

April 5, 2011

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

The Dakota County Board of Commissioners convened at 9:00 a.m. on Tuesday, April 5, 2011. The meeting was called to order by Chair Joseph Harris 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 Harris 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.

11-161

Approval Of Agenda

Motion: Comm. Gaylord

Second: Comm. Branning

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on April 5, 2011, as presented.

ayes 7

nays none

The time being 9:03 a.m., and pursuant to public notice, a public meeting was conducted for the purpose of receiving comments on the Approval Of Classifications Of Tax-Forfeited Properties (Agenda Item 5.1). Property Taxation and Records Manager Mary Kennedy presented this item. Interested parties desiring to be heard were afforded the opportunity to address the County Board. No one appeared.

11-162

Public Meeting To Receive Comments On And Approval Of Classification Of Tax-Forfeited Properties

Motion: Comm. Egan

Second: Comm. Workman

WHEREAS, the properties being classified forfeited to the State of Minnesota for non-payment of property taxes on July 8, 2010; and

WHEREAS, notice of a public meeting on the classification of tax-forfeited properties was mailed to cities and townships in which the property is located; and

WHEREAS, notice of a public hearing on the classification of tax-forfeited properties was posted on the Dakota County website; and

WHEREAS, notice of a public hearing on the classification of tax-forfeited properties was published in the county newspaper; and

WHEREAS, a public hearing to receive comments on the classification on eleven tax-forfeited parcels was held on April 5, 2011.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the classification of the following parcels of tax-forfeited property as non-conservation as recommended by the Treasurer-Auditor:

Parcel ID: 10-44651-220-01
LEMAY LAKE HILLS TOWNHOMES
INTEREST ATTRIBUTABLE TO COMMON AREA
KNOWN AS LOT 1 BLK 1 & ALL OF LOT 22 1

Parcel ID: 10-84275-030-00
WILDERNESS PONDS
OUTLOT C

Parcel ID: 14-25828-010-00
FARMINGTON BUSINESS PARK
OUTLOT A

Parcel ID: 14-25828-020-00
FARMINGTON BUSINESS PARK
OUTLOT B

Parcel ID: 17-02400-010-51
SECTION 24 TWN 113 RANGE 18
S ½ OF S ½ OF SW ¼
040000 2411318

Parcel ID: 17-02500-010-25
SECTION 25 TWN 113 RANGE 18
NE ¼ OF NW ¼
040000 2511318

Parcel ID: 20-36500-151-17
INVER GROVE FACTORY ADD
ALL OF LOT 13 LBK 17 & LOT 14 BLK 17 EX COM
SE COR LOT 15 BLK 17 SE ON SW LINE AFTON
AVE 14.2 FT SW TO SW COR LOT 15 E ON S
LINE LOT 15 TO BEG 15 17

Parcel ID: 22-27800-210-00
FOX MEADOWS
OUTLOT U

Parcel ID: 22-27800-220-00
FOX MEADOWS
OUTLOT V

Parcel ID: 42-83400-003-05
WASHINGTON HEIGHTS ADDITION
CIC #481 TWIN PINES CONDOMINIUMS
GARAGE UNIT #G3 6

; and

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BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the classification of the following parcel of tax-forfeited property as conservation as recommended by the Treasurer-Auditor:

Parcel ID: 20-00200-010-04
SECTION 2 TWN 27 RANGE 22
THAT PT OF S 12.6 A OF LOT NINE (9) LYING S OF
FOLLOWING DES LINE COM ON N LINE SEC
2453.22 FT E OF NW COR S 7D E 231 FT S
22 1/2D E 660 FT S 29D E 792 FT S 35D E
312.69 FT TO N LINE OF PROPERTY HEREBY
CONV WHICH LINE RUNS E & W & PARR TO
N LINE SEC
001000 2 27 22

ayes 7

nays none

The consent agenda was then approved as follows:

Motion: Comm. Branning

Second: Comm. Gaylord

**11-163
Approval Of Minutes**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held March 22, 2011, as presented and entered in Commissioners' Record 2011.

**11-164
Approve Settlement With Nolan Bros., Inc. And Vacation Of Excess Highway Right Of Way And Rescind Resolution No. 10-603**

WHEREAS, Dakota County, through County Project (CP) 70-06, has reconstructed a one-mile section of County State Aid Highway (CSAH) 70 at I-35 in Lakeville, which included separated bicycle paths, replace the bridge over I-35, reconstruct the interchange ramps, realign the frontage roads, and construct a park and pool lot; and

WHEREAS, as part of such County Project it was necessary for Dakota County to acquire from Nolan Bros., Inc. by condemnation for highway purposes Parcel 26 (300) consisting of 4.04 acres (175,909 square feet) of land for fee simple ownership and 6,750 square feet for a temporary construction easement; and

WHEREAS, following completion of CP 70-06 the County Engineer has determined that the new relocated county highway established in CP 70-06 took the place of and serves the same purpose as part of the old county highway described as Parcel 4 (301), which is approximately 107,747 square feet of irregular shaped land zoned commercial, excess County right of way for which Dakota County's interest can be vacated and be conveyed to the adjacent property owner Nolan Bros., Inc., subject to existing utilities located therein; and

WHEREAS, Nolan Bros., Inc. is interested in acquiring excess County right of way Parcel 4 (301) in partial exchange for said fee simple ownership and temporary construction easement; and

WHEREAS, the conveyance of the excess right of way benefits the adjacent property owner and reduces the County's liability and maintenance costs and reduces the project costs by the value of the excess right of way; and

WHEREAS, Nolan Bros., Inc. has agreed to a settlement with the County as to the total damages for the taking by Dakota County for highway purposes of said fee simple ownership and temporary construction easement, for the total amount of \$2,237,000, plus statutory interest, and the vacation of the County's interest in the excess right of way Parcel 4 (301), and the conveyance of excess right of way Parcel 4 (301) to Nolan Bros., Inc., subject to existing utilities located therein; and

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WHEREAS, the County Attorney recommends approval of the settlement agreement as being a fair and equitable settlement of the case in view of the opinion of the County's appraiser, the time, additional expense and risk involved in continued litigation and that the settlement reflects an appropriate allocation of the prospects for success if the matter is allowed to proceed to District Court; and

WHEREAS, Dakota County has previously paid \$1,580,876 to Nolan Bros., Inc., leaving a remainder still owing of \$656,124, plus statutory interest.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the settlement amount as a full and final settlement and authorizes payment of \$656,124, plus statutory interest, to Nolan Bros., Inc. for the remainder of the settlement amount owing for the acquisition of the fee simple ownership and temporary construction easement of Parcel 26 (300), and hereby vacates Dakota County's interest in excess right of way Parcel 4(301) and authorizes conveyance to Nolan Bros., Inc. of the County's interest in the right of way in Parcel 4 (301), subject to the right of in-place utilities located therein to maintain and operate their facilities as described in Minn. Stat. § 160.29 and Minnesota Rule 7819.3200; and

BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to execute a quit claim deed to Nolan Bros., Inc. releasing and conveying the County's interest in right of way Parcel 4 (301), subject to the right of in-place utilities to maintain and operate their facilities located therein as described in Minn. Stat. § 160.29 and Minnesota Rule 7819.3200 and subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That County Board Resolution No. 10-603 is hereby rescinded.

11-165

Reappointment To Human Services Advisory Committee – District 5

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby reappoints the following individual to the Human Services Advisory Committee to complete the term ending December 31, 2011:

| District | Name |
|----------|------------------|
| 5 | Brent Popenhagen |

11-166

Authorization To Submit Grant Application To Minnesota Department Of Public Safety, Office Of Justice Programs, For Family Dependency Treatment Funds

WHEREAS, Dakota County has received County Board authorization to submit grant applications to the Minnesota Department of Public Safety, Office of Justice Programs, for family dependency treatment funds since May of 2008; and

WHEREAS, Dakota County has been awarded \$90,000 each year through 2010, and, by Resolution No. 10-481 (September 29, 2010), accepted funding of \$81,955 for calendar year 2011; and

WHEREAS, the Dakota County Family Dependency Treatment Court (FDTC) has been successful in improving outcomes for participating families, shortening out-of-home placements for children, and increasing stable reunifications; and

WHEREAS, Dakota County has used family dependency treatment grant funding to fund a Recovery Specialist position which uniquely supports parents starting and progressing in their recovery from substance abuse; and

WHEREAS, the addition of the Recovery Specialist position has increased drug testing and relapse prevention planning with FDTC participants, steps that correlate with successful completion of drug court; and

WHEREAS, Dakota County's commitment in matching the grant award has been satisfied by core FDTC functions provided as part of child protection services.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes submission of a family dependency treatment grant application to the Minnesota Department of Public Safety, Office of Justice Programs, in the amount of \$90,000 for the period of January 1, 2012, through December 31, 2012; and

BE IT FURTHER RESOLVED, That, if awarded, the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a grant agreement with the Minnesota Department of Public Safety, Office of Justice Programs, in the amount of the grant awarded, for the period of January 1, 2012, through December 31, 2012, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That, if awarded, the 2012 County Administrator's recommended budget will be as follows:

| | |
|-------------------------------------|-----------------|
| EXPENSE | |
| Social Services Budget | \$90,000 |
| TOTAL EXPENSE | \$90,000 |
| | |
| REVENUE | |
| Family Dependency Treatment Funding | \$90,000 |
| TOTAL REVENUE | \$90,000 |

; and

BE IT FURTHER RESOLVED, That the 1.0 FTE Recovery Specialist position is time-limited and contingent upon continued availability of grant funding.

11-167

Authorization To Purchase And Upgrade Data Switches

WHEREAS, Dakota County utilizes data switches to maintain a local area network for County business purposes; and

WHEREAS, properly working data switches are critical to maintaining a functioning network; and

WHEREAS, replacing some data switches is required to expand IP telephony Countywide; and

WHEREAS, funding is available from the Information Technology Capitol Equipment Fund; and

WHEREAS, Dakota County has a cooperative purchasing agreement with the State of Minnesota that allows the County to purchase from vendors under contract with the State of Minnesota; and

WHEREAS, the specified equipment is available for purchase from CDW-G, Inc., a State of Minnesota contract vendor.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Information Technology Director to purchase equipment for data switch upgrades, substantially as presented on April 5, 2011, from CDW-G, Inc. (State of Minnesota contract # 436463) at a total cost not to exceed \$144,021.61.

11-168

Authorization To Execute Joint Powers Agreements With Empire Township And Ravenna Township For Funding Of Waste Tire Collection Events

WHEREAS, waste tires serve as a mosquito breeding habitat posing a public health risk because of the possible transmission of mosquito-borne viruses; and

WHEREAS, Empire Township and Ravenna Township wish to sponsor waste tire collection events for Dakota County residents in 2011; and

WHEREAS, Empire Township and Ravenna Township have requested funding from Dakota County to aid in the costs related to the hauling and disposal of the tires collected during the waste tire collection events; and

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WHEREAS, the 2011 Environmental Management Department budget includes funding for waste tire management activities; and

WHEREAS, the Empire Township and Ravenna Township waste tire collection events will be of benefit to Dakota County residents; and

WHEREAS, the Environmental Management Department recommends that Dakota County execute separate joint powers agreements with Empire and Ravenna Townships that provide that the County will reimburse each Township in an amount not to exceed \$5,000 for the costs incurred by each Township for the hauling and disposal of waste tires collected during each Township 2011 waste tire collection event.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute separate joint powers agreements with Empire and Ravenna Townships, that provide for the reimbursement of costs incurred by each Township for the hauling and disposal of waste tires in an amount not to exceed \$5,000 for each Township for waste tire collection events to be held during 2011, substantially as presented to the County Board on April 5, 2011, subject to approval by the County Attorney's Office as to form.

11-169

Appointment Of Dakota County Representative To Board Of Directors Of Regional Parks Foundation

WHEREAS, the Metropolitan Council formed the Regional Parks Foundation of the Twin Cities (Foundation) on November 17, 2008, as a non-profit partner for the regional park system of the seven-county metropolitan area; and

WHEREAS, the 2007 legislation authorizing the establishment of the Foundation states that its purpose "...shall be to help acquire or finance the acquisition of lands and other assets for public recreation and open space within the metropolitan area... in order to preserve and develop regional parks and related facilities;" and

WHEREAS, the Metropolitan Regional Parks and Open Space System includes approximately 53,000 acres, 49 regional parks and park reserves, 6 special recreation features, 29 regional trails, and has more than 33 million visits; and

WHEREAS, the 2030 Regional Parks Policy Plan identifies approximately 17,000 acres of additional land to complete the system, at a total cost for acquisitions estimated at approximately \$193 million; and

WHEREAS, partnerships with the private sector are key to achieving the vision established in the 2030 Regional Parks Policy Plan; and

WHEREAS, the Foundation will raise funds and accept donations to support regional open space, trails or park reserves; support stewardship efforts for regional parks and trails; and demonstrate support for the regional park system by area residents and other interested persons and organizations; and

WHEREAS, the Foundation is organized to provide input from a broad variety of stakeholders, including regional policy-makers, the regional parks agencies, and the broader community; and

WHEREAS, the Foundation has a 26-member Board of Directors, chaired by the Metropolitan Council Chair; and

WHEREAS, each of the ten regional park implementing agencies has a representative on the Board of Directors to help develop regional and implementing agency acquisition priorities and will help ensure Foundation grants are disbursed in a coordinated, balanced and equitable manner; and

WHEREAS, Dakota County is an Implementing Agency of the Metropolitan Regional Parks and Open Space System; and

WHEREAS, the prior appointed representative from Dakota County to the Foundation has left County employment and therefore a replacement appointee is needed.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints Steve Sullivan, Parks and Open Space Department Director, to the Regional Parks Foundation of the Twin Cities Board of Directors to represent Dakota County.

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11-170

Authorization To Execute Joint Powers Agreement With City Of Inver Grove Heights For City Utility Repairs On County Pavement Preservation Projects

WHEREAS, Dakota County is the lead agency for pavement preservation projects and the 2011 projects include work on County State Aid Highway (CSAH) 56 in Inver Grove Heights; and

WHEREAS, the City of Inver Grove Heights has requested that City utility repairs on CSAH 56 be included with the 2011 Dakota County's preservation projects; and

WHEREAS, the City of Inver Grove Heights will reimburse the County for the construction costs associated with the utility repairs.

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 construction by Dakota County of City utility repairs in connection with the County road preservation projects, including full reimbursement of Dakota County costs from the City, subject to approval by the County Attorney's Office as to form.

11-171

Approval Of Settlement And Authorization Of Payment For Parcels 1-6(352) On County Project 63-22

WHEREAS, Dakota County is proceeding with County Project (CP) 63-22 to reconstruct and widen County State Aid Highway 63 (Delaware Avenue) from Mendota Road to 500 feet north of Marie Avenue in Mendota Heights and West St. Paul; and

WHEREAS, acquisition of permanent highway easement and temporary construction easement is needed from the property owners of Parcels 1 through 6 on Right of Way Map No. 352 (Independent School District 197) to move forward with CP 63-22; and

WHEREAS, Resolution No. 10-560 (November 2, 2010), approved the acquisition of Parcels 1-6(352) for CP 63-22 based on an appraised amount of \$38,800; and

WHEREAS, the County's appraisal did not include any damages associated with the necessary relocation of the softball field, fence, benches and bleachers due to highway construction; and

WHEREAS, Independent School District 197 rejected the County's offer and obtained their own appraisal which supported a value of \$82,500 for the needed easements in this project; and

WHEREAS, Independent School District 197 obtained a bid for the relocation of the entire softball field in the amount of \$68,000; and

WHEREAS, County and Independent School District staff have agreed to compromise on the value of the easement areas and the County has agreed to pay 25% of the softball field relocation costs for a total settlement of \$77,550; and

WHEREAS, subject to the approval of the Dakota County Board of Commissioners, a settlement has been reached with Independent School District 197 for Parcels 1-6(352) for a full and final compensation payment of \$77,550; and

WHEREAS, a fair and equitable settlement without additional time, expense, and risk of continued litigation is in the best interest of Independent School District 197 and Dakota County; and

WHEREAS, adequate funds are available in the Transportation Department Capital Improvement Program (CIP) budget in CP 63-22 for the settlement amount for Parcels 1-6(352).

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the settlement amount and authorizes payment of \$77,550 from the Transportation CIP to Independent School District 197 for the acquisition of the right of way and associated damages for Parcels 1-6(352) in CP 63-22 for a full and final settlement.

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11-172

Scheduling Of Public Hearing To Receive Comments On Repeal Of Dakota County Bingo Ordinance And Dakota County Motor Racing Ordinance

WHEREAS, the Dakota County Board of Commissioners desires to repeal the Dakota County Bingo Ordinance (unnumbered) adopted on October 13, 1953, because it does not conform to Minn. Stat. § 349.213; and

WHEREAS, the Dakota County Board of Commissioners desires to repeal the Dakota County Motor Racing Ordinance (unnumbered) adopted on October 17, 1949, with amendments on May 9, 1950, April 8, 1952 and May 9, 1961, because Dakota County Ordinance No. 112 supersedes the Motor Racing ordinance/resolution; and

WHEREAS, the Dakota County Board of Commissioners desires to make the repeal of the Bingo Ordinance and the Motor Racing Ordinance effective immediately upon adoption.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing to be held at 9:00 a.m. on April 19, 2011, in the Board Room, Dakota County Administration Center, 1590 Highway 55, Hastings, Minnesota for the purpose of receiving comments regarding the repeal of the Dakota County Bingo Ordinance (unnumbered) and the Dakota County Motor Racing Ordinance (unnumbered); and

BE IT FURTHER RESOLVED, That the Dakota County Public Services and Revenue Division is hereby directed to publish in the official County newspaper, notice of the public hearing on the proposed repeal of the Dakota County Bingo Ordinance (unnumbered) and the Dakota County Motor Racing Ordinance (unnumbered) in accordance with Minn. Stat. § 375.51

11-173

Approval Of Conveyance Of Tax-Forfeited Land To Minnesota Pollution Control Agency

WHEREAS, the Dakhue Landfill (hereinafter "the Landfill") is located in Dakota County, Minnesota, and was operated on two parcels ("real property):

Parcel ID: 17-02400-010-51
SECTION 24 TWN 113 RANGE 18
THE SOUTH HALF (S ½) OF THE SOUTH HALF (S ½)
OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 24,
TOWNSHIP 113, RANGE 18, DAKOTA COUNTY, MINNESOTA

Parcel ID: 17-02500-010-25
SECTION 25 TWN 113 RANGE 18
THE NORTHEAST QUARTER (NE ¼) OF THE
NORTHWEST QUARTER (NW ¼) OF
SECTION 25, T113, R18, DAKOTA COUNTY, MINNESOTA

; and

WHEREAS, the real property went into tax forfeiture and on April 5, 2011, the County Board classified the real property as non-conservation pursuant to Minn. Stat. § 282.01, Subd. 1; and

WHEREAS, pursuant to Minn. Stat. § 282.01, Subd. 1a, by a letter dated January 12, 2011, the Minnesota Pollution Control Agency ("MPCA") requested that the real property be withheld from sale and conveyed to the MPCA; and

WHEREAS, pursuant to Minn. Stat. §282.01, Subd. 1a(d), the County Board may sell non-conservation tax-forfeited lands to a state agency for less than their market value if the County Board determines that a sale at a reduced price is necessary to provide an incentive to correct blighted conditions that make the lands undesirable on the open market and the state agency has documented its specific plans for correcting the blighted conditions and has documented the specific law that empowers it to acquire real property in furtherance of the plans; and

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WHEREAS, the Landfill opened in 1971 and was constructed without a liner; and

WHEREAS, during its operation between 1971 and 1988, an estimated total of 1,500,000 cubic yards of waste was disposed at the Landfill; and

WHEREAS, beginning in 1985, the MPCA detected Volatile Organic Compounds in the groundwater beneath the Landfill and extending 4,000 feet south to Pine Creek, which said contamination is attributable to the wastes disposed at the Landfill; and

WHEREAS, the MPCA has also identified landfill gas migration as a concern at the Landfill; and

WHEREAS, the Landfill has been enrolled in the MPCA's Closed Landfill Program since 1996 and the MPCA prepared and implemented a Landfill Management Plan that included the installation of an active gas extraction system to address landfill gas migration; the installation of several geoprobes to monitor the levels of gas; and the installation of monitoring wells to monitor the groundwater contamination; and

WHEREAS, because the Landfill is being managed as a closed landfill, its use is limited to official care of the site including operation of the active gas extraction system, monitoring of landfill gas and groundwater, as well as other landfill maintenance; and

WHEREAS, Hampton Township adopted a Closed Landfill Restricted (CLR) zoning district for the Landfill, which applies whether the real property is in public or private ownership; and

WHEREAS, there are no permitted uses in the CLR zoning district and conditional uses are limited to passive uses to protect the integrity of the closed Landfill and to protect persons from hazards associated with the Landfill; and

WHEREAS, the 2010 estimated market value of each parcel is \$100.00; and

WHEREAS, the real property is in a blighted condition due to its past use; and sale at a reduced price to the MPCA is necessary to ensure that the requirements of the Landfill Management Plan will be carried out for the protection of public health and welfare and for the protection of the environment; and

WHEREAS, pursuant to Minn. Stat. § 115B.412, Subd. 3, the MPCA Commissioner may acquire and dispose of real property the Commissioner deems reasonably necessary for environmental response actions pursuant to the Minnesota Landfill Cleanup Act, Minn. Stat. §§ 115B.39 to 115B.445.

NOW, THEREFORE, BE IT RESOLVED, That pursuant to Minn. Stat. § 282.01, Subd. 1a(d), the following described nonconservation tax forfeited parcels be conveyed to the Minnesota Pollution Control Agency for no consideration and that this resolution be submitted to the Minnesota Commissioner of Revenue for issuance of a conveyance document that releases the property from the trust in favor of the taxing districts:

PIN: 17-02400-010-51

The South half (S ½) of the South half (S ½) of the Southwest quarter (SW ¼) of Section 24, Township 113, Range 18, Dakota County, Minnesota

PIN: 17-02500-010-25

The Northeast quarter (NE ¼) of the Northwest quarter (NW ¼) of Section 25, T113, R18, Dakota County, Minnesota.

11-174

Approval Of Conveyance Of Two Tax-Forfeited Parcels To City Of Farmington

WHEREAS, the following two properties became tax-forfeited on July 8, 2010:

Parcel ID: 14-25828-010-00

FARMINGTON BUSINESS PARK

OUTLOT A

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Parcel ID: 14-25828-020-00
FARMINGTON BUSINESS PARK
OUTLOT B

; and

WHEREAS, the County Board classified the real property as non-conservation pursuant to Minn. Stat. § 282.01, Subd. 1 on April 5, 2011; and

WHEREAS, the City of Farmington requests acquisition of these two properties at no charge pursuant to Minn. Stat. § 282.01, Subd. 1a par. (f) based on the developer's failure to convey the two parcels to the City of Farmington as provided in the development plan.

NOW, THEREFORE, BE IT RESOLVED, That pursuant to Minn. Stat. § 282.01, Subd. 1a(f), the two non-conservation, tax-forfeited parcels described above, be conveyed to the City of Farmington for no consideration as recommended by the County Treasurer-Auditor.

END OF CONSENT AGENDA

ayes 7

nays none

There were no plats presented for approval.

Farmland and Natural Areas Manager Al Singer presented Item 13.1 – Authorization To Execute Income Contract With Minnesota Department Of Natural Resources To Expend \$50,000 Of Farmland And Natural Areas Program Funds For State Acquisition Of Holst Property And To Approve Additions To Hastings Sand Coulee Scientific And Natural Area.

11-175

Authorization To Execute Income Contract With Minnesota Department Of Natural Resources To Expend \$50,000 Of Farmland And Natural Areas Program Funds For State Acquisition Of Holst Property And To Approve Additions To Hastings Sand Coulee Scientific And Natural Area

Motion: Comm. Krause

Second: Comm. Egan

WHEREAS, by Resolution No. 03-334 (June 17, 2003), the County Board of Commissioners adopted Farmland and Natural Area Program (FNAP) Guidelines; and

WHEREAS, by Resolution No. 07-228 (May 22, 2007), the County Board approved the establishment of the Hastings Sand Coulee Scientific and Natural Area (SNA) in Marshan Township; and

WHEREAS, an application to the Farmland and Natural Areas program (FNAP) for the William Holst property was submitted to the County in 2009; and

WHEREAS, subsequent negotiations between William Holst and the Minnesota Department of Natural Resources (DNR), has resulted in the landowner William Holst agreeing to sell 80 acres of high quality natural area to the DNR as an addition to the Hastings Sand Coulee SNA at the \$480,000 appraised value; and

WHEREAS, the DNR has secured \$430,000 toward the cost of acquiring the Holst property and pay for all associated closing costs; and

WHEREAS, FNAP guidelines allow projects to bypass the formal FNAP Advisory Committee (AC) review and ranking process in which at least half the acquisition cost are being provided by a non-County funding sources; and

WHEREAS, in February 2011, the AC reviewed the proposed Holst natural area project and recommended that the County Board provide \$50,000 toward acquisition cost of the project; and

WHEREAS, the City of Hastings is likely to declare 24 acres of city-owned property as being excess and then upon completion of a public hearing, agree to sell the 24-acre property to the DNR; and

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WHEREAS, the State of Minnesota has agreed to own and manage the Holst and City of Hastings properties as new additions to the Hastings Sand Coulee Scientific and Natural Area; and

WHEREAS, Dakota County will not require a conservation easement on the Holst property due to State ownership and acceptable land protection requirements.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an Income Contract with the State of Minnesota to expend \$50,000 of Farmland and Natural Areas Program funds for the Minnesota Department of Natural Resources to acquire the 80-acre William Holst property in Marshan Township, 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 approves the addition of the 80-acre William Holst property as an addition to the Hastings Sand Coulee Scientific and Natural Area; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the addition of the 24-acre City of Hastings property as an addition to the Hastings Sand Coulee Scientific and Natural Area; and

BE IT FURTHER RESOLVED, That the 2011 Farmland and Natural Areas Program budget is hereby amended as follows:

| | |
|------------------------------------|-----------------|
| Expense | |
| William Holst Property Acquisition | \$50,000 |
| Total Expense | \$50,000 |
| | |
| Revenue | |
| FNAP Fund Balance | \$50,000 |
| Total Revenue | \$50,000 |

ayes 7

nays none

11-176

Closed Executive Session: Development Of Offer For Purchase Of Conservation Easement On Land Owned By Dakota County Agricultural Society

Motion: Comm. Workman

Second: Comm. Krause

WHEREAS, the Dakota County Board of Commissioners acquires permanent conservation easements pursuant to its Farmland and Natural Areas Program; and

WHEREAS, the Dakota County Agricultural Society has expressed interest in selling a conservation easement to Dakota County over approximately 198 acres of land owned by the Society in Empire Township, the address of which is 4408 220th Street West, Farmington, Minnesota; and

WHEREAS, pursuant to Minn. Stat. Sec. 13D.05, subd., the County Board may close a meeting to develop offers or counteroffers for the purchase of real property.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board meeting of April 5, 2011, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, in order to develop an offer for the purchase of a conservation easement over approximately 198 acres of land owned by the Dakota County Agricultural Society in Empire Township, Minnesota.

ayes 7

nays none

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11-177**Closed Executive Session: Development Of Offers For Purchase Of Conservation Easements On Land Owned By Vance And Darlene Grannis, David Grannis Jr. Trust, And E. Leland Lindberg**

Motion: Comm. Workman

Second: Comm. Krause

WHEREAS, the Dakota County Board of Commissioners acquire permanent conservation easements pursuant to its Farmland and Natural Areas Program and buffer initiative; and

WHEREAS, Vance and Darlene Grannis, and the David Grannis Jr. Trust, and E. Leland Lindberg, have expressed interest in selling to Dakota County a permanent conservation easement on approximately 236 acres of land which they own in the area located between South Robert Trail and Barnes Avenue south of Highway 55, in the City of Inver Grove Heights, Minnesota; and

WHEREAS, Minn. Stat. Sec. 13D.05, subd.3, the County Board may close a meeting to develop offers or counteroffers for the purchase of real property.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board meeting of April 5, 2011, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, in order to develop offers for the purchase of conservation easements on portions of approximately 236 acres of land owned by Vance and Darlene Grannis, the David Grannis Jr. Trust, and E. Leland Lindberg in Inver Grove Heights, Minnesota.

eyes 7

nays none

The time being 9:12 a.m. and pursuant to public notice and Resolution Nos. 11-176 and 11-177, the County Board convened in Conference Room 3A to hold two Closed Executive Sessions to discuss development of offer for purchase of conservation easement on land owned by Dakota County Agricultural Society and development of offers for purchase of conservation easements on land owned by Vance and Darlene Grannis, David Grannis, Jr. Trust, and E. Leland Lindberg.

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
 Lynn Thompson, Physical Development Director
 Al Singer, Farmland and Natural Areas Program Manager
 Bill Peterson, County Assessor

The Closed Executive Sessions continued until 10:04 a.m., at which time the Board reconvened in the Board Room with all members present.

The time being 10:04 a.m., Chair Harris welcomed those in attendance for presentation of the 2011 Public Health Achievement Awards (Agenda Item 14.2) and outlined the criteria for the awards.

11-178**Proclamation Of Public Health Week In Dakota County, April 4-10, 2011**

Motion: Comm. Schouweiler

Second: Comm. Gaylord

April 5, 2011

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

WHEREAS, the week of April 4, 2011, through April 10, 2011, is National Public Health Week with the theme ‘Safety is No Accident: Live Injury-Free’; and

WHEREAS, improving the health and safety of Dakota County residents is a Dakota County strategic objective; and

WHEREAS, each year in the United States, nearly 150,000 people die from injuries, and almost 30 million people are injured seriously enough to go to the emergency room; and

WHEREAS, unintentional injuries, such as motor vehicle crashes, poisonings and burns, rank among the top 10 causes of death for people ages 1-44; and

WHEREAS, the financial costs of injuries are staggering, accounting for 12% of annual medical care spending and totaling as much as \$69 billion per year; and

WHEREAS, many injuries and associated costs can be proactively prevented by taking actions such as wearing a seatbelt, properly installing smoke alarms, correctly installing and using child safety seats, wearing a helmet, storing cleaning supplies in locked cabinets, and educating the community about violence and maltreatment towards children, seniors and other vulnerable populations.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby proclaims April 4-10, 2011, as Public Health Week in Dakota County, and encourages all residents to take action to promote safety and prevent injury.

ayes 7

nays none

11-179

Presentation Of 2011 Public Health Achievement Awards

Motion: Comm. Egan

Second: Comm. Schouweiler

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

WHEREAS, many people in Dakota County contribute time, energy, and talent in their communities to build a healthy Dakota County; and

WHEREAS, by Resolution No. 00-075 (March 21, 2000), the Dakota County Board of Commissioners, desiring to recognize and honor these contributions, established a *Public Health Achievement Award* to recognize three categories of contributions: youth, individual and community; and

WHEREAS, nominees were evaluated according to and met criteria for leadership, public health contributions, collaboration, advocacy, role model, and evidence of impact.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby presents the 2011 *Public Health Achievement Award* to the following individuals and organizations:

| Category | Individual/Organization |
|-----------------|--------------------------------|
| Youth | Sara Devitt |
| Individual | Dianne Miller |
| Community | Valley Natural Foods |

; and

April 5, 2011

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby expresses congratulations and great appreciation for their valuable contributions to the public health mission of bringing people together to create a healthy future for all citizens of Dakota County.

ayes 7

nays none

Chair Harris individually recognized each of the award recipients and highlighted their achievements and contributions in promoting the health of the public in Dakota County. Award plaques were presented to: Charli Mills, representing Valley Natural Foods, Dianne Miller and Sara Devitt.

The time being 10:18 a.m., Chair Harris recessed the County Board meeting. A reception was held in the Administration Center, Third Floor Atrium, to honor the recipients of the 2011 Public Health Achievement Awards.

The County Board reconvened at 10:45 a.m. in the Board Room with all members present.

Received a Legislative Update.

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

**11-180
Adjournment**

Motion: Comm. Krause

Second: Comm. Schouweiler

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, April 19, 2011.

ayes 7

nays none

The County Board meeting was adjourned at 11:14 a.m.

Joseph A. Harris
Chair

ATTEST

Brandt Richardson
County Administrator