

**MINUTES**

**DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE OF THE WHOLE**

**November 30, 2010**

**14955 Galaxie Avenue, Conference Room L139, Apple Valley, Minnesota**

**1. CALL TO ORDER AND ROLL CALL**

Commissioner Paul Krause, Chair of the Physical Development Committee of the Whole, called the meeting to order at 10:30 a.m. Commissioners in attendance:

- Commissioner Joseph A. Harris, District 1
- Commissioner Kathleen Gaylord, District 2
- Commissioner Thomas 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:

- Matt Smith, Financial Services Director
- Lynn Thompson, Division Director
- Jay Stassen, Assistant County Attorney
- Jeanne Nash Hoffmann, Administrative Coordinator

**2. INTRODUCTION OF NEW STAFF**

There was no new staff to introduce this month.

**3. AUDIENCE**

Chair Krause asked if anyone in the audience wished to address the Committee on an item not on the agenda or if anyone wished to discuss an item on the Consent Agenda. No one came forward.

**4. APPROVAL OF THE AGENDA**

**Motion by Commissioner Branning, Second by Commissioner Schouweiler**, and passed on a 7-0 vote to approve the agenda as presented on November 30, 2010.

**5. CONSENT/INFORMATION AGENDA**

**Motion by Commissioner Schouweiler, Second by Commissioner Workman**, and passed on a 7-0 vote to approve the consent agenda.

**5.1 – Minutes Of The October 19, 2010 Meeting**

**5.2 – Authorization To Execute Contract With Bonestroo, Inc. For Consulting Services Related to U.S. EPA Brownfield Grants**

WHEREAS, Dakota County has been awarded two Environmental Protection Agency (EPA) Brownfields Assessment Grants totaling \$400,000, one for assessing sites with petroleum contamination and the other for assessing sites with hazardous substance contamination; and

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

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

WHEREAS, a detailed and extensive evaluation and qualification process was conducted to select Bonestroo, Inc. as the best qualified and cost-effective consultant with experience in grant administration, Brownfield redevelopment, community outreach and grant applications.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Bonestroo, Inc. for consulting services related to the U.S. EPA Brownfields Grants, in an amount not to exceed \$320,000, subject to the approval of the County Attorney's Office as to form.

### **5.3 – Authorization To Execute Updated Joint Powers Agreement with Townships and Cities to Administer Septic System Maintenance Programs**

WHEREAS, in accordance with Minn. Stat. ch. 115 and Minn. R. chs. 7080 through 7083, Dakota County enacted Dakota County Ordinance No. 113, Subsurface Sewage Treatment Systems (County Ordinance 113), which meets and in some cases exceeds the minimum state standards for Subsurface Sewage Treatment Systems (SSTS), and regulates SSTS within the shorelands and floodplains of the 13 unincorporated townships in Dakota County; and

WHEREAS, municipalities intend to enact or amend their current SSTS ordinance (Municipal SSTS Ordinance) that meets state and County SSTS standards, thereby providing county-wide uniform and consistent standards, guidelines, and regulations for the compliance and enforcement of proper siting, design, construction, installation, operation, maintenance, repair inspection and permanent abandonment of septic systems in Dakota County; and

WHEREAS, each municipality is required to administer a SSTS maintenance program for their respective jurisdictions in accordance with Metropolitan Council requirements; and

WHEREAS, municipalities have requested and Dakota County agrees to provide services consisting of: (1) maintaining a database of owners of SSTS within the jurisdiction of the municipality; (2) notifying said owners of the requirement to pump their SSTS every three years; and (3) maintaining a database of all pump maintenance records pertaining to SSTS located in the municipality's jurisdiction (collectively referred to as "SSTS Pump Maintenance Program"); and

WHEREAS, pursuant to Minnesota Statutes § 471.59, the county and municipality are authorized to enter into a joint powers agreement for the county to perform on the municipality's behalf any service or function that the municipality is authorized to provide for itself; and

WHEREAS, proper and timely pumping and maintenance of septic systems located in Dakota County helps protect the groundwater and the health and safety of the citizens of the municipality and Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute joint powers agreements with interested municipalities located in Dakota County for the provision of administrative services related to Municipal SSTS Maintenance Programs, as presented to the Physical Development Committee of the Whole on November 30, 2010, subject to approval by the County Attorney's Office as to form.

### **5.4 – Master Planning Updates: North Creek and Minnesota River Greenways and New Regional Park**

This was an information item; no action was requested.

### **5.5 –Plat Commission Update**

This was an information item; no action was requested.

<b>6. REGULAR AGENDA</b>
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**6.1 – Selection Of Alignment For Mississippi River Regional Trail – Rosemount Segment**

Parks and Open Space Director Steve Sullivan and Senior Planner John Mertens briefed this item and responded to questions.

**Motion by Commissioner Harris, Second by Commissioner Branning** and passed on a 7-0 vote to recommend that the County Board adopt the following resolution which includes Option A that was presented on November 30.

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

WHEREAS, the MRRT Rosemount segment is located from 117<sup>th</sup> Street in Inver Grove Heights, continues through the City of Rosemount (City) south to the Spring Lake Regional Park Reserve archery facility area and requires selection of the preferred alignment; and

WHEREAS, in 2010, the County Board authorized a contract with consultants Kimley Horn and Associates (Kimley-Horn) to prepare a feasibility study (Study) for the MRRT Rosemount segment; and

WHEREAS, County staff engaged City staff and affected landowners regarding alignment alternatives and design considerations; and

WHEREAS, the Study determined that a trail alignment is feasible and for planning purposes divided the City segment into subsections one through four; and

WHEREAS, after engagement with the primary affected landowners (Flint Hills Resources, City, CF Industries and Union Pacific Railroad) Kimley-Horn and County staff recommended a preferred alignment for segments 1, 2, and 4 and two alternative alignments for segment 3 (A and B), which is in the vicinity of CF Industries; and

WHEREAS, segment 3A follows the south side of Pine Bend Trail while segment 3B follows the north side and both were determined feasible and met safety standards; and

WHEREAS, on November 3, 2010, the Dakota County Park and Recreation Advisory Committee (PARAC) reviewed the alignments and passed a motion recommending segment 3A; and

WHEREAS, staff concurs with the PARAC recommendation; and

WHEREAS, once a trail alignment has been approved by the County Board, staff will return to the County Board and seek authorization for a contract to prepare final engineering and construction documents; and

WHEREAS, the draft 2011-2015 Parks and Open Space Capital Improvement Program includes adequate funding for the design, acquisition and construction of the MRRT – Rosemount segment based on the feasibility study cost estimate.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the preferred alignment for the Mississippi River Regional Trail - Rosemount Segment including option 3A, as presented to the Physical Development Committee of the Whole on November 30, 2010.

<b>DIRECTOR'S REPORT</b>
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Physical Development Director Lynn Thompson presented her update to the Committee.

**ADJOURNMENT**

Motion by Commissioner Schouweiler, Second by Commissioner Gaylord to adjourn the meeting at 11:15 p.m.  
Motion carried.

Respectfully submitted:

Jeanne Nash Hoffmann  
Administrative Coordinator