Transportation for approval.

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10-267**Authorization To Execute Agreement With City Of Inver Grove Heights For Revocation Of County State Aid Status For Segment Of County State Aid Highway 32**

WHEREAS, to provide safe and efficient transportation system, a County State Aid Highway (CSAH) may be designated for higher traffic highways serving more than local traffic needs; and

WHEREAS, with the construction of the 117th Street interchange, the function of the easterly portion of CSAH 32 along the 105th Street roadway has changed and no longer meets the above criteria; and

WHEREAS, Minnesota Department of Transportation (Mn/DOT) rules require County Board actions to occur on all revocations; and

WHEREAS, the City of Inver Grove Heights intends to pass a resolution of concurrence with the County's proposed CSAH revocation; and

WHEREAS, City of Inver Grove Heights staff has indicated the City's interest to designate this turnback as an Municipal State Aid (MSA) roadway to fill a gap in their existing MSA system; and

WHEREAS, designation of the revoked CSAH mileage to new or existing segments of County Roads will enhance Dakota County's CSAH system continuity; and

WHEREAS, the County Engineer recommends revocation of CSAH 32 status for CSAH 32 (105th Street).

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby revokes County State Aid Highway status, subject to the approval of the Commissioner of Transportation of the State of Minnesota for segments of CSAH 32 as follows:

That portion of County State Aid Highway No. 32 located in Sections 29, 28 and 27, Township 27 North, Range 22 West, Dakota County, Minnesota, lying easterly, northeasterly and easterly of the following described line: Beginning at the easterly junction of C.S.A.H. 32 and Rich Valley Boulevard in said Section 29; thence easterly, northeasterly and easterly through said Sections 29, 28 and 27 to the westerly junction of U.S. Highway No. 52/Trunk Highway No. 56 in Inver Grove Heights, Minnesota and said line there terminating; EXCEPT that portion of C.S.A.H. 32 as revoked in Commissioners Order No. 88280; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Transportation Director/County Engineer to forward two certified copies of this resolution and the supporting resolution from the City of Inver Grove Heights to the Minnesota Commissioner of Transportation for approval; and

BE IT FURTHER RESOLVED, That the County Board Chair and the Clerk to the County Board are hereby authorized to execute a Quit Claim Deed with the City of Inver Grove Heights, in a form approved by the County Attorney's Office, releasing the County's interest in the right of way for the above described segment of road in Inver Grove Heights.

10-268**Authorization To Accept Brownfields Grants From U.S. Environmental Protection Agency**

WHEREAS, the economic redevelopment of "Brownfields" supports the Dakota County Board of Commissioners goals for quality physical environment, economic vitality, and healthy citizens; and

WHEREAS, by Resolution No. 09-353 (July 21, 2009), the Dakota County Board of Commissioners authorized the submission of two grant applications to the Environmental Protection Agency (EPA) for Brownfields Assessments; and

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WHEREAS, Dakota County has been awarded two EPA Brownfields Assessment Grants, one for assessing petroleum contamination and the other for assessing hazardous substance contamination; and

WHEREAS, these grants provide funding to inventory, characterize, assess, prioritize, and engage in community involvement for restoration of brownfields sites; and

WHEREAS, the County is capable of implementing these grants and has experience and expertise in brownfields assessment and cleanup; and

WHEREAS, Dakota County will involve cities and townships in identifying sites with the potential for beneficial re-use and redevelopment; and

WHEREAS, authorization is requested to accept these two grants for a total of up to \$400,000, with no matching funds required; and

WHEREAS, an amendment to the Water Resources Department budget is requested to allow grant activity to take place.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts two grants, in the amount of \$200,000 each, totaling \$400,000, awarded to Dakota County by the US EPA for Brownfields Assessments; and

BE IT FURTHER RESOLVED, That the Dakota county Board of Commissioners hereby authorizes the Physical Development Director to execute all necessary grant related agreements and documents to accept the grant awards, subject to the approval of the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the Water Resources Department budget, as follows:

Revenue	
U.S. EPA	\$400,000
Expense	
Brownfields Assessment #1	\$200,000
Brownfields Assessment #2	\$200,000

10-269

Proclamation Of Emergency Medical Services Week And Recognition Of Accomplishments Of Local Emergency Medical Services Advisory Council

WHEREAS, by Resolution No. 87-4 (January 6, 1987), the Dakota County Board of Commissioners acts as the Community Health Board and has responsibility to prevent disease and disability and to promote and protect public health and safety of county citizens; and

WHEREAS, by Resolution No.01-398 (June 26, 2001), the Dakota County Board of Commissioners accepted the framework for a coordinated Emergency Medical Services system in Dakota County; and

WHEREAS, by Resolution No. 02-600 (November 26, 2002), the Dakota County Board of Commissioners established an Emergency Medical Services Committee; and

WHEREAS, by Resolution No. 03-218 (April 22, 2003), the Dakota County Board of Commissioners established the Emergency Medical Services Advisory Council's membership, structure, and advisory role to the Public Health Director; and

WHEREAS, emergency medical services are a vital public service; and

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WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating May 16 to May 22, 2010, Emergency Medical Services Week.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby proclaims May 16 to May 22, 2010, as Emergency Medical Services Week in Dakota County.

10-270**Authorization To Execute Contracts For Home And Community-Based Services**

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

WHEREAS, the Developmental Disabilities (DD) waiver serves persons who are developmentally disabled or have a related condition and likely to require the level of care provided in an Intermediate Care Facility for Persons with Mental Retardation or Related Conditions (ICF/MR); and

WHEREAS, Public Health and Social Services service coordinators authorize a wide range of services for clients based on individual client needs; and

WHEREAS, these services are provided by a variety of providers under contract with Dakota County, and provider agencies bill the Minnesota Department of Human Services (DHS) directly for services provided to AC/EW/CADI/CAC/TBI and DD waiver, SILS, and Group Residential Housing (GRH) eligible clients; and

WHEREAS, effective January 1, 2011, DHS will be assuming responsibility of contracting for waived services through a phased-in approach; hence, counties are being strongly advised to continue their contracts with providers in the interim; and

WHEREAS, the AC/EW/CADI/CAC/TBI and DD waiver and Group Residential Housing (GRH) rate limits are established by DHS on a state fiscal year basis (July 1-June 30); and

WHEREAS, contracts for services funded by the AC/EW/CADI/CAC/TBI and DD waivers are written to coincide with the state fiscal year funding cycle; and

WHEREAS, these contracts shall contain a provision that allows the County to immediately terminate the contract in the event sufficient funds from the County, state, or federal sources are not appropriated at a level sufficient to continue providing these services; and

WHEREAS, the execution of these contracts in no way obligates Dakota County to purchase services or refer clients.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contracts for home and community-based services with the following providers, at rates not to exceed those set forth by DHS or, when there are no rates established by DHS, at individually negotiated rates for the period of July 1, 2010 through June 30, 2012, subject to approval by the County Attorney's Office as to form:

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About U, Inc.
ACR Homes, Inc.
Active Self Reliance Services, Inc.
All Home Health, Inc.
Allen's Community Services, Inc.
Alliance Medical Supply, Inc.
Array of Solutions, LLC
Associated Clinic of Psychology
Axis Alternatives, Inc.
Behavior Solutions Plus, PA
Berget Foster Care
Boston Health Care Systems, Inc.
Capstone Services, LLC
Cennedeigh, Inc.
Chrestomathy of Dakota County
CLUES
Common Sense Services for Seniors, Inc.
Community Drug & Alcohol Services, Inc.,
DBA, Options Family & Behavior Services
Community Home Health, Inc.
Creative Care Resources, Inc.
Dakota Communities, Inc.
Dakota Homemaking Services, Inc.
DARTS
Divine Care, LLC
Divine Redeemer Mobile Meals
East Suburban Resources
Ebenezer Society, DBA Ebenezer Ridges
Adult Day Care; DBA Rich Valley Adult Day
Center; and DBA Ebenezer Daybreak
Forensics Community Residential Support
Services
Fraser
Fraser Child & Family Center
GAPP Services, Inc.
Genesis Adult Daycare, Inc.
Gracelyn Group, Inc.
Guild Incorporated
Hastings Family Services, Inc.,
DBA Hastings Meals on Wheels
HomeCare Resource, LLC
Howry Residential Services, Inc.
Infinity Independent Living Services, LLC
Integra Health Care, Inc.
Kaposia, Inc.
KCQ, Inc.
Kota Connections, Inc.
LEW, Inc.
Libra Support Services, LLC
Lifetime Resources, Inc.
Lifeworks Services, Inc.
Macson Services, Inc.
Mankato Rehabilitation Center, Inc.
Meals on Wheels, Northwest Dakota County
Mercury, Inc., DBA Right at Home
Midway Training Services, Inc.
Midwest Special Services, Inc.
Minnesota Department of Human Services, DBA
Minnesota State Operated Community Services
New Challenges, Inc.
Onsite Behavioral Health Service, Inc.
Opal In Home Services, Inc.
OPTIONS Residential, Inc.
Owakihi, Inc.
People Incorporated, Inc.
ProAct, Inc.
Professional Resource Network, Inc.,
DBA Professional Resource Network Home
Health Care
Progressive Individual Resources, Inc.
Recover Health of Minnesota, Inc.
Rem River Bluffs, Inc.
River Valley Homecare, Inc.
River Valley PCA Services, Inc.
Scott-Carver-Dakota CAP Agency, Inc.
South Metro Human Services
Stepping Out, Inc.
Student Experience, LLC
Superior Home Care, Inc.
Superior Home Health Care, Inc.
The Phoenix Residence, Inc.
Thomas Allen, Inc.
Thomas J. Apartments, Inc.
Universal Nursing Services, Ltd.,
DBA Universal Pediatric Services, Inc.
Vocational Support Services

; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute contracts with licensed family foster care providers to provide foster care and respite services funded by Medical Assistance waivers for the period of their licensure, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That individual client services rates for clients served in these licensed family foster care homes will be calculated at individualized rates using the Dakota County foster care rate setting tool; and

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BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute Group Residential Housing agreements with licensed providers of room and board services for the period of their licensure, subject to approval by the County Attorney's Office as to form; and

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

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

10-271

Authorization To Amend Social Services Budget To Allow Payment Of FFY 2003-2004 Targeted Case Management Services Disallowance Claim

WHEREAS, in October of 2007, the Office of Inspector General (OIG) published the final report for the audit of Minnesota Medicaid reimbursement for targeted case management services (TCM) for federal fiscal years 2003 and 2004, which recommended that the Centers for Medicare & Medicaid Services (CMS) recover \$3,759,338 in federal Medicaid funding from the State of Minnesota for undocumented and unsupported TCM claims; and

WHEREAS, the disallowance amount was determined by the OIG based on extrapolation of a statewide random sample; and

WHEREAS, although the OIG issued a recommendation to CMS based on the findings, the Minnesota Department of Human Services (DHS) waited for CMS to decide how they wished to proceed on the findings and recommendation; and

WHEREAS, DHS has received a letter from CMS concurring with the OIG findings and provided official notice of disallowance of \$3,759,338 and in a letter dated March 26, 2010, informed counties and tribes that the disallowance must now be collected; and

WHEREAS, since the disallowance amount was determined by the extrapolation of a statewide random sample, the total disallowance amount has been distributed among counties and tribes in direct proportion to each county or tribe's TCM claims for the period covered by the audit (Federal Fiscal Year 2003-2004); and

WHEREAS, the amount due from Dakota County is \$224,225; and

WHEREAS, staff recommends that \$224,225 of the Community Services' fund balance be used to fund this unanticipated, one-time expense.

NOW, THEREFORE, BE IT RESOLVED, That the 2010 Social Services budget is hereby amended as follows:

Expense	
TCM Disallowance	\$224,225
Revenue	
Reduction in CS Fund Balance	\$224,225

10-272

Authorization To Execute Contract With Children's Dental Services For Use Of County Building Space

WHEREAS, the Dakota County Board of Commissioners acts as the Community Health Board and has responsibility to prevent disease and disability and to promote and protect the health and safety of county citizens; and

WHEREAS, the costs for health care and dental care continues to rise nationally; and

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WHEREAS, increasing numbers of insured and uninsured residents are experiencing problems accessing dental care; and

WHEREAS, the mission of Children's Dental Services is to improve the oral health of children from families with low incomes through making prevention and dental treatment accessible; and

WHEREAS, collaboration with Children's Dental Service is an opportunity to provide dental care access to low-income children and pregnant women in Dakota County; and

WHEREAS, by Resolution No. 07-334 (July 31, 2007), the Dakota County Board of Commissioners authorized execution of a contract with Children's Dental Services for use of County building effective August 1, 2007 through June 30, 2010; and

WHEREAS, staff has worked with Children's Dental Services since September 2007, and has established a beneficial relationship with Children's Dental Services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Children's Dental Services for use of County building space effective July 1, 2010 through June 30, 2013, subject to approval by the County Attorney's Office as to form.

10-273

Update On Statewide Health Improvement Program Year One Progress, Authorization To Distribute Year Two Funds, And Authorization To Execute Contracts For Related Services

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

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

WHEREAS, the Minnesota Department of Health notified Public Health staff that Dakota County has been awarded \$2.783 million for the two-year period beginning July 1, 2009 and ending June 30, 2011, (\$1.157 million in the first year and \$1.626 million in the second year to reduce obesity and tobacco use); and

WHEREAS, by Resolution No. 09-154 (April 7, 2009), eleven interventions were chosen in consultation with the SHIP Community Leadership Team, and presented to and approved by the County Board; and

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

WHEREAS, by Resolution No. 09-632 (December 15, 2009), and Resolution No. 10-079 (February 9, 2010), amendments were authorized with providers, cities, schools, worksite partners, and hospitals and clinics that allowed for the distribution of additional funds; and

WHEREAS, funding was awarded and contract agreements were made for services in the first year of funding to advance the work of SHIP interventions, and the providers provided valuable services; and

WHEREAS, staff seeks authorization to distribute funds and renew contracts for the second year of SHIP funding; and

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

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NOW, THEREFORE, BE IT RESOLVED, That the Community Services Director is hereby authorized to execute a contract with The Improve Group for evaluation services in an amount not to exceed \$162,600 for the period of July 1, 2010 through June 30, 2011, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute a contract with Kimley-Horn and Associates, Inc., to work with interested schools to develop comprehensive Safe Routes to School plans in an amount not to exceed \$24,000 for the period of July 1, 2010 through June 30, 2011, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute a contract with Hoisington Koegler Group, Inc. (HKGI) to continue writing grants for construction projects to support active living and non-motorized transportation with cities in an amount not to exceed \$40,000 for the period of July 1, 2010 through June 30, 2011, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute a contract with the Association for Non-Smokers MN, to work with multi-unit housing owners and managers on tobacco-free housing policies, implementation, communication, and evaluation in an amount not to exceed \$64,300 for the period of July 1, 2010 through June 30, 2011, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute a contract with Gardening Matters, to provide technical assistance, as needed, to the original 9 community gardens funded in 2009 as well as to recruit and support the establishment of additional community gardens in 2010 including soliciting applications and administering funds to them for supplies, subcontracting as needed with community garden entities, organizing and educating community members, and planning, monitoring and evaluating progress in an amount not to exceed \$44,000 (for a combination of staff time and garden supplies for new or expanded community gardens) for the period of July 1, 2010 through June 30, 2011, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute contracts with 3 hospitals and up to 9 clinics to serve as partners in breastfeeding interventions in an amount not to exceed \$15,000 for the period of July 1, 2010 through June 30, 2011, subject to approval by the County Attorney's Office as to form; and

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

10-274**Authorization To Execute License Agreement With Crown Castle International For Use Of Welch Township Radio Site For 800 MHz Radio Shelter, Equipment, And Antennas**

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, Crown Castle International has constructed a wireless communications tower south of Hastings in Welch Township that will provide improved radio coverage in the southeast portion of Dakota County; and

WHEREAS, a structural analysis of the radio tower and the ground space at the Crown Castle International site confirmed the viability of the site for the installation of a radio shelter, equipment and antennas; and

WHEREAS, Crown Castle International has provided a preliminary approval to Dakota County for the co-location of 800 MHz radio equipment at the Welch Township site; and

May 18, 2010

WHEREAS, the use of existing tower space through a license agreement conserves Dakota County's capital resources and allows of the timely completion of the installation of the radio equipment at the Welch site; and

WHEREAS, the Dakota County Board of Commissioners must review and approve all leases, including license agreements, before they can be executed.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Operations Management Director to execute a license agreement with Crown Castle International (CCI) for installation of a radio shelter, equipment, and antennas at 16326 230th Street East in Welch Township for an initial license term of 10 years, with the potential for up to two additional terms of five years each, at a rental of \$1,459 per month, adjusted annually by the U.S. Department of Labor consumer price index, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby requires Dakota County Operations Management Director to seek County Board Authority for the execution of any extension of the license agreement beyond the initial license term of 10 years.

10-275

Authorization To Execute Contract With Cellxion, LLC For Equipment Shelter For Dakota County 800 MHz Radio Subsystem At Welch Township Site

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 communications equipment shelter is needed to house radio and back-up power generation equipment at the Welch Site; and

WHEREAS, pursuant to public notice and advertisement requirements, two bids for such equipment shelters were received on April 29, 2010; and

WHEREAS, Cellxion, LLC has submitted the lowest responsive bid of \$96,630.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract with Cellxion, LLC for the purchase of a communications equipment shelter for the Welch Township 800 MHz radio site, in an amount not to exceed \$96,630, subject to approval by the County Attorney's Office as to form.

10-276

Authorization To Execute Contract With Motorola For Dakota County 800 MHz Welch Township Site Radio Equipment

WHEREAS, Dakota County is seeking to establish a tenth 800 MHz radio site, located in Welch Township; and

WHEREAS, PSC Alliance assisted Dakota County to prepare the requirements for the addition of the tenth 800 MHz radio site to the Dakota County 800 MHz Subsystem; and

WHEREAS, Motorola, Inc. responded to the requirements, as the sole source vendor for the statewide Allied Radio Matrix for Emergency Response (ARMER) on April 12, 2010; and

May 18, 2010

WHEREAS, sufficient funds are available within the 2010 Operations Management Department budget from Urban Area Security Initiative Grant Funds and the Dakota County Capital Equipment Program for this contract and a 4 percent contingency.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract with Motorola, Inc. for the purchase of equipment, installation, testing, and warranty of radio equipment for tenth site in Welch Township, in an amount of \$674,076, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes an additional project contingency amount of 4 percent, or \$26,963, for unanticipated expenses that may arise during the project implementation.

10-277**Authorization To Execute Contract With Motorola For Addition Of Sixteenth Channel To Dakota County 800 MHz Subsystem**

WHEREAS, an analysis of the Dakota County 800 MHz subsystem by metro region radio system managers and the Minnesota Department of Transportation's Office of Electronic Communications concluded that additional channel capacity was needed on the Dakota County subsystem; and

WHEREAS, the State Radio Board awarded 2009 Homeland Security Grant funds to the Metropolitan Emergency Services Board for the expansion of the Dakota County subsystem; and

WHEREAS, by Resolution No. 10-091 (April 6, 2010), the Dakota County Board of Commissioners authorized the Operations Management Director to execute a 2009 Homeland Security Sub-Grant agreement with the Metropolitan Emergency Services Board for the addition of a sixteenth channel, in the amount of \$292,750; and

WHEREAS, PSC Alliance assisted Dakota County to prepare the requirements for the addition of a sixteenth channel to the Dakota County 800 MHz Subsystem; and

WHEREAS, Motorola, Inc. responded to the requirements for a sixteenth channel addition, as the sole source vendor for the statewide Allied Radio Matrix for Emergency Response (ARMER), on April 12, 2010; and

WHEREAS, sufficient funds are available within the 2010 Operations Management Department budget from the 2009 Homeland Security Sub-Grant from the Metropolitan Emergency Services Board and Urban Area Security Initiative Grant Funds for this contract and a 4 percent contingency.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract with Motorola, Inc. for the purchase of equipment, installation, testing, and warranty of radio equipment for a sixteenth radio channel, in an amount not to exceed \$329,615, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes a project contingency of 4 percent, or \$13,185, for unanticipated expenses that may arise during the project implementation.

10-278**Authorization To Execute VHF Paging Cost Sharing Agreement With Dakota Communications Center For Tenth Paging Site In Welch Township**

WHEREAS, by Resolution No. 06-411 (October 3, 2006), the County Board Chair executed a lease agreement with the Dakota Communications Center (DCC) that requires the DCC to reimburse the County's operating and maintenance costs for support of the countywide VHF paging network; and

May 18, 2010

WHEREAS by Resolution No. 08-189 (May 6, 2008), the Dakota County Board of Commissioners authorized the Dakota County Administrator to execute a cost sharing agreement with the DCC for the reimbursement of capital costs for installation of a countywide VHF paging network in the amount of \$894,781; and

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

WHEREAS, the DCC intends to install VHF paging equipment at the tenth radio site in Welch Township to improve the VHF paging coverage for the use and benefit of the Fire Departments and Emergency Medical Services of Dakota County local governments; and

WHEREAS, the most efficient method to coordinate these two projects is for County staff to oversee the installation of both the VHF paging equipment and 800 MHz radio equipment at the Welch site; and

WHEREAS, in 2010, upon approval of this resolution, the County will enter into contracts with Motorola, TXRX Antennas, and a site construction contractor to install VHF simulcast paging equipment at the Welch site in conjunction with the 800 MHz radio equipment installation; and

WHEREAS, the County and the DCC have agreed that any of the County's capital costs for VHF paging equipment at the Welch site should be reimbursed by the DCC through a cost-sharing agreement; and

WHEREAS, the County and DCC may enter into this agreement pursuant to the authority provided by Minn. Stat. § 471.59, which allows Minnesota governmental entities to enter into agreements to jointly perform governmental functions.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Operations Management Director to execute a cost sharing agreement with the Dakota Communications Center for the reimbursement of capital costs for installation of VHF paging equipment at a tenth radio site located in Welch Township, in an amount not to exceed \$125,000, subject to approval by the County Attorney's Office as to form.

10-279

Scheduling County Board Meeting With Minnesota Valley Transit Authority Board

WHEREAS, a meeting between the Dakota County Board of Commissioners and the Minnesota Valley Transit Authority would be beneficial to both parties; and

WHEREAS, discussion of a joint meeting was held at the May 11, 2010, Physical Development Committee of the Whole; and

WHEREAS, June 15, 2010, at 3:30 p.m. at the Minnesota Valley Transit Authority Bus Garage was determined to work for both parties.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a joint meeting with the Minnesota Valley Transit Authority, on June 15, 2010, at 3:30 p.m., at the Minnesota Valley Transit Authority Bus Garage at 11550 Rupp Drive, in Burnsville, MN.

10-280

Approval Of Qualified Allocation Plan For Low-Income Housing Tax Credits

WHEREAS, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended (the Code), and Minnesota Statutes Sections 462A.221 through 462A.225, the Dakota County Community Development Agency (the CDA) is authorized to allocate low income housing tax credits (Tax Credits); and

May 18, 2010

WHEREAS, following a public hearing held on May 11, 2010, for which notice was properly published, the CDA approved a Low-Income Housing Tax Credit Qualified Allocation Plan for 2011 (the Plan), which details the basis for allocating Tax Credits among applicants and the procedures for monitoring compliance of the projects receiving allocations, in accordance with Section 42 of the Code; and

WHEREAS, pursuant to Section 42 of the Code, the Plan is required to be approved by Dakota County (the County) as the Applicable Elected Representative of the CDA.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Low Income Housing Tax Credit Qualified Allocation Plan of the CDA for 2011, on file at the CDA.

10-281**Authorization To Execute Contract With Friends Of Mississippi River For Land Protection And Natural Resource Management**

WHEREAS, the County Farmland and Natural Areas Program (FNAP) has been contracting with the Friends of the Mississippi River (FMR), a 501(c)(3) non-profit organization, since the program's inception to provide critical services for implementing FNAP; and

WHEREAS, FMR's mission is to work to protect the Mississippi River watershed and its tributaries within the Twin Cities metropolitan area; and

WHEREAS, FMR focuses a significant amount of its staff time on projects within Dakota County, including Pine Bend Bluffs, Hastings Sand Coulee, and the Vermillion River; and

WHEREAS, the County has entered into past annual contracts with FMR to provide ongoing land protection outreach, coordination and natural resource management plans for the lands that are proposed and receive County land protection and management funds; and

WHEREAS, County staff has informally reviewed other possible vendors to determine if there are other entities that could provide similar services for FNAP; and

WHEREAS, staff recommends FMR as the best organization to provide the combination of skills and experience needed for landowner outreach, project partner coordination, natural resource management plans, and County easement monitoring at a competitive rate; and

WHEREAS, the 2010 contract is in the amount of \$20,050 and covers two areas of work product as described in their Scope of Services; and

WHEREAS, the Director of the Department of Environment and Natural Resources Section also serves as an unpaid volunteer member of the FMR board of directors, thereby constituting the appearance of a conflict of interest, should the contract be approved; and

WHEREAS, the Dakota County Board of Commissioners Bid, Grant and Contract Policy (Resolution No. 01-767) provides that the County Board retains the discretion to enter into contracts in connection with which there is the appearance of a conflict of interest.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a 2010 agreement with Friends of the Mississippi River for work related to land protection coordination and natural resource management, in an amount not to exceed \$20,050, subject to approval of the County Attorney's Office as to form.

May 18, 2010

10-282

Authorization To Execute Metro Greenways Grant Agreement With State Of Minnesota For Acquisition Of Conservation Easement On Grannis Property

WHEREAS, by Resolution No. 08-423 (October 7, 2008), the County Board authorized a fifth Farmland and Natural Areas Program (FNAP) application round; and

WHEREAS, the 134-acre Grannis property, located in the City of Inver Grove Heights, was submitted as a natural areas project during the 2009 FNAP application round; and

WHEREAS, the Minnesota Department of Natural Resources (DNR) Metro Greenways (MG) Program received state bond funds in 2008, for planning, improving, and protecting important natural areas in the metropolitan region through grants for conservation easements, fee acquisition and natural resource restoration; and

WHEREAS, the DNR requested MG applications from interested entities for the purpose of protecting and restoring critical portions of properties located within the established Metro Conservation Corridors; and

WHEREAS, County staff worked with several partners and landowners, including the Grannis family, to develop and submit preliminary MG applications to establish eligibility for potential funding; and

WHEREAS, by Resolution No. 09-288 (June 16, 2009), the County Board authorized submission of the Grannis project for MG funding; and

WHEREAS, County staff submitted three final proposals, including the Grannis project, to the MG program for potential funding in June 2009; and

WHEREAS, on May 21 and June 4, 2009, the FNAP Advisory Committee (AC) reviewed, evaluated and ranked the natural area projects submitted during the 2009 application round; and

WHEREAS, by Resolution No. 09-410 (August 18, 2009), the Dakota County Board of Commissioners directed staff to begin appraisals and negotiations with 12 of the 15 highest ranked 2009 natural area project applicants; and

WHEREAS, the Grannis project was the highest ranked 2009 natural area project; and

WHEREAS, in October 2009, the DNR Commissioner approved \$120,000 to assist Dakota County in acquiring a 32.8-acre perpetual natural area conservation easement on the Grannis property; and

WHEREAS, an additional \$10,000 of recently unallocated MG grant funds is now available for the Grannis project; and

WHEREAS, the State of Minnesota has prepared a grant agreement providing Dakota County with up to \$130,000 to assist the County in acquiring a 32.8-acre perpetual conservation easement on the Grannis property.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a grant agreement with Metro Greenways in an amount of \$130,000, for acquiring a 32.8-acre natural area conservation easement on the Grannis property, subject to approval by the County Attorney's office as to form.

10-283

Approval Of Inver Grove Heights Connections Snowmobile Club Capital Improvement Project Application To Minnesota Department Of Natural Resources Minnesota Snowmobile Trail Assistance Program And Authorization To Execute Agreements Related To Successful Application

WHEREAS, Dakota County area snowmobile clubs are eligible for state grants for assistance in developing, maintaining, and grooming snowmobile trails located within Dakota County; and

May 18, 2010

WHEREAS, sponsorship by a local government unit is required by the Minnesota Department Of Natural Resources for state grants for local snowmobile trail development and maintenance; and

WHEREAS, the Inver Grove Heights Connections Snowmobile Club has requested Dakota County sponsorship for the 2010-2011 season; and

WHEREAS, the Inver Grove Heights Connections Snowmobile Club is requesting a resolution supporting an application to the Department of Natural Resources through the Minnesota Snowmobile Assistance Program to provide and install three gates along a snowmobile trail at an estimated cost of \$700; and

WHEREAS, the Department of Natural Resources requires a County Board resolution approving the Capital Improvement Project grant application; and

WHEREAS, if the Inver Grove Heights Connections Snowmobile Club application is approved, Dakota County will be required to accept the grant funds on behalf of the Inver Grove Heights Connections Snowmobile Club and serve as a pass-through agent for grant funds.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the Inver Grove Heights Connections Snowmobile Club Capital Improvement Project grant application to the Minnesota Department Of Natural Resources Minnesota Snowmobile Trail Assistance Program; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an assignment agreement with the Inver Grove Heights Snowmobile Club identifying the County serving as a pass-through agency, if the grant application is approved by the Minnesota Department of Natural Resources, subject to approval by the County Risk Manager and County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with the Minnesota Department of Natural Resources to receive capital improvement project grant funds as a sponsor for the Inver Grove Heights Connections Snowmobile Club, if the grant application is approved by the Minnesota Department of Natural Resources, subject to approval by the County Risk Manager and County Attorney's Office as to form.

10-284**Sponsorship Of Snowmobile Club Grant-In-Aid Program Applications To Minnesota Department Of Natural Resources And Authorization To Execute Related Agreements**

WHEREAS, Dakota County area snowmobile clubs are eligible for state grants for assistance in developing, maintaining, and grooming snowmobile trails located within Dakota County; and

WHEREAS, sponsorship by a local government unit is required by the Minnesota Department Of Natural Resources (DNR) for state grants for local snowmobile trail development and maintenance; and

WHEREAS, the Dakota Trail Association, Inc., the Inver Grove Heights Connections Snowmobile Club, and the Waterford Warriors Snowmobile Club, Inc. (Clubs) have requested that Dakota County sponsor grant applications for the 2010-2011 season; and

WHEREAS, this approach bases payments upon County certification that program benchmarks, including having the trails prepared and ready to be opened, adequate grooming, post-season closure, and the submission of required paperwork, are achieved; and

WHEREAS, under past grant agreements, the DNR has given written consent for the County to assign certain sponsor obligations from the County to the Clubs; and

WHEREAS, DNR staff has again agreed to give written consent for the County to assign the certification of benchmarks from the County to the Clubs.

May 18, 2010

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves sponsorship of the grant applications of Dakota Trail Association, Inc., the Inver Grove Heights Connections Snowmobile Club, and the Waterford Warriors Snowmobile Club, Inc. for the 2010-2011 season to the Minnesota Department Of Natural Resources for trail development and maintenance funds under the same sponsorship terms as the County has agreed to in the past; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute assignment agreements with the Dakota Trail Association, Inc., the Inver Grove Heights Connections Snowmobile Club, and the Waterford Warriors Snowmobile Club, Inc., whereby the Clubs agree to provide maintenance and grooming for their respective trails and meet benchmarks or pay for penalties imposed for failing to satisfy any benchmarks in accordance with the DNR's snowmobile trail program with the County serving primarily as a pass-through agency, subject to approval by the County Risk Manager and County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute grant agreements with the Minnesota Department of Natural Resources (DNR) to receive trail development and maintenance funds as a sponsor for the Dakota Trail Association, Inc., the Inver Grove Heights Connections Snowmobile Club, and the Waterford Warriors Snowmobile Club, Inc. on condition that the DNR allows the County to assign the tasks and duties required by the grants to the respective snowmobile clubs and on condition that the snowmobile clubs execute assignment agreements with the County; subject to the approval of the County Risk Manager and the County Attorney's Office as to form.

10-285

Authorization To Execute Joint Powers Agreement With City Of Eagan For Intersection Improvements At County State Aid Highway 32 And Nicols Road, County Project 32-60, And At County State Aid Highway 32 And Johnny Cake Ridge Road, County Project 32-61

WHEREAS, Dakota County is proceeding with County Projects (CP) 32-60 and 32-61 to improve the safety and operation of the intersection of County State Aid Highway (CSAH) 32 (Cliff Road) and Nicols Road and the intersection of CSAH 32 and Johnny Cake Ridge Road in the City of Eagan; and

WHEREAS, both projects include the reconstruction of the city street approaches to add left turn lanes and the reconstruction of the signal systems; and

WHEREAS, Dakota County is the lead agency for CP 32-60 and CP 32-61; and

WHEREAS, funding for CP 32-60 and CP 32-61 is included in the current 2010-2014 Transportation Capital Improvement Program (CIP) with construction scheduled for 2011; and

WHEREAS, Dakota County and the City of Eagan need to enter into a joint powers agreement for roadway construction and new traffic signal systems to proceed with the projects.

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 road reconstruction and new traffic signal systems on CSAH 32 in CP 32-60 and CP 32-61 in accordance with County policy, subject to approval by the County Attorney's Office as to form.

10-286

Request To Commissioner Of Transportation To Advance Town Bridge Account Funds For Bridge Replacement Projects In Vermillion And Marshan Townships

WHEREAS, to promote safe and efficient transportation, the County is assisting the townships with the design and replacement of deficient township bridges; and

May 18, 2010

WHEREAS, Dakota County annually receives a Town Bridge Account allotment from the Minnesota Department of Transportation (Mn/DOT) for the replacement of deficient bridges on the township road system; and

WHEREAS, Dakota County has obtained Mn/DOT approval of the plans for County Project 97-44, State Aid Project 19-599-32 for the replacement of Bridge No. L3248 on 205th Street in Vermillion Township; and

WHEREAS, Dakota County has obtained Mn/DOT approval of the plans for County Project 97-58, State Aid Project 19-599-33 for the replacement of Bridge No. L3287 on Michael Avenue in Marshan Township; and

WHEREAS, the 2010 Transportation Capital Improvement Program includes funding for the bridge replacements in County Projects 97-44 and 97-58; and

WHEREAS, Dakota County intends to construct these two township bridges in 2010, which will require Town Bridge funds in excess of those currently available in the County's Town Bridge Account; and

WHEREAS, the County is prepared to proceed with the construction of said projects through the use of an advance from the Town Bridge Account; and

WHEREAS, repayment of the funds so advanced by the County is desired in accordance with the provisions of Minnesota Statutes 162.08, subd. 5 & 7 and Minnesota State Aid Rules 8820.1500, Subp. 9a.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby requests the Commissioner of Transportation to approve this request to advance funds from the general fund balance of the Town Bridge Account for the financing of said township bridge projects, in an amount up to \$256,275, in accordance with Minnesota State Aid Rules 8820.1500, Subp. 9a; and

BE IT FURTHER RESOLVED, That Dakota County agrees to repay the advanced funds from subsequent year's accruals to the County's Town Bridge Account, using 100% of the County's annual apportionment until the advance is repaid.

10-287**Authorization To Execute Contract With Mead & Hunt For Evaluation Of Lake Byllesby Dam Spillway Capacity Upgrade Alternatives**

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

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

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

WHEREAS, FERC has stated that while the dam itself is safe, it has concerns that the dam cannot adequately pass the Probable Maximum Flood (PMF), and physical upgrades to the dam are required; and

WHEREAS, FERC allowed the Counties to reevaluate the PMF, before requiring specific physical upgrades; and

WHEREAS, the Counties hired North American Weather Consultants and Ayres & Associates to restudy the previously approved PMF of 130,000 cubic feet per second (cfs) in 2008-2009; and

WHEREAS, FERC approved the new and reduced PMF of 80,800 cfs on March 9, 2010; and

May 18, 2010

WHEREAS, a Request For Proposal (RFP) for evaluation of the Lake Byllesby Dam spillway capacity upgrade alternatives was sent to nine consulting firms and five proposals were received; and

WHEREAS, Mead & Hunt was recommended based on their unique qualifications, expertise in conducting similar studies, their reputation as a firm with broad engineering expertise required for rehabilitation of dams, and their ability to service the County in terms of the requirements as called for in the specifications in an amount not to exceed \$59,430; and

WHEREAS, there are sufficient funds available from the Lake Byllesby Dam Capital Improvement Program (CIP) Funds derived from hydropower revenue to supplement the 2010 Parks and Open Space Capital Improvement Program budget for the Lake Byllesby Dam in the amount of the project cost; and

WHEREAS, the Goodhue County Board of Commissioners will be taking action on this contract at its May 18, 2010 meeting.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Division Director to execute a contract with Mead & Hunt to evaluate the Lake Byllesby Dam spillway capacity upgrade alternatives, in an amount not to exceed \$59,430, subject to approval by the County Attorney's Office as to form, and approval by the Goodhue County Board of Commissioners.

10-288

Execute Memorandum Of Understanding With Minnesota Joint Analysis Center

WHEREAS, Dakota County is the third largest county in the State of Minnesota, with a population of 400,000 residents; and

WHEREAS, Dakota County is home to the largest oil refinery in the Upper Midwest, in addition to other potential targets of terrorism; and

WHEREAS, the Minnesota Department of Public Safety, Bureau of Criminal Apprehension, operates the Minnesota Joint Analysis Center (MNJAC) for the purpose of collecting, analyzing, and disseminating information regarding terroristic and criminal activities, which is beneficial to law enforcement.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Sheriff is hereby authorized to execute an amended Memorandum of Understanding (MOU), substantially as presented at the May 18, 2010, County board meeting, governing the operation of the Minnesota Joint Analysis Center, subject to approval by the County Attorney's Office as to form.

10-289

Approval Of Application For Cancellation Of Forfeiture

WHEREAS, the Dakota County Treasurer-Auditor has filed an application to the County Board of Commissioners for the cancellation of forfeiture on the following described parcel, in accordance with the provisions of Minn. Stat. §§ 279.33 and 279.34:

PARCEL 33-01600-010-28
SECTION 16 TWN 114 RANGE 16
PT OF GOV'T LOT 8 LYING E OF C/L SAR #54
N OF C/L PUBLIC ACCESS RD & W OF VERM RIVER
16 114 16

; and

WHEREAS, this parcel was erroneously forfeited to the State of Minnesota for non-payment of real estate tax due to administrative error.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application of the Dakota County Treasurer-Auditor, for the cancellation of forfeiture of the above described parcel of tax-forfeited land; and

May 18, 2010

BE IT FURTHER RESOLVED, That the Dakota County Treasurer-Auditor, is hereby authorized to submit the Application for Cancellation of Forfeiture to the State Department of Revenue, according to the provisions of Minn. Stat. §§ 279.33 and 279.34.

10-290

Approval Of Application For Assemblage Of Large Numbers Of People License For Midwest Mopars, Inc.

WHEREAS, an application has been submitted by Midwest Mopars, Inc. to hold a classic car show, craft fair and swap meet on June 5-6, 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 Midwest Mopars, Inc. to hold a classic car show, craft fair and swap meet to be held June 5-6, 2010, at the Dakota County Fairgrounds, and authorizes the County Property Taxation and Records Director to issue the license.

10-291

Approval Of Application For 3.2% Temporary Malt Beverage License

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following application for a temporary license 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:

Heritage Links, LLP

Midwest Mopar Event (Held at Fairgrounds) June 5 & 6, 2010 \$34.00 Temp On-Sale

10-292

Approval Of Plat

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

Midland Addition

Burnsville

END OF CONSENT AGENDA

ayes 7

nays none

The following item was on the agenda for informational purposes only: Item 8.1 – Report On Invoices Paid In April 2010.

The following appeared to address the County Board regarding Item 9.1 – Authorization To Execute Contracts With Premium Electric Services And A&J Electric For Electrical Maintenance, Repair, And Installation Services:

Mike Huntington , Apple Valley

Following Mr. Huntington's comments and response by staff, staff was directed to prepare a response to Mr. Huntington's concerns regarding bids that were previously rejected and are not related to the current bid award that is being considered.

May 18, 2010

10-293

Authorization To Execute Contracts With Premium Electric Services And A&J Electric For Electrical Maintenance, Repair, And Installation Services

Motion: Comm. Harris

Second: Comm. Workman

WHEREAS, Dakota County wishes to award two electrical contracts, one for the North and East Regions, and one for the South and West Regions, in order to facilitate timely response to work requests and provide for the availability of multiple contractors in the event of an emergency; and

WHEREAS, pursuant to advertisement, seven qualified bids for electrical maintenance, repair, and installation services for Dakota County facilities were received on April 29, 2010; and

WHEREAS, Premium Electric submitted to the lowest responsive and responsible bid for the North and East Region of \$58.41/hr (days), \$76.19/hr (evenings), \$93.95/hr (weekends and holidays) and a 4 percent markup on parts and materials; and

WHEREAS, A&J Electric submitted the lowest responsive and responsible bid for the South and West Region of \$59.95/hr (days), \$87.50/hr (evenings), \$116.00 (weekend and holidays) and a 15 percent markup on parts and materials; and

WHEREAS, funds for electrical maintenance, repair, and installation services are included in the 2010 Operations Management budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract with Premium Electric for electrical maintenance, repair, and installation services at various Dakota County buildings in the North and East Region, for the period from June 1, 2010 through May 31, 2012, at an hourly labor rate of \$58.41/hr (days), \$76.19/hr (evenings), \$93.95/hr (weekends and holidays) and a 4 percent markup on parts and materials, subject to available funding and approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract with A&J Electric for electrical maintenance, repair, and installation services at various Dakota County buildings in the South and East Region, at an hourly labor rate of \$57.95/hr (days), \$87.50/hr (evenings), \$116.00 (weekend and holidays) and a 15 percent markup on parts and materials, for the period of June 1, 2010 through May 31, 2012, subject to available funding and approval by the County Attorney's Office as to form.

ayes 7

nays none

Transportation Director Mark Krebsbach presented Agenda Item 13.1 - Authorization To Execute Separate Joint Powers Agreements With Scott County, And Cities Of Eagan And West St. Paul For Dakota County To Provide Long-Line Pavement Marking Services and Item 13.2 - Award Of Bid And Authorization To Execute Contract With McNamara Contracting, Inc. For Pavement Preservation Projects.

10-294

Authorization To Execute Separate Joint Powers Agreements With Scott County, And Cities Of Eagan And West St. Paul For Dakota County To Provide Long-Line Pavement Marking Services

Motion: Comm. Krause

Second: Comm. Schouweiler

WHEREAS, in 2007, following a cost analysis, Dakota County purchased a long-line striping vehicle through the Capital Equipment Program; and

WHEREAS, the new long-line pavement striper provides for an efficient process which allows completion of the Dakota County highway latex long-line pavement markings with additional time remaining during the pavement marking season; and

May 18, 2010

WHEREAS, Dakota County performing work for other agencies provides a revenue source and potentially lowers cost and provides an efficient alternative method for cities in Dakota County and Scott County to have long-line pavement marking work completed; and

WHEREAS, in an effort to seek greater efficiency Scott County and the cities of Eagan and West St. Paul have requested that Dakota County apply latex long-line pavement marking activities on certain County roads and City streets; and

WHEREAS, during this first year of providing services for other public agencies, Dakota County staff proposes to work with the cities of West St. Paul and Eagan and Scott County for a total of 60 miles of markings for the 2010 pavement marking season; and

WHEREAS, Dakota County staff will assess costs and time required and the potential for expanding the number of roadways the County would provide long-line marking services for in future years; and

WHEREAS, a joint power agreement with each agency is necessary to define roles, responsibilities, and payment for services; and

WHEREAS, Scott County and the cities of Eagan and West St. Paul will reimburse Dakota County upon completion of the requested work, for time, equipment and material based on Financial Services standard labor and equipment rates, actual materials and standard materials overhead charges; and

WHEREAS, the County Engineer recommends the authorization of these Joint Powers Agreements.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute separate agreements with Scott County and the Cities of Eagan and West St. Paul for Dakota County Transportation Department to apply long-line pavement markings on the respective jurisdictions selected roadways from May 2010 through October 2010, for an estimated total of 60 lane-miles of long line pavement marking under a standard financial services process for time and materials payment basis, subject to approval by the County Attorney's Office as to form.

ayes 7

nays none

10-295

Award Of Bid And Authorization To Execute Contract With McNamara Contracting, Inc. For Pavement Preservation Projects

Motion: Comm. Harris

Second: Comm. Krause

WHEREAS, pursuant to advertisement, bids were received for the 2010 Dakota County pavement preservation projects on May 4, 2010; and

WHEREAS, the 2010 projects include County Projects (CPs) 30-20, 32-69, 46-38, 80-14, 83-06, 86-26, 88-15, 91-16, 97-95 and 97-97; and

WHEREAS, the 2010 Transportation Capital Improvement Program (CIP) includes funding for Pavement Preservation Projects, Truncated Domes, and Safety & Management Projects; and

WHEREAS, the 2010 projects include funding from the Cities of Lakeville, Eagan, and Hastings; and

WHEREAS, the bid of McNamara Contracting, Inc. in the amount of \$3,617,140.69 was the lowest responsible bid received; and

WHEREAS, the County Engineer recommends awarding the bid to McNamara Contracting, Inc.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with McNamara Contracting, Inc. for pavement preservation projects, in the amount of \$3,617,140.69 based on their low bid, subject to approval by the County Attorney's Office as to form; and

May 18, 2010

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

Expense	
2010 Projects-CP 30-20, 32-69, 46-38, 80-14, 83-06, 86-26, 88-15, 91-16, 97-95 & 97-97	\$3,617,141
Pavement Preservation Projects	(3,131,407)
Truncated Domes	(100,000)
Safety & Management Projects	(260,027)
Total Expense	\$125,707

Revenue	
City of Lakeville	\$23,905
City of Eagan	98,052
City of Hastings	3,750
Total Revenue	\$125,707

ayes 7

nays none

10-296

Closed Executive Session: Discuss Labor Negotiations Strategy

Motion: Comm. Harris

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 May 18, 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 9:59 a.m. and pursuant to public notice and Resolution No. 10-296, 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
- James Backstrom, County Attorney
- 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
- Matt Smith, Financial Services Director

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The Closed Executive Session continued until 10:06 a.m., at which time the Board reconvened in the Board Room, with all members present.

Mr. Barry Tilley, Capitol Hill Consultants, provided the Legislative Update (Agenda Item 15).

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

10-297

Adjournment

Motion: Comm. Krause

Second: Comm. Branning

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, June 8, 2010.

ayes 7

nays none

The County Board meeting was adjourned at 10:48 a.m.

Thomas A. Egan
Chair

ATTEST

Brandt Richardson
County Administrator