

June 8, 2010

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

The Dakota County Board of Commissioners convened at 9:03 a.m. on Tuesday, June 8, 2010. The meeting was called to order by Chair Thomas Egan who welcomed everyone and opened the meeting with the Pledge of Allegiance. Roll was called with the following members present:

- Commissioner Joseph A. Harris, District 1
- Commissioner Kathleen A. Gaylord, District 2
- Commissioner Thomas A. Egan, District 3
- Commissioner Nancy Schouweiler, District 4
- Commissioner Liz Workman, District 5
- Commissioner Paul J. Krause, District 6
- Commissioner Willis E. Branning, District 7

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

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

10-298
Approval Of Agenda

Motion: Comm. Schouweiler Second: Comm. Gaylord

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on June 8, 2010, as presented.

ayes 7 nays none

At this time, the following representatives from the Minnesota Inter-County Association presented the 2010 End-Of-Session Report: Executive Director Keith Carlson, Nancy Silesky, and Bob Vanasek. This item was for information only.

The consent agenda was then approved as follows:

Motion: Comm. Branning Second: Comm. Workman

10-299
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 18, 2010, as presented and entered in Commissioners' Record 2010.

10-300
Distribution Of Funds For 2010 Memorial Day Activities

WHEREAS, the County Board has authority pursuant to Minn. Stat. § 375.35 to make appropriations to military service organizations for Memorial Day activities.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby makes Memorial Day activities appropriations in the amount of \$100 to the following organizations:

- Nelson-Lucking American Legion Post 47 (Hastings)
- Rosemount American Legion Post 65
- Clifford Larson American Legion Post 189 (Farmington)
- Inver Grove Heights American Legion Post 424
- Abner Rude American Legion Post 481 (South St. Paul)
- Challenger American Legion Post 521 (West St. Paul)
- Apple Valley American Legion Post 1776
- AMVETS - Raymond T. Furlong-Zigmund Post 1 (Mendota)
- La Societe Des 40 Hommes, et 8 Chevaux (Rosemount)
- Oscar & John Soberg VFW Post 210 (Lakeville)
- Gallagher-Hansen VFW Post 295 (South St. Paul)
- Lyle Russell VFW Post 1210 (Hastings)
- West St. Paul VFW Post 4462
- Vasatka-Goers VFW Post 6690 (Mendota)
- Sypal-Lundgren VFW Post 7662 (Farmington)
- Rosemount VFW Post 9433
- Vietnam Veterans of America, Chapter 492 (Rosemount)
- John Vessy American Legion, Post 44 (Lakeville)
- Military Order of the Cooties, Pup Tent 63 (Lakeville)
- Burnsville VFW Post 5833
- Chapter #5 Military Order of the Purple Heart
- Eagan American Legion Post 594
- AMVETS - Post 2000 (Inver Grove Heights)

10-301

Ratification Of Contract Amendments With Osland Building Maintenance And ABM Janitorial Services

WHEREAS, for the period April 1, 2007 through March 31, 2010, Dakota County had a contract with ABM Janitorial Services for housekeeping services at the Western Service Center, three libraries (Galaxie, Burnhaven, Lakeville), the Burnsville License Center, and various County facilities in the Western region; and

WHEREAS, the Operations Management Director entered into two amendments to extend the ABM Janitorial Services contract through June 30, 2010, at a price not to exceed \$62,568; and

WHEREAS, for the period September 1, 2009 through March 31, 2010, Dakota County had a contract with Osland Building Maintenance Services for housekeeping services at the Judicial Center and the Administration Center; and

WHEREAS, the Operations Management Director entered into two amendments to extend the Osland Building Maintenance Services contract through June 30, 2010, at a price not to exceed \$56,748; and

WHEREAS, County Board policy requires that contract amendments that exceed \$50,000 in value require approval by the County Board.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the contract amendments executed by the Operations Management Director with ABM Janitorial Services for the period April 1 through June 30, 2010, in the amount of \$62,568; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the contract amendments executed by the Operations Management Director with Osland Building Maintenance Services for the period April 1 through June 30, 2010, in the amount of \$56,748.

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10-302**Authorization To Execute Contracts With Osland Building Maintenance And ServiceMaster Premiere Cleaning For Housekeeping Services**

WHEREAS, Dakota County contracts for housekeeping services at various facilities; and

WHEREAS, the current contracts for housekeeping services at the Eastern, Western and Southern regions will expire on June 30, 2010; and

WHEREAS, the Osland Building Maintenance proposal best meets the County's goal to provide quality housekeeping services for the Southern Region; and

WHEREAS, the contract includes two options to renew the contract for one additional calendar year, provided the County determines that the Contractor has satisfactorily performed the contracted services, and there is no increase in the cost of services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract with Osland Building Maintenance, for the period July 1, 2010 through December 31, 2010, for housekeeping services in the Eastern Region in the amount of \$160,002, plus up to two additional one-year contract renewals, at the price of \$320,004 per year, provided that the contractor has satisfactorily performed the contracted services and funds are included in the County budget for the applicable year, 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 Operations Management Director to execute a contract with ServiceMaster Premiere Cleaning, for the period July 1, 2010 through December 31, 2010, for housekeeping services in the Western Region in the amount of \$123,258, less \$3,792 per month during the closure of the Burnhaven Library and less \$500 per month when the Burnsville License Center closes, plus up to two additional one-year contract renewals, at the price of \$246,516 per year, less deductions for closure of the Burnhaven Library and Burnsville License Center, provided that the contractor has satisfactorily performed the contracted services and funds are included in the County budget for the applicable year, 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 Operations Management Director to execute a contract with Osland Building Maintenance, for the period July 1, 2010 through December 31, 2010, for housekeeping services in the Southern Region in the amount of \$76,746, plus two additional one-year contract renewals, at the price of \$153,492 per year, provided that the contractor has satisfactorily performed the contracted services and funds are included in the County budget for the applicable year, subject to approval by the County Attorney's Office as to form.

10-303**Authorization To Execute Joint Powers Consortium Agreement For HOME Investment Partnership Program**

WHEREAS, pursuant to the Cranston-Gonzalez National Affordable Housing Act of 1990 (the "Act"), geographically contiguous units of general local government may form consortia for the purpose of applying for and receiving funding to assist in carrying out a consolidated plan under the Act; and

WHEREAS, Minnesota Statutes, Section 471.59 (the "Joint Powers Act") provides that "two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any powers common to the contracting parties or any similar powers..." and "the board of county commissioners of any county may by resolution enter into agreements with any other governmental unit to perform on behalf of that unit any service or function which that unit would be authorized to provide for itself"; and

WHEREAS, the Counties of Anoka, Dakota, Ramsey, and Washington, and the Cities of Coon Rapids and Woodbury (the "Joint Parties") are geographically contiguous units of general local government with the meaning of the Act and, together with the housing and redevelopment authorities, economic development authorities or other local entities each have the power to carry out the programs provided for by the Act; and

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WHEREAS, there has been presented to this Board a Joint Powers Consortium Agreement among the Joint Parties, pursuant to which the Joint Parties will, among other things, develop and carry out a consolidated plan and apply for and expend such federal assistance as may be available under the Act to consortia.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chair of the Dakota County Board to execute the Joint Powers Consortium Agreement, dated October 1, 2010, that provides for Dakota County's participation in the HOME Investment Partnership Program for three consecutive federal fiscal years beginning with 2011, and establishes the terms and conditions of the operation of the Consortium; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby delegates to the Dakota County Community Development Agency the authority to administer the HOME Program on behalf of Dakota County, in accordance with the terms of the sub-recipient agreement authorized by Resolution No. 10-230 on May 4, 2010, and to represent Dakota County as the Lead Agency on the Joint Operating Committee of the Dakota County Consortium; and

BE IT FURTHER RESOLVED, That the Joint Powers Consortium Agreement shall be automatically renewed with the same terms and conditions for addition three-year renewal terms, without further action of the Dakota County Board of Commissioners, provided that no member of the Consortium has submitted notice of intent to withdraw; and

BE IT FURTHER RESOLVED, That the Dakota County Community Development Agency is hereby directed to report to the Dakota County Board of Commissioners no later than 60 days before the expiration of the first term of the Joint Powers Consortium Agreement and no later than 60 days before the expiration of any subsequent renewal term thereof, regarding the status of the Joint Powers Consortium Agreement and the activities undertaken pursuant thereto.

10-304

Establish Agenda For County Board Meeting With Minnesota Valley Transit Authority Board

WHEREAS, Resolution No. 10-279 (May 18, 2010), established a joint meeting between the Dakota County Board of Commissioners and the Minnesota Valley Transit Authority Board for June 15, 2010, at 3:30 p.m. at the Minnesota Valley Transit Authority Bus Garage in Burnsville; and

WHEREAS, the Open Meeting Law requires that an agenda and purpose for the meeting are published in advance of the meeting.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby establishes the following agenda for the June 15, 2010 meeting:

1. Driver Assist System (overview and demonstration).
2. Transit governance including an overview of the scope of the Legislative Auditor's Transit Governance Evaluation and an update on the Metropolitan Council's Transitway Guidelines effort.

10-305

Authorization To Execute Contract With HKGI, Inc. For Master Planning Services For Minnesota River And North Creek Regional Greenways

WHEREAS, by Resolution No. 08-162 (April 15, 2008), the Dakota County Board of Commissioners adopted the Dakota County 2030 Park System Plan; and

WHEREAS, a Master Plan is a requirement to secure Metropolitan Council funding for the construction and operations related to regional greenways; and

WHEREAS, consulting services are necessary to master plan the Minnesota River and North Creek Regional Greenways; and

WHEREAS, proposals for the necessary master planning services for the Minnesota River and North Creek Regional Greenways were requested and received from five consulting firms; and

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WHEREAS, based on its qualifications and lower consulting costs per hour, the firm of HKGI, Inc. is recommended in an amount not to exceed \$110,000, including reimbursable expenses; and

WHEREAS, the 2010 Dakota County Capital Improvement Program (CIP) included \$150,000 for regional trail/greenway master planning; and

WHEREAS, Dakota County has Blue Cross/Blue Shield Active Living funds in the amount of \$45,000 available for master planning the Minnesota River and North Creek Greenways.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with HKGI, Inc. to develop master plans for the Minnesota River and the North Creek Regional Greenways, in an amount not to exceed \$110,000, including reimbursable expenses, subject to approval by the County Attorney's Office as to form.

10-306**Authorization To Execute Comprehensive Sign Agreement With City Of Eagan For Sign Placement In Lebanon Hills Regional Park**

WHEREAS, in 2002 the Physical Development Committee reviewed the Park System Signage and Landscape Elements Plan as an informational item; and

WHEREAS, the 2008 approved Park System Plan references the need for improved and additional signs for public orientation and creating a recognizable identity for County parks; and

WHEREAS, by Resolution No. 09-238 (May 19, 2009), the County Board authorized a contract with Geograph Industries, Inc. for the fabrication and installation of entrance signs, kiosks, and vehicle direction signs as defined in the Park System Signage and Landscape Elements Plan; and

WHEREAS, for efficient permitting, the City of Eagan has prepared a Comprehensive Sign Agreement that authorizes the installation of six signs in the portion of Lebanon Hills Regional Park that is within the City of Eagan.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the Comprehensive Sign Agreement as presented on June 8, 2010, and subject to the approval of the County Attorney's Office as to form.

10-307**Authorization To Execute Contract Amendment With Carl Bolander And Sons Company For County Project B 56-03, Mississippi River Regional Trail**

WHEREAS, County Project B 56-03 is the construction of a 2.0 mile segment of the Mississippi River Regional Trail (MRRT) extending from the intersection of County State Aid Highway (CSAH) 56 and CSAH 26 (70th Street) in Inver Grove Heights to Richmond Street in South St. Paul; and

WHEREAS, by Resolution No. 09-329 (July 7, 2009), the County Board awarded the construction contract to Carl Bolander and Sons Company in the amount of \$535,419.44 for the construction of County Project B 56-03; and

WHEREAS, the Parks and Open Space Capital Improvement Program (CIP) budget includes funding for the construction of MRRT Project B 56-03, which includes an 80% Federal Transportation Enhancement grant and a 20% match from County funds; and

WHEREAS, construction of this section of the MRRT is nearing completion with only minor items remaining; and

WHEREAS, the cost to construct this section of the MRRT is anticipated to exceed the original construction contract by \$92,089 due to additional costs for contaminated soils remediation, soil erosion control and turf establishment, fencing, and additional gates separating the trail from an active railroad; and

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WHEREAS, Federal rules allow for the expenditure of Federal Transportation Enhancement grant funds for amenities to the project such as landscaping, benches, drinking water, and parking lots; and

WHEREAS, within County Project B 56-03, there is a desired location for a trail side rest area with an estimated construction cost of \$21,940 for a total contract amendment of \$114,029; and

WHEREAS, Resolution No. 01-767 (December 18, 2001), requires that the County Board approve contract amendments totaling more than \$100,000 on any given project; and

WHEREAS, Federal funds will cover 80% (\$91,223) of the additional costs with the remaining 20% (\$22,806) from local County funds.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an amendment to the contract with Carl Bolander and Sons for County Project B 56-03, Mississippi River Regional Trail, increasing the contract by \$114,029, for a contract total not to exceed \$649,448.44, subject to approval of the County Attorney's Office as to form.

10-308

Authorization To Execute Contract With Minnesota Department Of Public Safety For Emergency Management Performance Grant

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Public Safety Director/Sheriff to execute a contract with the State of Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management for the Emergency Management Performance Grant, in the amount of \$55,466.00 for the period of January 1, 2010 through December 31, 2010, subject to the approval by the County Attorney's Office as to form.

10-309

Approval Of Burnsville License Center Special Law

WHEREAS, the Dakota County Board of Commissioners desires to relocate the Burnsville License Center from its current location on Travelers Trail to the Burnhaven Library; and

WHEREAS, the Minnesota Department of Public Safety denied Dakota County's request to relocate the Burnsville License Center to the Burnhaven Library; and

WHEREAS, the Dakota County Board of Commissioners sought legislative authorization for the relocation; and

WHEREAS, the Minnesota Legislature enacted and the Governor signed Minnesota Laws 2010, Chapter 296, section 2, which authorizes the relocation .

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves Minnesota Laws 2010, Chapter 296, Section 2 and directs the Clerk to Board to file the certificate required by Minn. Stat. Section 645, subdivisions 1 and 3.

10-310

Approval Of Abatement

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following change in tax status as recommended by the County Assessor:

Real Estate Market Value Abatement: Approved

Peter and Rebecca Demos - #10-64800-050-03 – Eagan, City of

Reduce the 2009 estimated market value from \$619,500 to \$350,000. The tax capacity is reduced from \$6,494 to \$3,500.

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10-311**Approval Of Application For Assemblage Of Large Numbers Of People License For Little Log House Properties, Inc.**

WHEREAS, an application has been submitted by Little Log House Properties, Inc. to hold a fundraising festival July 23-25, 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, Marshan 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 Little Log House Properties, Inc. to hold an event to be held July 23-25, 2010, at 21889 Michael Avenue, Marshan Township, Minnesota, and authorizes the County Property Taxation and Records Director to issue the license.

10-312**Approval Of Application For Assemblage Of Large Numbers Of People License For Southern Cruzers Car Club, Inc.**

WHEREAS, an application has been submitted by Southern Cruzers Car Club, Inc. to hold a car show, craft fair and swap meet on August 28, 2010, at the Dakota County Fairgrounds; and

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application for Assemblage of Large Numbers of People license received from Southern Cruzers Car Club, Inc. to hold a car show, craft fair and swap meet to be held August 28, 2010, at the Dakota County Fairgrounds, and authorizes the County Property Taxation and Records Director to issue the license.

10-313**Approval Of Application For Assemblage Of Large Numbers Of People License For Hastings Music Festival**

WHEREAS, an application has been submitted by Andrew Lucking, Treasurer of Hastings Music Festival, to hold a fundraising festival June 13, 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, Marshan 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 Andrew Lucking, Treasurer of Hastings Music Festival, to hold a fundraising festival to be held June 13, 2010, at 21889 Michael Avenue, Marshan Township, Minnesota, and authorizes the County Property Taxation and Records Director to issue the license.

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10-314

Approval Of Applications For Assemblage Of Large Numbers Of People Licenses For Dakota County Agricultural Society, Inc.

WHEREAS, applications have been submitted by Dakota County Agricultural Society, Inc. to hold three motocross events at Dakota County Fairgrounds to be held on June 25, July 9, and July 23, 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 events and does not intend to consider the matter.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the applications for Assemblage of Large Numbers of People licenses received from Dakota County Agricultural Society, Inc. to hold three motocross events on June 25, July 9, and July 23, 2010, at the Dakota County Fairgrounds and authorizes the County Property Taxation and Records Director to issue the licenses.

10-315

Approval Of Applications For 3.2% Temporary Malt Beverage Licenses

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

Marshan Township:

Hastings Music Festival	June 13, 2010	\$34.00	Temp On-Sale
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Castle Rock Township:

Dakota County Agricultural Society	June 25, 2010	\$34.00	Temp On-Sale
	July 9, 2010	\$34.00	Temp On-Sale
	July 23, 2010	\$34.00	Temp On-Sale

10-316

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:

Cobblestone Lake Commercial 3rd Addition

Apple Valley

END OF CONSENT AGENDA

ayes 7

nays none

The Board made the following appointments (Agenda Items 12.1 and 12.2):

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10-317

Appointment To Dakota-Scott Workforce Investment Board

Motion: Comm. Branning

Second: Comm. Harris

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

Representing	Name	Term Ending
Public - Education	Clifford Skagen	June 30, 2011

ayes 7

nays none

10-318

Designation Of Voting Delegates For 2010 National Association Of Counties Annual Conference

Motion: Comm. Gaylord

Second: Comm. Branning

WHEREAS, the 75th annual National Association of Counties (NACo) conference is being held in Washoe County, on July 16-20, 2010; and

WHEREAS, Dakota County has paid its membership dues and has paid registrants for the conference and is, therefore, eligible to participate in the associations' annual election of officers and policy adoption for the Restore the Partnership Platform, according to NACo bylaws.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby designates the following individuals as voting delegates for the 2010 NACo annual conference:

Designated Delegate	Willis E. Branning
First Alternate	Kathleen A. Gaylord

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the following to pick up Dakota County's ballot and cast votes in the event that the ballot is not picked up:

President of Association of Minnesota Counties (or designee)

ayes 7

nays none

At this time Dakota County Community Development Agency Executive Director Mark Ulfers presented Item 13.1 – Review of Community Development Agency Budget For Fiscal Year Ending June 30, 2011. Mr. Ulfers responded to questions from the Board regarding specific projects and land acquisition procedures. This item was for information only; no action was requested.

Property and Taxation Records Director Joel Beckman presented Item 14.1 – Authorization To Establish Dakota County Absentee Ballot Board.

10-319

Authorization To Establish Dakota County Absentee Ballot Board

Motion: Comm. Gaylord

Second: Comm. Schouweiler

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WHEREAS, Minn. Stat. §203B.121, as amended by Laws of Minnesota 2010, Chapter 194, requires that the Dakota County Board of Commissioners establish, by resolution, an absentee ballot board for the purpose of carrying the County's responsibility to process and count absentee ballots; and

WHEREAS, such absentee ballot board shall consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in Minn. Stat. §§204B.19 to 204B.22.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners, pursuant to Minn. Stat. §203B.121, hereby establishes the Dakota County Absentee Ballot Board, with the responsibility to accept or reject absentee ballots cast by voters in Dakota County townships and in Dakota County cities that do not have a full-time city clerk and absentee ballots cast pursuant to the uniformed and overseas citizens Absentee Ballot Act; and

BE IT FURTHER RESOLVED, That the Dakota County Treasurer/Auditor is hereby authorized to make sufficient appointments to the Dakota County Absentee Ballot Board, in accordance with Minn. Stat. §§204B.19-.22 and 203B.23; and

BE IT FURTHER RESOLVED, That such appointments that do not consist of Dakota County staff shall be made by hiring Limited Term County employees; and

BE IT FURTHER RESOLVED, That the Dakota County Absentee Ballot Board shall exercise its responsibilities for accepting and rejecting absentee ballots effective for the August 10, 2010, State primary election and until this resolution is rescinded.

ayes 7

nays none

10-320

Authorization To Approve Settlement With Castle Rock Bank

Motion: Comm. Harris

Second: Comm. Schouweiler

WHEREAS, Dakota County, through County Project (CP) 47-32 has realigned County State Aid Highway (CSAH) 86 at CSAH 47 and reconstructed CSAH 47 from south of CSAH 86 to north of County Road 79, added turn lanes and improved the intersection geometrics in Castle Rock and Sciota Townships; and

WHEREAS, approximately 3.6 acres of permanent highway and drainage and utility easements and a 5,827 square foot temporary construction easement have been taken from Castle Rock Bank, the owner of parcels 11(315) and 11A(315), to construct CP 47-32; and

WHEREAS, Castle Rock Bank has agreed to a settlement with the County as to the total damages for the taking by Dakota County for highway purposes of said permanent easements and temporary construction easements for the total amount of \$55,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the settlement amount and authorizes payment of \$55,000 to Castle Rock Bank for the easement acquisition of Parcels 11(315) and 11A(315).

ayes 7

nays none

10-321

Closed Executive Session: Bylesby Dam Lease Litigation

Motion: Comm. Gaylord

Second: Comm. Schouweiler

WHEREAS, Dakota and Goodhue Counties (Counties) jointly own a hydroelectric power facility at the Bylesby Dam (Byllesby Dam); and

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WHEREAS, in 1987, Dakota and Goodhue Counties (Counties) entered into a Restated Lease Agreement with North American Hydro Holdings, Inc. (NAHH) for operation of the Byllesby hydroelectric power facility; and

WHEREAS, in 2007, the Counties filed a Complaint and commenced litigation in connection with the Restated Lease Agreement against NAHH and its assignee, Neshkoro Power Associates and its general partners (Defendants), for breach of contract related to nonpayment of rent and the trial date is scheduled to begin October 28, 2009; and

WHEREAS, the Dakota County Attorney has requested the opportunity to discuss litigation strategy with the Dakota County Board of Commissioners and has advised that the public discussion of such matters would benefit the Defendants and their counsel to the detriment of Dakota County's claims in this matter; and

WHEREAS, the Dakota County Board of Commissioners desires to invoke the attorney-client privilege and discuss the complaint and litigation strategy confidentially with the County Attorney; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners hereby closes the County Board meeting on June 8, 2010, and recesses to Conference Room 3a, Administration Center, Hastings, Minnesota, in order to discuss with the County Attorney the matter of *County of Dakota and County of Goodhue v. North American Hydro Holdings, Inc., et al.*

ayes 7

nays none

The time being 10:38 a.m. and pursuant to public notice and Resolution No. 10-321, the County Board adjourned to Conference Room 3A to a hold Closed Executive Session to discuss Byllesby Dam Lease Litigation.

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
 Matt Smith, Financial Services Director
 Lynn Thompson, Physical Development Director
 Michelle Beerman, Environment and Natural Resources Director
 David Swenson, Water Resources Director

The Closed Session continued until 12:02 p.m., at which time the County Board reconvened in the Board Room with all members present.

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

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10-322
Adjournment

Motion: Comm. Schouweiler

Second: Comm. Workman

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, June 22, 2010.

ayes 7

nays none

The County Board meeting was adjourned at 12:16 p.m.

Thomas A. Egan
Chair

ATTEST

Brandt Richardson
County Administrator