

June 22, 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, June 22, 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 acknowledged the tragic death of Assistant County Attorney Shelia Happe and a moment of silence was observed in honor of Ms. Happe.

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.

**10-323**  
**Approval Of Agenda**

Motion: Comm. Gaylord Second: Comm. Workman

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on June 22, 2010, with the following revision:

Item 21.1, Attachment A – Future Board Meetings: June 24, 2010 Red Rock Corridor Commission Meeting - Cancelled

ayes 7 nays none

Fleet Manager Kevin Schlangen presented the 2010 National Association Of Counties (NACo) Achievement Award for Improvements to Snow and Ice Granular Material Handling Application Systems. The following staff was present and recognized as key team members on the project: Mike Greten, Bob Egan, Mark Krebsbach, Kevin Schlangen and Taud Hoopingarner. Jim Bell was also recognized, but was not present

The consent agenda was then approved as follows:

Motion: Comm. Schouweiler Second: Comm. Krause

**10-324**  
**Approval Of Minutes**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held June 8, 2010, as presented and entered in Commissioners' Record 2010.

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**10-325**

**Approval Of Employee Relations Policies Modifications**

WHEREAS, the Employee Relations Department periodically reviews and recommends revisions to policies and procedures in order to maintain and enhance the effective and responsive provision of human resource management functions to the County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the proposed modifications to Policy No. 3060 Employee Type, Term and Condition establishing the employee type "Intermittent Employee" and enhancing the requirements for hiring Limited Term employees; Policy No. 3101 Applicant Testing, Recruitment, and Selection removing special requirements for interviewing protected class applicants for employment, enhancing the nepotism definition, and simplifying the process for current employees to apply internally for County positions; and Policy No. 3102 Candidate Selection simplifies language regarding psychotherapist background checks and candidate drug and alcohol testing; and

BE IT FURTHER RESOLVED, That the County Board of Commissioners hereby adopts new Policy No. 3044 Behavioral Code of Conduct describing unacceptable workplace behaviors and procedures to address such behaviors; and new Policy No. 3104 providing procedures for conducting background checks on candidates for County paid positions and volunteers; and

BE IT FURTHER RESOLVED, That County Board of Commissioners hereby adopts these policies as presented to the Administration/Finance/Policy Committee of the Whole on June 8, 2010, and authorizes the Employee Relations Director to modify said policies accordingly.

**10-326**

**Authorization To Extend Allocation Of Bonding Authority To Local Issuers Of Recovery Zone Facility Bonds**

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

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

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

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

WHEREAS, the Dakota County Board of Commissioners authorized the County Administrator on December 15, 2009, to notify local issuers of the availability of Recovery Zone Facility Bonds to ascertain whether there are qualified issuers in Dakota County of Recovery Zone Facility Bonds for qualifying projects, such that the Dakota County Board of Commissioners might allocate such bonding authority within Dakota County; and

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

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WHEREAS, the Dakota County Board of Commissioners allocated authority on March 16, 2010, to issue \$12,000,000 Recovery Zone Facility Bonds to the City of Eagan for the eligible costs of developing the Blue Gentian Corporate Center located at the intersection of I-494, I-35E, and Highway 55 and \$7,500,000 Recovery Zone Facility Bonds to the South Saint Paul Housing and Redevelopment Authority for the eligible costs of developing the BridgePoint Business Park at the site of the former South Saint Paul Stockyards; and

WHEREAS, the Recovery Zone Facility Bond allocation authority referenced above included an issuance deadline of June 30, 2010; and

WHEREAS, the allocations approved by the Dakota County Board of Commissioners on March 16, 2010, left a balance of \$1,449,000 in unallocated bonding authority; and

WHEREAS, the City of Eagan and South Saint Paul Housing and Redevelopment Authority have requested additional time to issue bonds due to economic conditions; and

WHEREAS, the City of Eagan has requested the balance of unallocated Recovery Zone Facility Bond authority for the Candlewood Hotel project; and

WHEREAS, an extension of the bonding allocation would provide increased opportunity for the Recovery Zone Facility Bonding capacity to benefit projects in Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby extends the allocation of Recovery Zone Facility Bond authority from June 30, 2010, to August 31, 2010; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners allocates the balance of its Recovery Zone Facility Bond authority in the amount of \$1,449,000 to the City of Eagan for the Candlewood Hotel project with an issuance deadline of August 31, 2010.

#### **10-327**

#### **Authorization To Execute Contracts For Conservator And Guardianship Services With Dakota Conservators, Inc., Thomas Allen Consulting, Inc., Meridian Services, Inc. And Lutheran Social Services, Inc.**

WHEREAS, counties are obligated to provide conservator and guardianship services for the indigent found to be incapable of meeting his or her own medical, financial, nutritional, or other basic needs; and

WHEREAS, by Resolution No. 08-486 (October 21, 2008), the County Board authorized the Community Services Director to execute contracts for conservator and guardianship services with Dakota Conservators, Inc., Meridian Services, Inc., Thomas Allen Consulting, Inc., and Lutheran Social Services, Inc. for the period October 21, 2008, through June 30, 2010; and

WHEREAS, staff has finalized negotiations and recommends that these contracts for conservator and guardianship services be renewed for the period July 1, 2010, through December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contracts for conservator and guardianship services at the rate of \$41.60/hour for the period of July 1, 2010, through December 31, 2011, with Dakota Conservators, Inc., Meridian Services, Inc., Thomas Allen Consulting, Inc., and Lutheran Social Services, Inc., subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contracts, within the amount budgeted for conservator and guardianship services to alter the number and types of clients served, types of services provided, reporting requirements, and contract term, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

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

**10-328**

**Ratification Of 2010/2011 Spending Plan For Local Collaborative Time Study Funded Projects, And Authorization To Amend Contracts And Agreements Related To Dakota County Collaborative**

WHEREAS, by Resolution No. 05-601 (November 29, 2005), the County Board approved execution of a Joint Powers Agreement between Dakota County, Scott-Carver Dakota CAP Agency, and the ten school districts in Dakota County to establish the Dakota County Collaborative, which combined the Children's Mental Health Collaborative (CMHC) and Family Service Collaborative (FSC) into one integrated Collaborative effective January 2006; and

WHEREAS, Dakota County serves as the fiscal agent for the Collaborative; and

WHEREAS, the Local Collaborative Time Study (LCTS) is a federal funding source that reimburses the Collaborative for administrative work that school, public health and corrections employees do with children; and

WHEREAS, the Collaborative earned \$643,588 in LCTS funds during 2009, to support countywide and local projects serving at-risk children and families in Dakota County; and

WHEREAS, the Collaborative issued a Request for Proposals for services to children and families for the period of January 1, 2007, through June 30, 2008, and funding recommendations were approved by the Collaborative at its meeting on October 6, 2006; and

WHEREAS, by Resolution Nos. 06-564 (December 19, 2006), 08-292 (June 17, 2008), and 09-304 (June 16, 2009), the County Board approved Collaborative funding recommendations for these countywide projects through June 30, 2010; and

WHEREAS, on March 26, 2010, the Collaborative approved continuation of these current projects through December 31, 2010, to allow time for selection as a result of a Letter of Interest process; and

WHEREAS, funding for these contracts is currently included in the 2010 Social Services budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the LCTS spend plan, approved by the Collaborative Governing Board on March 26, 2010, for the period of July 1, 2010, through December 31, 2010; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute an amendment to the contract with the National Alliance on Mental Illness of Minnesota (NAMI-MN) to provide parent support services, to extend the contract term through December 31, 2010, and to increase the contract amount by \$22,572 for a total contract amount not to exceed \$161,713 for the period of July 1, 2007, through December 31, 2010, 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 an amendment to the contract with the Scott-Carver-Dakota CAP Agency to provide early childhood mental health intervention services, to extend the contract term through December 31, 2010, and to increase the contract amount by \$14,469 for a total contract amount not to exceed \$103,677 for the period of July 1, 2007, through December 31, 2010, 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 an amendment to the contract with Associated Clinic of Psychology to provide early intervention and prevention services, to extend the contract term through December 31, 2010, and to increase the contract amount by \$25,080 for a total contract amount not to exceed \$179,681 for the period of July 1, 2007, through December 31, 2010, 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 amendments to said contracts to alter the number of clients served, types of services provided, and contract term, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

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

**10-329****Authorization To Submit Letter Of Support To Minnesota Department Of Human Services For Statement Of Need For River Ridge Treatment Center**

WHEREAS, Dakota County currently contracts with River Ridge Treatment Center (River Ridge), located at 1510 East 122<sup>nd</sup> Street in Burnsville, MN, for a chemical health residential treatment program entitled A Woman's Way for adult women; and

WHEREAS, the River Ridge Treatment Center is seeking a letter of support to expand their residential beds from six to eight at A Woman's Way; and

WHEREAS, the rationale for expansion is based on a continual high demand for the services; and

WHEREAS, River Ridge continues to maintain a waiting list, with the window of opportunity for admission being very narrow; and

WHEREAS, in addition to expanded capacity to meet the demand, economies of scale will make River Ridge more efficient, and extra program revenue will enhance programmatic improvements; and

WHEREAS, approximately 75% of all A Woman's Way participants are from Dakota County; and

WHEREAS, before a license to provide chemical dependency treatment may be issued, the Minnesota Department of Human Services must determine the need for the treatment program, in part, based on the recommendation by the County Board in which the proposed program is located; and

WHEREAS, in addition to the determination of need, applicants must comply with local zoning and land use requirements as well as fire, building and health codes to obtain any local approvals needed; and

WHEREAS, Dakota County has a free-market approach in approving letters of support for chemical dependency treatment programs, and the community's use of the programs determines whether the programs continue to exist over time; and

WHEREAS, staff have reviewed the information submitted and support River Ridge's statement of need request.

NOW, THEREFORE BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to submit a letter of support to the Minnesota Department of Human Services for a statement of need for River Ridge Treatment Center in order for them to seek licensure from the Minnesota Department of Human Services for expansion from six to eight residential beds at their women's program site in Burnsville, A Woman's Way.

**10-330****Authorization To Execute Contract With KCQ, Inc. For Homeless Prevention And Rapid Re-Housing Program And Projects For Assistance In Transition With Homelessness**

WHEREAS, on September 1, 2009, Dakota County Social Services was awarded \$704,252 over the course of three years for homeless prevention and rapid re-housing (HPRP); and

WHEREAS, Dakota County has also been awarded federal and state grant money by the Minnesota Department of Human Services (DHS) for Projects for Assistance in Transition with Homelessness (PATH) outreach services, entitled to receive \$50,000 per year; and

WHEREAS, Dakota County staff would like to continue to provide services to the homeless population in the County through the use of available federal funds via HPRP and PATH; and

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WHEREAS, the current provider of both HPRP and PATH is KCQ, Inc., a nonprofit organization selected through a Request for Proposal (RFP) process in 2009; and

WHEREAS, staff has been pleased with KCQ, Inc.'s services as they have been successful assisting people who are homeless in finding and maintaining permanent housing, and they nurture and facilitate communication between clients and landlords in order to promote successful tenancy.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with KCQ, Inc. for the delivery of the Homeless Prevention and Rapid Re-Housing Program (HPRP) and Projects for Assistance in Transition with Homelessness (PATH) at the rate of \$50/hour for the period July 1, 2010, through June 30, 2012, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the County Board hereby approves the distribution of funds and services as homeless prevention and rapid re-housing for persons who have already lost housing; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend this contract, within the Social Services budget, to alter the number of clients served, types of services provided, and contract term, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County to immediately terminate the contract 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.

**10-331**

**Ratification Of Program Year 2010 Workforce Investment Act Plan And Authorization To Execute Related Grant Agreement And Contracts To Provide Workforce Investment Act Adult And Federal Formula Dislocated Worker Services**

WHEREAS, the Workforce Investment Act (WIA) requires Workforce Service Areas (WSA), including Dakota-Scott Workforce Services, to offer employment and training services to program eligible residents of Dakota and Scott Counties; and

WHEREAS, on April 16, 2010, the Dakota-Scott Workforce Investment Board (WIB) approved the Dakota-Scott 2010 annual plan and related contracts with the Minnesota Department of Employment and Economic Development (DEED)/Job Service and HIRED for the provision of program services; and

WHEREAS, the WIB and Dakota County staff recommends executing contracts with DEED/Job Service and HIRED to serve current participants and those who enroll in WIA Adult, WIA Dislocated Worker programs for the period of July 1, 2010 through June 30, 2011.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners, with the concurrence of the Dakota-Scott WIB, hereby ratifies the Program Year 2010 WIA Plan submitted to DEED for employment and training programs in the Dakota-Scott WSA for WIA Adult, WIA Dislocated Worker programs for the period of July 1, 2010 through June 30, 2011; and

BE IT FURTHER RESOLVED, That the Community Services Director, with the concurrence of the Dakota-Scott WIB, is hereby authorized to execute a Master Grant Agreement with DEED for employment and training programs in the Dakota-Scott WSA for WIA Adult and the WIA Dislocated Worker program in the amount of the grants awarded 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 2010 Employment and Economic Assistance budget is hereby amended as follows:

<b>Expense</b>	<b>WIA Adult</b>	<b>WIA DW</b>	<b>Total</b>
Direct Program	\$7,777	\$10,376	\$18,153
<b>Total Expense</b>	<b>\$7,777</b>	<b>\$10,376</b>	<b>\$18,153</b>

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<b>Revenue</b>			
DEED	\$8,641	\$11,529	\$20,170
Increase in Fund Balance	(\$864)	(\$1,153)	(\$2,017)
<b>Total Revenue</b>	<b>\$7,777</b>	<b>\$10,376</b>	<b>\$18,153</b>

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners, with the concurrence of the WIB, hereby authorizes the Community Services Director to execute contracts with DEED/Job Service and HIRED to provide employment and training services for Federal Dislocated Workers Programs, at the following rates for the period of July 1, 2010 through June 30, 2011, subject to approval by the County Attorney's Office as to form:

**HIRED**

- ❖ \$800 per participant with \$400 of that amount paid in monthly installments (\$33.33 per month) from 7/1/10 to 6/30/11 and \$400 of the amount paid at enrollment.
- ❖ \$5,000 for universal customer services. Amount to be paid in monthly installments (\$416.66 per month).
- ❖ Options for incentives would include:
  - \$100 for clients receiving a credential
  - \$100 for clients placed in a wage of meeting or exceeding the required wage set by state for PY 10.
  - \$100 for any client successfully completing an On-the-Job Training Contract

**DEED/Job Service**

- ❖ \$800 per participant with \$400 of that amount paid in monthly installments (\$33.33 per month) from 7/1/10 to 6/30/11 and \$400 of the amount paid at enrollment.
- ❖ \$5,000 for universal customer services. Amount to be paid in monthly installments (\$416.66 per month).
- ❖ Up to \$500 per month for web management services
- ❖ Options for incentives would include:
  - \$100 for clients receiving a credential
  - \$100 for clients placed in a wage of meeting or exceeding the required wage set by state for PY 10.
  - \$100 for any client successfully completing an On-the-Job Training Contract.

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners, with the concurrence of the WIB, hereby authorizes the Community Services Director to execute contracts with DEED/Job Service and HIRED to provide employment and training services for WIA Adult Programs, at the following rates for the period of July 1, 2010 through June 30, 2011, subject to approval by the County Attorney's Office as to form:

**HIRED**

- ❖ \$800 per WIA Adult client enrolled for an amount not to exceed 40 clients. Dakota County reserves the right to allocate the balance of clients based on the Contractor's performance in meeting quarterly enrollment goals.
- ❖ \$67/month for universal customer services.
- ❖ The Contractor is eligible to earn performance incentives as follows:
  - \$100 for clients receiving an educational credential as defined by DEED
  - \$100 for clients placed in a wage meeting or exceeding the required wage established by DEED for PY 10
  - \$100 for any client successfully completing an On-the-Job Training Contract

**DEED/Job Service**

- ❖ \$800 per WIA Adult client enrolled for an amount not to exceed 40 clients. Dakota County reserves the right to allocate the balance of clients based on the Contractor's performance in meeting quarterly enrollment goals.
- ❖ \$67/month for universal customer services.

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- ❖ The Contractor is eligible to earn performance incentives as follows:
  - \$100 for clients receiving an educational credential as defined by DEED
  - \$100 for clients placed in a wage meeting or exceeding the required wage established by DEED for PY 10
  - \$100 for any client successfully completing an On-the-Job Training Contract

; and

BE IT FURTHER RESOLVED, That the Community Services Director, with the concurrence of the WIB, is hereby authorized to amend said contracts, consistent with the approved work plans, to alter the number of clients served, types of services provided, reporting requirements, unit rates and contract term, consistent with County contracting policies, 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 county, state, or federal sources are not appropriated at a level sufficient to allow payment of the amounts due.

#### **10-332**

#### **Authorization To Distribute Year Two Funds From Statewide Health Improvement Program And Authorization To Execute Contracts For Related Services**

WHEREAS, the Dakota County Board of Commissioners acts as the Community Health Board and has a long history and responsibility for 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 had 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

WHEREAS, by Resolution No. 10-273 (May 18, 2010), contracts were authorized for a second year with several entities that are currently providing services; and

WHEREAS, staff seeks authorization for the final budget for Year Two; and

WHEREAS, staff solicited, received, and reviewed funding proposals from cities and school districts; and

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WHEREAS, staff seeks authorization to distribute funds based on applications, and to develop contract agreements with cities and school districts effective July 1, 2010; and

WHEREAS, staff will continue to assist worksites interested in improving healthy eating and seeks authorization to distribute funds and develop contract agreements based on applications and need during the year, and awards will be used between July 1, 2010, and June 30, 2011.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to implement the SHIP budget for year two, as presented to the Community Services Committee of the Whole on June 15, 2010; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute contracts with up to 11 cities working to increase active living including subcontracting as needed for such services as signage, and design plans for pedestrian and bike trails, in a total amount not to exceed \$123,762 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 9 school districts working to increase healthy eating and physical activity (including Safe Routes to School) in a total amount not to exceed \$298,414 (including at least \$100,000 from carryover funds from year one) 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 up to 15 worksites to improve healthy eating in a total 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.

### **10-333**

#### **Authorization To Submit State Fiscal Year 2012 Lessard-Sams Conservation Partners Legacy Program For Lebanon Hills Storm Water Management Plan Implementation**

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

WHEREAS, the 2009 Minnesota Legislature provided direction on the administration and dispersal of the dedicated revenue through various agencies and grant programs, including the Lessard-Sams Conservation Partners Legacy Program (CP Legacy Program) administered by the Department of Natural Resources (DNR); and

WHEREAS, by Resolution No. 05-668 (December 20, 2005), the Dakota County Board of Commissioners approved the 2006 Lebanon Hills Storm Water Management Plan (Management Plan); and

WHEREAS, the goal of the Management Plan is to manage storm water runoff volumes, enhance water quality, and maintain groundwater recharge within the Lebanon Hills Regional Park watersheds in an ecologically appropriate manner; and

WHEREAS, portions of the Management Plan remain to be implemented, including design and construction of outlet control structures on nine lakes or ponds within Lebanon Hills Regional Park; and

WHEREAS, the intent of the outlet control structures is to improve management of excess storm water and improve habitat for fish thereby improving angling opportunities; and

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WHEREAS, the DNR has recommended that Dakota County consider a grant application to the CP Legacy Program to fund outlet control structures on lakes and ponds within Lebanon Hills Regional Park that offer the most potential for improving habitat for fish, as well as accomplishing the goals of the Management Plan; and

WHEREAS, Park staff has prioritized the construction of four outlet control structures at an estimated cost of \$75,000 - \$90,000; and

WHEREAS, staff proposes to do further evaluation to determine the preferred number, location and cost of outlet control structures for the most competitive grant application; and

WHEREAS, grant applications to the CP Legacy Program are due by July 15, 2010; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby supports and authorizes the Parks and Open Space Department to submit a grant application to the DNR for Lessard-Sams Conservation Partners Legacy Program in an amount not to exceed \$90,000, for the final design and construction of priority lake and pond outlet control structures within Lebanon Hills Regional Park to improve storm water management, fish habitat and angling opportunity; and

BE IT FURTHER RESOLVED, That, if Dakota County's grant request is selected for funding, staff will return to the County Board to review local grant requirements and obtain authorization to execute the grant agreement.

#### **10-334**

#### **Authorization To Execute Contract Amendment With Toltz, King, Duvall, Anderson And Associates, Inc. For Engineering Services For Mississippi River Regional Trail**

WHEREAS, by Resolution No. 99-526 (September 21, 1999), the Dakota County Board of Commissioners adopted the Draft Mississippi River Regional Trail (MRRT) Development Plan; and

WHEREAS, the central segment (from the intersection of Cahill Avenue and Old Concord Boulevard in Inver Grove Heights, then south to the Pine Bend Bluffs State Natural Area) of the MRRT is scheduled for construction as soon as the preferred alignment alternative has been selected and engineering completed; and

WHEREAS, by Resolution No. 08-617 (December 16, 2008), the County Board authorized a contract with Toltz, Duvall, Anderson, And Associates, Inc. (TKDA), in the amount of \$53,900, for design and engineering services of the MRRT central segment; and

WHEREAS, by Resolution No. 09-367 (July 21, 2009), the County Board amended the contract in the amount of \$8,300, for a new contract total of \$62,200, for additional design and engineering services necessary to develop and evaluate alignment alternatives; and

WHEREAS, staff administratively amended the contract to extend the term of the contract from December 31, 2009 to August 31, 2010, to allow additional public process; and

WHEREAS, at a May 19, 2010 project open house, the public identified a potential alignment on the west side of Park Lake which staff believes has the potential to offer a high quality trail experience; and

WHEREAS, a feasibility study is required to determine the potential of the Park Lake alternative, which is not included in the existing TKDA contract; and

WHEREAS, staff has negotiated a not-to-exceed fee of \$29,000 for TKDA to accomplish the required tasks, including \$21,500 for engineering; \$7,500 for landowner meetings, utility and railroad coordination tasks and contingency; and

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WHEREAS, the existing TKDA contract expiration date will need to be extended to March 31, 2011 to reflect the new schedule; and

WHEREAS, once a trail alignment has been approved by both the City of Inver Grove Heights and the County Board, staff will return to the County Board and seek authorization for a contract amendment with TKDA to allow for final construction documents to be able to build the trail in 2011; and

WHEREAS, the 2010 Dakota County Capital Improvement Program includes adequate funds for the additional engineering services for the MRRT central segment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract amendment with Toltz, King, Duvall, Anderson, and Associates, Inc. for additional design and engineering of the central segment of the Mississippi River Regional Trail in an amount not to exceed \$29,000, including reimbursements, for a contract total of \$91,200, and to extend the term of the contract to March 31, 2011, subject to approval by the County Attorney's office as to form.

**10-335****Authorization To Execute Amended Agreement With CenterPoint Energy Resources Corporation For Relocation Of Utilities On County Project 70-06 In Lakeville**

WHEREAS, County Project (CP) 70-06 included the reconstruction of 1.3 miles of County State Aid Highway (CSAH) 70, the replacement of the bridge over Interstate 35, the reconstruction of interchange ramps, and the realignment of frontage roads and CSAH 5 in the City of Lakeville; and

WHEREAS, CenterPoint Energy Resources Corporation (CenterPoint) gas transmission and distribution pipelines within CenterPoint easement areas near the realignment of CSAH 5 were required to be relocated to new easement areas to move forward with CP 70-06; and

WHEREAS, by Resolution No. 08-132 (March 18, 2008), the County Board approved executing an agreement with CenterPoint based on an estimated cost of \$460,000; and

WHEREAS, the cost estimate included anticipated costs for engineering, materials, construction, easement acquisition and legal fees; and

WHEREAS, the additional costs for easement acquisition, utility relocation, condemnation, and legal fees are \$270,000 for a total relocation cost of \$730,000; and

WHEREAS, Dakota County and CenterPoint need to amend the relocation agreement due to the higher cost; and

WHEREAS, by Resolution No. 09-601 (December 15, 2009), the County Board amended the Transportation Capital Improvement Program (CIP) budget for CP 70-06 to account for the additional relocation costs; and

WHEREAS, Dakota County will share the CenterPoint relocation costs with the City of Lakeville in accordance with County policy.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an amended agreement with CenterPoint Energy Resources Corporation for the relocation of gas transmission and distribution pipelines, in the amount of the actual cost, not to exceed \$730,000, subject to approval by the County Attorney's Office as to form.

**10-336****Authorization To Convey Excess Right Of Way Parcel 3(301) On County Project 70-06 In Lakeville**

WHEREAS, County Project (CP) 70-06 included the reconstruction of 1.3 miles of County State Aid Highway (CSAH) 70, the replacement of the bridge over Interstate 35, and the reconstruction of ramps, loops, signals, frontage roads, and CSAH 5 in the City of Lakeville; and

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WHEREAS, CP 70-06 included the relocation of CenterPoint Energy Resources Corporation (CenterPoint) gas transmission and distribution pipelines and a pipeline easement acquisition from Dennis and Ila Dunham (Dunhams) near the realignment of CSAH 5 to move forward with the project; and

WHEREAS, Dakota County has a contract with CenterPoint to reimburse CenterPoint for its costs of acquisition of a new pipeline easement from the Dunhams; and

WHEREAS, Parcel 3 on Dakota County Right of Way Map No. 301, is a 7,238 square foot (0.17 acre) narrow triangle shaped parcel along former CSAH 5 that was obtained at no cost by the County from Minnesota Department of Transportation (Mn/DOT) as part of the right of way for old Highway 65, and following completion of CP 70-06 and the obliteration of this portion of the CSAH 5 roadway, the County Engineer has determined that Parcel 3(301) is excess County right of way; and

WHEREAS, the Dunhams, who are the underlying property owners for Parcel 3 (301), have requested that the County convey the excess right of way Parcel 3(301) as part of their complete and final settlement with CenterPoint for the damages from the acquisition of the pipeline easement; and

WHEREAS, the County desires to vacate this excess right of way to facilitate the settlement between the Dunhams and CenterPoint because it will finalize CenterPoint's easement acquisition costs, including the costs of a jury trial in District Court, which costs the County is required to reimburse to CenterPoint, and it will reduce the County's liability and maintenance costs for this parcel; and

WHEREAS, the County Board has authority pursuant to Minn. Stat. § 163.11, subd. 4, to vacate any portion of a county highway when a newly established or relocated highway is opened for travel, which takes the place of said portion of a highway, subject to the rights of existing utilities pursuant to Minnesota Rule 7819.3200.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby vacates and extinguishes the right of Dakota County to use said Parcel 3(301) as public highway right of way, subject to the right of the County and all right of way users having facilities in the vacated right of way to install, maintain and operate facilities in the vacated right of way and to enter upon the right of way at any time to reconstruct, inspect, maintain or repair the facilities; and

BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to execute a quit claim deed to the Dunhams so releasing the County's interest in right of way Parcel 3(301), subject to approval by the County Attorney's Office as to form.

#### **10-337**

#### **Authorization To Execute Joint Powers Agreement With Rice County And Goodhue County For JABG Funds**

WHEREAS, Minnesota counties are eligible to apply for Federal Juvenile Accountability Block Grant (JABG) funds to be used for the purposes of reforming the juvenile justice system and providing greater accountability for juveniles who are in the juvenile or criminal justice systems; and

WHEREAS, Rice County and Goodhue County have requested that Dakota County apply for and enter a grant agreement to receive a combined grant to meet the JABG program needs for each of the three counties and also that Dakota County administer Rice County and Goodhue County's share of the grant funds; and

WHEREAS, in order for Dakota County to apply for and receive JABG grant funds on behalf of itself, Rice County and Goodhue County, a joint powers agreement among Dakota County, Rice County and Goodhue County is required.

NOW THEREFORE BE IT RESOLVED, That the Dakota County Attorney is hereby authorized to execute a joint powers agreement among Dakota County, Rice County and Goodhue County for the purpose of applying for, receiving and administering federal JABG grant funds in the total amount of \$32,928, for the period July 1, 2010, through June 30, 2011.

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**10-338**

**Authorization To Amend Employment And Economic Assistance Budget To Reflect Decrease In Supported Work Funds And Authorization To Execute Contracts For Related Services**

WHEREAS, Dakota County administers Temporary Assistance for Needy Families (TANF) program services to eligible participants; and

WHEREAS, the Minnesota Department of Human Services (DHS) has issued funds to provide supported work services to Minnesota Family Investment Program (MFIP) participants; and

WHEREAS, DHS has notified the County that our supported work allocation for Program Year 2010 is \$306,909 to be used between the period of July 1, 2010, through June 30, 2011.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contracts with HIRED to provide the Job Advance program and the Enhanced Job Advance program in an amount not to exceed \$210,873 for both programs for the period of July 1, 2010, through June 30, 2011; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contracts with area employers to help MFIP participants who are work ready overcome certain employment barriers while also giving area employers an incentive to hire Dakota County MFIP participants in an amount not to exceed \$50,000 across all contracts for the period of July 1, 2010, through June 30, 2011; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to amend said contracts within the Employment and Economic Assistance budget, and to alter the number and type of clients, types of services provided, the reporting requirements, the contract amount, and the contract term, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2010 Employment and Economic Assistance budget is hereby amended to reflect a decrease in supported work funds as follows for the period of July 1, 2010, through December 31, 2010:

<b>Expense</b>	<b>Supported Work</b>
Direct Program	(\$71,208)
<b>Total Expense</b>	<b>(\$71,208)</b>
<b>Revenue</b>	
DHS	(\$83,777)
Decrease in Fund Balance	12,569
<b>Total Revenue</b>	<b>(\$71,208)</b>

**10-339**

**Authorization To Amend Employment And Economic Assistance Budget And To Execute Related Contracts For Minnesota Formula Dislocated Worker Services**

WHEREAS, the Workforce Investment Act (WIA) requires Workforce Service Areas (WSA), including Dakota-Scott Workforce Services, to offer employment and training services to program eligible residents of Dakota and Scott Counties; and

WHEREAS, by Resolution No. 05-324 (June 21, 2005), Dakota and Scott Counties entered into a Joint Powers Agreement to become one Workforce Service Area now titled Dakota-Scott Workforce Services; and

WHEREAS, DEED provided the allocation amounts to Dakota-Scott Workforce Services on June 7, 2010, and the total amount available for the period of July 1, 2010, through June 30, 2011, is \$1,171,809, with \$888,231 designated for Dakota County and \$283,578 designated for Scott County; and

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WHEREAS, on May 18, 2010, the Dakota-Scott Workforce Investment Board (WIB) approved contracts with the Minnesota Department of Employment and Economic Development (DEED)/Job Service and HIRED for the provision of program services; and

WHEREAS, the WIB and Dakota County staff recommends executing contracts with DEED/Job Service and HIRED to serve current participants, and those who enroll in Minnesota Dislocated Worker program for the period of July 1, 2010, through June 30, 2011.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners, with the concurrence of the WIB, hereby authorizes the Community Services Director to execute contracts with DEED/Job Service and HIRED to provide employment and training services for the State Dislocated Workers Program, at the following rates for the period of July 1, 2010 through June 30, 2011, subject to approval by the County Attorney's Office as to form:

**HIRED**

- ❖ Provide services to 160 participants at a rate of \$800 per participant with \$400 of that amount paid in monthly installments (\$33.33/month) and \$400 of the amount paid at enrollment
- ❖ \$5,000 for universal customer services. Amount to be paid in monthly installments (\$416.66/month).
- ❖ Options for incentives would include:
  - \$100 for clients receiving a credential
  - \$100 for clients placed in a wage of meeting or exceeding the required wage set by state for Program Year 10
  - \$100 for any client successfully completing an On-the-Job Training Contract

**DEED/Job Service**

- ❖ Provide services to 160 participants at a rate of \$800 per participant with \$400 of that amount paid in monthly installments (\$33.33/month) and \$400 of the amount paid at enrollment
- ❖ \$5,000 for universal customer services. Amount to be paid in monthly installments (\$416.66/month).
- ❖ Options for incentives would include:
  - \$100 for clients receiving a credential
  - \$100 for clients placed in a wage of meeting or exceeding the required wage set by state for PY 10
  - \$100 for any client successfully completing an On-the-Job Training Contract

; 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 allow payment of the amounts due; and

BE IT FURTHER RESOLVED, That the Community Services Director, with the concurrence of the Dakota-Scott Workforce Investment Board (WIB), is hereby authorized to amend said contracts, consistent with the approved work plans, to alter the number of clients served, types of services provided, reporting requirements, and contract term, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

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

<b>Expense</b>	<b>State Dislocated Worker</b>
Direct Program	(\$78,048)
<b>Total Expense</b>	<b>(\$78,048)</b>
<b>Revenue</b>	
DEED	(\$93,176)
Decrease in Fund Balance	15,128
<b>Total Revenue</b>	<b>(\$78,048)</b>

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**10-340**

**Authorization To Accept National Emergency Grant Funding And To Execute Related Grant Agreement And Contracts To Provide Workforce Investment Act Dislocated Worker Services**

WHEREAS, the Workforce Investment Act (WIA) requires Workforce Service Areas (WSA) to offer employment and training services to low-income adults and dislocated workers through funding allocated by the Minnesota Department of Employment and Economic Development (DEED) for the provision of WIA Adult and federal and state formula Dislocated Worker programs; and

WHEREAS, by Resolution No. 05-324 (June 21, 2005), Dakota and Scott Counties entered into a Joint Powers Agreement to become one WSA and to collaborate in the delivery of employment services under the Dakota-Scott Workforce Investment Board (WIB); and

WHEREAS, by Resolution No. 09-295 (June 18, 2009), the County Board approved the submission of the 2009 WIA plan, the execution of the Master Agreement, and contracts covering these services; and

WHEREAS, DEED applied for a National Emergency Grant (NEG) which was approved by the United States Department of Labor, with \$493,356 available for Dakota County and \$158,359 available for Scott County for the period of April 1, 2010, through March 31, 2011; and

WHEREAS, the WIB and Dakota County staff recommends executing contracts with DEED/Job Service and HIRED to serve current participants and those who enroll in NEG Dislocated Worker programs for the period of April 1, 2010, through March 31, 2011.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners, with the concurrence of the Dakota-Scott WIB, hereby authorizes the Community Services Director to execute the National Emergency Grant with DEED for employment and training programs in the Dakota-Scott WSA for the National Emergency Grant Dislocated Worker program, and to execute related contracts with DEED/Dakota County Job Service and HIRED to serve 160 participants, 80 participants per provider, at the following rates for the period of April 1, 2010, through March 31, 2011, subject to approval by the County Attorney's Office as to form:

- ❖ \$800 per participant with \$400 of that amount paid in monthly installments (\$33.33 per month) for the period of April 1, 2010, to March 31, 2011, and \$400 of the amount paid at enrollment

; 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 allow payment of the amounts due; and

BE IT FURTHER RESOLVED, That the Community Services Director, with the concurrence of the Dakota County WIB, is hereby authorized to amend said grant agreement and contracts, consistent with the approved work plans, to alter the number and types of participants served, types of services provided, reporting requirements, and contract term, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

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

<b>Expense</b>	<b>NEG DW</b>
Direct Program	\$473,128
<b>Total Expense</b>	<b>\$473,128</b>
<b>Revenue</b>	
US Dept. of Labor	\$493,356
Increase in Fund Balance	(20,228)
<b>Total Revenue</b>	<b>\$473,128</b>

June 22, 2010

**10-341**

**Authorize Application For Federal Reinsurance Program Established By Section 1102 Of Federal Patient Protection And Affordable Care Act**

WHEREAS, as part of the Patient Protection and Affordable Care Act of 2010, Congress established the Early Retiree Reinsurance Program (ERRP), a temporary program, effective June 1, 2010 through January 1, 2014, that provides reimbursement of certain expenses to health plan sponsors that provide coverage to early retirees and their spouses; and

WHEREAS, employers who are accepted into the program will receive reimbursement for medical, surgical, hospital, and prescription drug claims costs for early retirees and their spouses in an amount up to 80% of the claims costs between \$15,000 and \$90,000; and

WHEREAS, eligible employers must apply to the U.S. Department of Health and Human Services (HHS) on or before June 30, 2010.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes its Employee Relations Director to submit an application for ERRP to HHS; and

BE IT FURTHER RESOLVED, That the intended use of ERRP reimbursements is to lower costs for the plan. Payments may be used to reduce premium costs or to reduce premium contributions, co-payments, deductibles, co-insurance, or other out of pocket costs for the participants, including employees and early retirees.

**10-342**

**Authorization Of Commercial Automobile Insurance Contract With Travelers Insurance**

WHEREAS, Dakota County purchases insurance for automobile physical damage and liability coverage; and

WHEREAS, the current policy on automobile insurance will expire on July 1, 2010; and

WHEREAS, an evaluation of the marketplace for competitive quotes was completed; and

WHEREAS, based on the evaluation of the marketplace, the Operations Management Director and Risk Manager recommend the placement of automobile insurance coverage with Traveler's Insurance, with the policy providing for liability coverage to a per claimant limit of \$500,000 and a per accident limit of \$1,500,000 and physical damage coverage for comprehensive and collision at a \$5,000 deductible.

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

**Automobile Insurance**

July 1, 2010 –July 1, 2011	Premium	\$169,098	Travelers Insurance
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**10-343**

**Authorization To Execute Contract With Omni Contracting, Inc. For Tenth 800 MHz Radio Site Preparation**

WHEREAS, Dakota County is responsible to provide sites ready to receive the installation of radio communications equipment under the terms of the contract with Motorola, Inc. for the 800 MHz radio network; and

WHEREAS, PSC Alliance has been selected to provide professional services to assist in the development of the 800 MHz radio site in Welch Township at an existing cellular communications tower; and

WHEREAS, PSC Alliance assisted Dakota County to prepare, solicit, and evaluate bids for site preparation and installation of radio communications equipment at the Welch Township site for the Dakota County 800 MHz Subsystem; and

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WHEREAS, pursuant to public notice and advertisement requirements, two qualified bids were received on June 11, 2010, for such site preparation and installation of radio communications equipment; and

WHEREAS, Omni Contracting, Inc. has submitted the lowest responsive bid of \$62,425 for preparation and installation of radio communications equipment at Welch Township site for the Dakota County 800 MHz Subsystem; and

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

WHEREAS, contracts in the amount of \$50,000 and over must be approved by Dakota County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract with Omni Contracting, Inc., for the preparation and installation of radio communications equipment in an amount not to exceed \$62,425, subject to approval by the County Attorney's Office as to form.

#### **10-344**

#### **Authorization To Execute Contract For Consultant Services To Prepare Development Master Plan For Regional Park In Empire Township**

WHEREAS, in 2008, Dakota County acquired its newest park located in Empire Township, adjacent to the Vermillion Highlands Modified Wildlife Management Area and the Vermillion River Wildlife Management Area /Aquatic Management Area; and

WHEREAS, preparation of a development master plan is necessary to establish a vision for the regional park that will guide development, natural resource restoration, operations, interagency collaboration and budget and phasing for park improvements; and

WHEREAS, the development master plan will be informed by previous planning efforts including: 1) Empire Wetlands Acquisition Master Plan, 2) Dakota County Park System Plan, 3) Vermillion Highlands Concept Master Plan, 4) Empire-Rosemount Transportation Study, and the 5) Empire Township Comprehensive Plan; and

WHEREAS, the master plan process has four phases: 1) Scoping and Organization (April-June 2010, led by staff only), 2) Inventory and Research (June-September 2010, consultant with staff), 3) Alternative Park Concepts (September 2010-January 2011, consultant with staff), and 4) Preferred Concept and Plan (February-July 2011, consultant with staff); and

WHEREAS, the process includes continued involvement from the University of Minnesota, Minnesota Department of Natural Resources and Empire Township, plus it engages additional stakeholders; and

WHEREAS, public engagement will occur throughout the project with workshops and open houses; and

WHEREAS, the County Board will be provided regular updates and have opportunities to provide direction at key project milestones; and

WHEREAS, proposals for consultant services were requested and received from five firms; and

WHEREAS, staff reviewed consultant proposals based on team composition, skills, qualifications, relevant experience, project understanding, and overall approach; and recommend the contract be awarded to Sanders Wacker Bergly, Inc. (SWB), in the amount of \$80,000, which includes reimbursable expenses; and

WHEREAS, the approved 2010 Parks and Open Space Capital Improvement Program includes \$100,000 for consultant services to prepare the development master plan; and

WHEREAS, after further review of opportunities to reduce the budget, project tasks and potential roles, staff has established a contract budget of \$80,000; and

June 22, 2010

WHEREAS, the spouse of the County Administrator is a principal in a firm which is proposed to subcontract with Sanders Wacker Bergly, Inc., thereby constituting the appearance of a conflict of interest, should the contract with Sanders Wacker Bergly, Inc. 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 contract with Sanders Wacker Bergly, Inc. to develop a master plan for Dakota County's regional park in Empire Township, in an amount not to exceed \$80,000, which includes reimbursable expenses, subject to approval by the County Attorney's Office as to form.

**10-345**

**Authorization To Execute Joint Powers Agreement With City Of Inver Grove Heights For Right Of Way Acquisition On County Project 28-48**

WHEREAS, Dakota County is proceeding with County Project (CP) 28-48 to realign and reconstruct County Road 28 (80<sup>th</sup> Street) from Trunk Highway 3 to 0.6 miles east in the City of Inver Grove Heights; and

WHEREAS, CP 28-48 will implement the alignment identified in the adopted County Road 28 Study (Resolution No. 08-086, February 26, 2008); and

WHEREAS, right of way acquisition is necessary to proceed with CP 28-48; and

WHEREAS, Dakota County will be the lead agency for right of way acquisition; and

WHEREAS, the 2010–2014 Transportation Capital Improvement Program (CIP) includes \$2,500,000 for right of way acquisition in 2011; and

WHEREAS, acquisition of the first parcel on CP 28-48 may occur as early as July 2010, with other acquisitions in the future, as they become available; and

WHEREAS, construction is currently programmed for 2014, but is dependent on future development of the area; and

WHEREAS, Dakota County and the City of Inver Grove Heights need to enter into a joint powers agreement to define project cost shares and to define roles and responsibilities for right of way acquisition to proceed with CP 28-48.

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 Inver Grove Heights for right of way acquisition on County Project 28-48, subject to approval by the County Attorney's Office as to form.

**10-346**

**Approval Of Application For Assemblage Of Large Numbers Of People License For Midwest Latino Entertainment & Talent, Inc.**

WHEREAS, an application has been submitted by Midwest Latino Entertainment & Talent, Inc. to hold a rodeo on Saturday, July 3, 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

June 22, 2010

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 Latino Entertainment & Talent, Inc. to hold a rodeo on Saturday, July 3, 2010 at the Dakota County Fairgrounds, and authorizes the County Property Taxation and Records Director to issue the license.

**10-347  
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 temporary license to sell 3.2% Malt Beverages and authorizes the Property Taxation and Records to issue license upon payment of the proper fees:

<u>Castle Rock Township:</u>			
Midwest Latino Entertainment & Talent, Inc.	July 3, 2010	\$34.00	Temp On-Sale

**10-348  
Approval Of Application From Gregory B. Herrmann For Repurchase Of Tax-Forfeited Parcel**

WHEREAS, in accordance with Minn. Stat. § 282.241 and Minn. Stat. § 282.261, a county board may approve repurchase of tax-forfeited land; and

WHEREAS, such repurchase shall be permitted if a county board determines that undue hardship or injustice resulting from the forfeiture will be corrected, or that permitting such repurchase will promote the use of such lands that will best serve the public interest; and

WHEREAS, Gregory B. Herrmann is an eligible party to apply for repurchase; and

WHEREAS, Gregory B. Herrmann has signed an installment contract which includes all applicable taxes, special assessments, penalties, interest and costs has been made a 10% down payment; and

WHEREAS, Gregory B. Herrmann has applied to repurchase the following parcel located in West Saint Paul:

PID: 42-58700-050-00  
PREMO ADDITION  
LOT 5

; and

WHEREAS, the County Treasurer-Auditor recommends this repurchase on the basis that it will best serve the public interest.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from Gregory B. Herrmann for the repurchase of the above-described parcel of tax-forfeited land, as recommended by the County Treasurer-Auditor.

**10-349  
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:

Costco Addition

Burnsville

June 22, 2010

END OF CONSENT AGENDA

ayes 7

nays none

The following item was on the agenda for informational purposes only: Item 10.1 – Report On Invoices Paid In May 2010.

Interim Community Services Director Marilynn Loving presented Item 14.1 – Authorization To Execute Cooperative Agreement With Anoka, Chisago, Hennepin, Isanti, Ramsey, Sherburne And Washington Counties For Nonemergency Medical Access Transportation Services and responded to questions from the Board.

**10-350**

**Authorization To Execute Cooperative Agreement With Anoka, Chisago, Hennepin, Isanti, Ramsey, Sherburne, And Washington Counties For Nonemergency Medical Access Transportation Services**

Motion: Comm. Schouweiler

Second: Comm. Workman

WHEREAS, in July 2004, the Department of Human Services (DHS) implemented the Minnesota Nonemergency Transportation (MNET) program to improve services and control costs; and

WHEREAS, under MNET, DHS contracted with MTM, Inc., a medical transportation management company (broker) to determine the appropriate level of transportation service for eligible publicly funded health care program enrollees statewide and make access transportation services (ATS) arrangements for fee-for-service enrollees in the eleven-county metropolitan area; and

WHEREAS, 2009 Legislative action transferred the administration and coordination of ATS from the state to counties in the eleven county metropolitan area effective July 1, 2009; and

WHEREAS, Anoka County executed a master contract with MTM, Inc. that allowed Anoka and the other metropolitan area counties continued use of MTM, Inc. for ATS transportation services for the period of July 1, 2009, through June 30, 2010; and

WHEREAS, because approximately half of the ATS trips are provided for Hennepin County clients, Hennepin County agreed to issue a Request for Proposal (RFP) and execute a master contract with the selected medical transportation management company for broker services effective July 1, 2010; and

WHEREAS, the selected medical transportation management company will bill Hennepin County for the administrative costs and then Hennepin will bill each participating county for that county's administrative costs based on the number of rides for recipients from their county; and

WHEREAS, since it will be Hennepin County's responsibility to collect the administrative dollars from the other counties, Hennepin County is asking that each participating county provide its county's percentage of the total number of rides for a two month period (based on the 2009 third quarter total number of rides) to Hennepin County by July 31, 2010, to be used to pay the administrative costs; and

WHEREAS, a Cooperative Agreement between Anoka, Chisago, Hennepin, Isanti, Ramsey, Sherburne, and Washington Counties and Dakota County is required in order for Dakota County to reimburse Hennepin County for Dakota County's share of the administrative costs.

NOW, THEREFORE, BE IT RESOLVED, That the Community Services Director is hereby authorized to execute a Cooperative Agreement with Anoka, Chisago, Hennepin, Isanti, Ramsey, Sherburne, and Washington Counties effective July 1, 2010, through December 31, 2011, with the option to extend the term of the agreement if approved by some or all parties, for provision of nonemergency medical ATS for eligible Medical Assistance and MinnesotaCare recipients, substantially as presented on June 22, 2010, subject to approval by the County Attorney's Office as to form; and

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BE IT FURTHER RESOLVED, That the Community Services Director is authorized to provide an escrow payment of \$28,869 to Hennepin County by July 31, 2010, to cover the first two months of ATS administrative costs; and

BE IT FURTHER RESOLVED, That Kelly Harder, Community Services Director, is hereby appointed to serve as the Dakota County representative to the nonemergency medical access transportation services governing board.

ayes 7

nays none

**10-351**

**Appointment Of County Board Member To Metropolitan Library Service Agency Board Of Trustees And Dakota County Library Board**

Motion: Comm. Gaylord

Second: Comm. Schouweiler

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints Commissioner Liz Workman to the Metropolitan Library Service Agency (MELSA) Board for a three-year term of July 1, 2010, through June 30, 2013; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby appoints Commissioner Liz Workman as the liaison to the Dakota County Library Board for a three-year term of July 1, 2010, through June 30, 2013.

ayes 7

nays none

At this time, Management Analysts Debra Miller and Jane Vanderpoel presented Item 16.1 – Presentation Of 2010 Community Indicators Report. This item was for information only; no action was requested.

Land Conservation Manager Al Singer presented Item 17.1- Authorization To Expend Up To \$2,798,938 Of Farmland And Natural Areas Program Funds To Acquire Permanent Easements on Twelve Properties Totaling Approximately 1,325 Acres.

**10-352**

**Authorization To Expend Up To \$2,798,938 Of Farmland And Natural Areas Program Funds To Acquire Permanent Easements On Twelve Properties Totaling Approximately 1,325 Acres**

Motion: Comm. Harris

Second: Comm. Schouweiler

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

WHEREAS, by Resolution No. 09-354 (July 21, 2009), the Dakota County Board of Commissioners approved the ten highest ranked farmland projects submitted in 2009 and directed staff to complete appraisals and initiate negotiations; and

WHEREAS, landowners of nine of the ten approved farmland protection projects have agreed to sell a permanent agricultural conservation easement to Dakota County; and

WHEREAS, staff and the Farmland and Natural Areas Program Advisory Committee have re-evaluated and scored the nine farmland protection projects as follows:

<b>Agricultural Landowner</b>	<b>Easement Acres</b>	<b>Township Location</b>	<b>AC Score</b>	<b>Rank</b>
Lewellyn & Bernadette Stoffel – 2	77	Vermillion	142	1
Lewellyn & Bernadette Stoffel – 1	97	Vermillion	140	2
Michael Ozmun	94	Waterford	137	3
Jay & Kerry Otte	167	Waterford	129	4
Dolores Gergen	199	Hampton	127	5
Robert & Nancy Kluver	260	Greenvale	125	6

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Ronald & Robin Bakken	52	Sciota	124	7
Jerold & Karen Otte	139	Hampton	122	8
Marian Frandrup & Arthur Frandrup Estate	120	Hampton	119	9

; and

WHEREAS, the total estimated acquisition cost for nine agricultural easements on 1,205 acres is \$2,482,429, including \$27,000 for closing costs and \$54,000 for potential acreage adjustments; and

WHEREAS, Dakota County is eligible for reimbursement of up to 50 percent of the farmland easement acquisition costs, or \$1,471,030 through the federal FY2009 Farm and Ranch Lands Protection Program (FRPP); and

WHEREAS, landowners of the nine proposed agricultural easements have agreed to donate an estimated \$540,631 of easement value to Dakota County; and

WHEREAS, Dakota County has \$34,500 of FY 2009 Lessard-Sams Outdoor Heritage Council (LSOHC) funds available for acquiring a natural area portion of the Jay and Kerry Otte agricultural easement; and

WHEREAS, the estimated net County cost for the nine agricultural easements is \$976,899 and are itemized as follows:

<u>Landowner</u>	<u>Total Acquisition Cost</u>	<u>Landowner Donation</u>	<u>Closing Costs</u>	<u>Acreage Adjustment</u>	<u>Prelim. Cost</u>	<u>FRPP Funds</u>	<u>LSOHC Funds</u>	<u>Net County Cost</u>
Stoffel – 2	\$175,000	(\$43,750)	\$3,000	\$4,000	\$138,250	(\$87,500)		\$50,750
Stoffel – 1	\$220,000	(\$55,000)	\$3,000	\$4,000	\$172,000	(\$110,000)		\$62,000
Ozmun	\$210,000	(\$48,300)	\$3,000	\$4,000	\$168,700	(\$105,000)		\$63,700
Ja. & Ke. Otte	\$332,500	(\$83,125)	\$3,000	\$8,000	\$260,375	(\$166,250)	(\$34,500)	\$59,625
D. Gergen	\$580,000	(\$58,000)	\$3,000	\$9,000	\$534,000	(\$290,000)		\$244,000
Kluver	\$624,000	(\$124,800)	\$3,000	\$10,000	\$512,200	(\$312,000)		\$200,200
Bakken	\$110,000	(\$17,600)	\$3,000	\$3,000	\$98,400	(\$55,000)		\$43,400
Je. & Ka. Otte	\$410,000	(\$82,000)	\$3,000	\$7,000	\$338,000	(\$205,000)		\$133,000
Frandrup	\$280,560	(\$28,056)	\$3,000	\$5,000	\$260,504	(\$140,280)		\$120,224
<b>Totals</b>	<b>\$2,942,060</b>	<b>(\$540,631)</b>	<b>\$27,000</b>	<b>\$54,000</b>	<b>\$2,482,429</b>	<b>(\$1,471,030)</b>	<b>(\$34,500)</b>	<b>\$976,899</b>

; and

WHEREAS, by Resolution No. 09-410 (August 18, 2009), the Dakota County Board of Commissioners approved 12 of the 15 highest ranked natural areas projects submitted in 2009 and directed staff to complete appraisals and initiate negotiations; and

WHEREAS, staff and the Farmland and Natural Areas Program Advisory Committee have re-evaluated and scored three of the finalized natural area protection projects as follows:

<u>Natural Area Landowner</u>	<u>Easement Acres</u>	<u>Township Location</u>	<u>AC Score</u>	<u>Rank</u>
Ronald & Robin Bakken	49	Sciota	67	9
Michael Ozmun	32	Waterford	65	2
Mark & Janet Otte - 1	39	Waterford	50	15

; and

WHEREAS the estimated cost for acquiring the three natural area easements is \$316,509, including \$9,000 for closing costs, and \$7,000 for easement acreage adjustments; and

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WHEREAS, Dakota County has \$175,000 of FY 2009 LSOHC funds available for the three recommended natural area easements; and

WHEREAS, landowners of the proposed natural area easements have agreed to donate an estimated \$56,127 of easement value to Dakota County; and

WHEREAS, the estimated net County cost for the three natural easements is \$141,509 and are itemized as follows:

<u>Landowner</u>	<u>Total Acquisition Cost</u>	<u>Landowner Donation</u>	<u>Closing Costs</u>	<u>Acreage Adjustment</u>	<u>Prelim. Cost</u>	<u>LSOHC Funds</u>	<u>Net County Cost</u>
Bakken	\$152,000	(\$15,200)	\$3,000	\$2,000	\$141,800	(\$75,000)	\$66,800
Ozmun	\$75,000	(\$15,000)	\$3,000	\$2,000	\$65,000	(\$35,000)	\$30,000
Ma. & Ja. Otte	\$129,636	(\$25,927)	\$3,000	\$3,000	\$109,709	(\$65,000)	\$44,709
<b>Totals</b>	<b>\$356,636</b>	<b>(\$56,127)</b>	<b>\$9,000</b>	<b>\$7,000</b>	<b>\$316,509</b>	<b>(\$175,000)</b>	<b>\$141,509</b>

; and

WHEREAS, final acquisition cost of each agricultural and natural area easement will be determined after each easement is surveyed and legally described, and the settlement statement is finalized; and

WHEREAS, the FNAP Advisory Committee unanimously recommended that Dakota County acquire permanent easements on the nine highest ranked farmland properties and three of the highest ranked natural area properties submitted in 2009.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the expenditure of up to \$2,482,429 from the Farmland and Natural Areas Program to acquire the following nine permanent agricultural easements:

<u>Agricultural Landowner</u>	<u>Easement Acres</u>	<u>Cost</u>
Lewellyn & Bernadette Stoffel – 2	77	\$138,250
Lewellyn & Bernadette Stoffel – 1	97	\$172,000
Michael Ozmun	94	\$168,700
Jay & Kerry Otte	167	\$260,375
Dolores Gergen	199	\$534,000
Robert & Nancy Kluver	260	\$512,200
Ronald & Robin Bakken	52	\$98,400
Jerold & Karen Otte	139	\$338,000
Marian Frandrup & Arthur Frandrup Estate	120	\$260,504

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the expenditure of up to \$316,509 from the Farmland and Natural Areas Program to acquire the following permanent, natural area conservation easements:

<u>Natural Area Landowner</u>	<u>Easement Acres</u>	<u>Cost</u>
Ronald & Robin Bakken	49	\$141,800
Michael Ozmun	32	\$65,000
Mark & Janet Otte - 1	39	\$109,709

; and

BE IT FURTHER RESOLVED, That the 2010 Farmland and Natural Areas Program budget is hereby amended as follows:

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**Expense**

Acquisition of nine permanent farmland easements	\$2,482,429
Acquisition of three permanent natural area easements	\$316,509
<b>Total Expenses</b>	<b>\$2,798,938</b>

**Revenue**

FNAP Fund Balance	\$2,798,938
<b>Total Revenue</b>	<b>\$2,798,938</b>

; and

BE IT FURTHER RESOLVED, That the Physical Development Division Director is hereby authorized to execute the 12 purchase agreements for the permanent conservations easements subject to review and approval as to form by the County Attorney's Office; and

BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to execute the 12 Farmland and Natural Areas Program permanent conservation easements, subject to review and approval as to form by the County Attorney's Office; and

BE IT FURTHER RESOLVED, That if the total acquisition costs of the 12 conservation easements exceeds \$2,798,938, staff will seek County Board authority to expend any additional funds for acquiring these 12 easements; and

BE IT FURTHER RESOLVED, That following acquisition of the nine agricultural easements, Dakota County will submit the necessary forms and documentation to the United States Commodity Credit Corporation to receive approximately \$1,471,030 in FRPP reimbursement funds; and

BE IT FURTHER RESOLVED, That following acquisition of the four eligible easements, Dakota County will submit the necessary forms and documentation to the Minnesota Department of Natural Resources to receive approximately \$209,500 in LSOHC reimbursement funds; and

BE IT FURTHER RESOLVED, That reimbursement from the United States Commodity Credit Corporation and the Lessard-Sams Outdoor Heritage Council for Dakota County farmland and natural area protection projects will be returned to the Farmland and Natural Areas Program fund balance.

ayes 7

nays none

**10-353**

**Authorization To Approve Settlement Of Parcel 1(350): County Project 97-83**

Motion: Comm. Harris

Second: Comm. Krause

WHEREAS, Dakota County, through County Project (CP) 97-83 is constructing an additional segment of the Mississippi River Regional Trail (MRRT) from Spring Lake Regional Park in Nininger Township to the city limits of Hastings; and

WHEREAS, in Parcel 1(350), the County condemned for trail purposes 6,786 square feet of permanent trail easement and 6,093 square feet of temporary construction easement for which the County offered compensation of \$12,500; and

WHEREAS, Harrison Benjamin and Patty Benjamin, the fee owners of the property, rejected the offer; and

WEHREAS, the landowners obtained a tree appraisal to determine the replacement cost of 25 trees being removed from their land as part of the trail construction and County staff has confirmed replacement costs with other nurseries; and

WHEREAS, the parties to this action have agreed to a settlement of all damages caused by the takings and removal of the trees for an amount of \$19,000, or \$6,500 more than the original County appraisal, subject to approval by the County Board; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the settlement agreement for Parcel 1(350) in the amount of \$19,000 as being in the best interest of the County, and authorizes the County Attorney to arrange for final payment of the settlement amount and file the necessary court documents to effectuate final settlement of the condemnation action between the parties.

ayes 7

nays none

**10-354**

**Authorization To Approve Settlement Of Parcel 81(324): County Project 23-64**

Motion: Comm. Branning

Second: Comm. Harris

WHEREAS, Dakota County, through County Project (CP) 23-64 is constructing Cedar Avenue and multiple cross streets in Apple Valley and Lakeville to create a Bus Rapid Transit (BRT) corridor along County State Aid Highway (CSAH) 23; and

WHEREAS, in Parcel 81(324) the County condemned for highway purposes 3,454 square feet of permanent trail, drainage and utility easement and 2,180 square feet of temporary construction easement for which the County offered compensation of \$77,500; and

WHEREAS, Paul R. Graffunder (doing business as Piston Pete's), the fee owner of the property rejected the offer; and

WHEREAS, the parties to this action have agreed to a settlement of all damages caused by the takings for an amount of \$87,500, or \$10,000 more than the original County appraisal, subject to approval by the County Board; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the settlement agreement for Parcel 81(324) in the amount of \$87,500 as being in the best interest of the County, and authorizes the County Attorney to arrange for final payment of the settlement amount and file the necessary court documents to effectuate final settlement of the condemnation action between the parties.

ayes 7

nays none

**10-355**

**Closed Executive Session: City Of Eagan V. Patrick McCarthy And Dakota County**

Motion: Comm. Harris

Second: Comm. Schouweiler

WHEREAS, the City of Eagan is undertaking the construction of a water retention pond on real property in the City of Eagan owned by Patrick McCarthy; and

WHEREAS, in connection with the construction of said water retention pond, the City of Eagan desires to construct a temporary construction access to the pond construction area over land which is subject to a conservation easement granted by Patrick McCarthy to the County of Dakota; and

June 22, 2010

WHEREAS, the City of Eagan has commenced an eminent domain action against Patrick McCarthy and the County of Dakota, for the purpose of acquiring the requisite temporary and permanent easements on the property owned by Patrick McCarthy and by the County of Dakota; and

WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to the strategy of defending the proceeding commenced by the City of Eagan, the public disclosure of which would benefit the City of Eagan 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 June 22, 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 eminent domain proceeding commenced by the City of Eagan with respect to land in the City of Eagan that is owned by Patrick McCarthy but is subject to a conservation easement granted by Patrick McCarthy to the County of Dakota.

ayes 7

nays none

The time being 10:59 a.m. and pursuant to public notice and Resolution No. 10-355, the County Board adjourned to Conference Room 3A to hold Closed Executive Session to discuss City of Eagan v. Patrick McCarthy and Dakota County.

The following were present:

- Commissioner Joseph A. Harris, District 1
- Commissioner Kathleen A. Gaylord, District 2
- Commissioner Thomas A. Egan, District 3
- Commissioner Nancy Schouweiler, District 4
- Commissioner Liz Workman, District 5
- Commissioner Paul J. Krause, District 6
- Commissioner Willis E. Branning, District 7
- Brandt Richardson, County Administrator
- Karen Schaffer, First Assistant County Attorney
- Kelly Olson, Sr. Administrative Coordinator to the Board
- Jay Stassen, Assistant County Attorney
- Mike Ring, Assistant County Attorney
- Lynn Thompson, Physical Development Director
- Michelle Beeman, Environment and Natural Resource Director
- Al Singer, Land Conservation Manager
- Amethyst Cirimo, ICMA Fellow

The Closed Executive Session continued until 11:43 a.m., at which time the Board reconvened in the Board Room, with all members present.

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

**10-356**

**Adjournment**

Motion: Comm. Krause

Second: Comm. Schouweiler

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, July 13, 2010.

ayes 7

nays none

June 22, 2010

The County Board meeting was adjourned at 12:11 p.m.

Thomas A. Egan  
Chair

ATTEST

Brandt Richardson  
County Administrator