

April 19, 2011

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

The Dakota County Board of Commissioners convened at 9:02 a.m. on Tuesday, April 19, 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; James Backstrom, County Attorney; 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.

11-181

Approval Of Agenda

Motion: Comm. Krause

Second: Comm. Gaylord

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on April 19, 2011, as presented.

ayes 7

nays none

The time being 9:03 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on Repeal Dakota County Bingo Ordinance And Dakota County Motor Racing Ordinance (Agenda Item 5.1). Public Services and Revenue Deputy Director Jean Erickson presented this item. Interested parties desiring to be heard were afforded the opportunity to address the County Board. No one appeared.

11-182

Closing Of Public Hearing

Motion: Comm. Egan

Second: Comm. Schouweiler

BE IT RESOLVED, That the public hearing is closed.

ayes 7

nays none

11-183

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

Motion: Comm. Gaylord

Second: Comm. Branning

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

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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; and

WHEREAS, the Dakota County Board of Commissioners held a public hearing 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).

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby repeals the Dakota County Bingo Ordinance (unnumbered); and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby repeals the Dakota County Motor Racing Ordinance (unnumbered).

ayes 7

nays none

The consent agenda was then approved as follows:

Motion: Comm. Schouweiler

Second: Comm. Krause

11-184

Approval Of Minutes

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held April 5, 2011, as presented and entered in Commissioners' Record 2011.

11-185

Proclamation Of Week Of The Family Child Care Provider, May 1-7, 2011

WHEREAS, Minnesota licensed family child care provider associations are celebrating May 1 - May 7, 2011 as Week of the Family Child Care Provider; and

WHEREAS, Dakota County has approximately 850 licensed family child care providers; and

WHEREAS, Dakota County's family child care providers serve approximately 7,000 children and their families; and

WHEREAS, many Dakota County families choose child care outside their own homes so that parents can participate in the workforce or attend school; and

WHEREAS, the care and education of Dakota County's children provided by licensed family child care providers is essential to the safety and healthy development of the children in their care; and

WHEREAS, licensed family child care providers are competent, caring, and trained child development professionals.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby proclaims the week of May 1-7, 2011, as *Week of the Family Child Care Provider* in Dakota County in honor of its many licensed family child care providers, and asks the community to join in recognizing the valuable contributions these family child care providers make to our community.

11-186

Proclamation Of Mental Health Month, May 2011

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WHEREAS, the National Alliance on Mental Illness-Dakota County (NAMI-Dakota County) and the Dakota County Adult and Children's Mental Health Local Advisory Councils (LACs), have developed plans to bring awareness of mental health challenges and services to Dakota County residents; and

WHEREAS, the Dakota County Board of Commissioners supports efforts to serve the mental health needs of its citizens.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby proclaims the month of May 2011 to be observed as Mental Health Month in Dakota County.

11-187**Proclamation Of Foster Care Month, May 2011**

WHEREAS, the family, serving as the primary source of support and identity for our citizens of all ages, is the very foundation of our community; and

WHEREAS, Dakota County residents benefit from the services of a number of different types of foster care, including homes for children with disabilities, homes for vulnerable adults, and family foster care homes; and

WHEREAS, Dakota County family foster care providers are central in our efforts to keep our most vulnerable citizens safe; and

WHEREAS, foster families open their homes and hearts to children whose families are in crisis and thereby play a vital role helping children and families heal and reconnect to launch into successful adulthood; and

WHEREAS, foster families in Dakota County come from all walks of life, but share the common feature of opening their homes, their lives, and their hearts to very troubled, vulnerable people.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby proclaims the month of May 2011 to be observed as Foster Care Month in Dakota County and urges all citizens to recognize and thank the foster families for their hard work and commitment.

11-188**Authorization To Submit Application For Determination Of Need To Increase On-Site License Capacity Of ProAct, Inc.**

WHEREAS, Minn. Stat. § 252.28 and Minn. Rule part 9525.0036 require that the Department of Human Services Commissioner (DHS Commissioner) determine the need for the development, modification, or termination of public and private Day Treatment and Habilitation (DT&H) services before an agency license is issued or modified; and

WHEREAS, this need is partially based upon the recommendation of the County Board of Commissioners in which the program is located and is submitted to the DHS Commissioner by the County Board via an Application for Determination of Need; and

WHEREAS, ProAct, Inc., currently provides DT&H services at 3195 Neil Armstrong Boulevard in Eagan; and

WHEREAS, ProAct, Inc., seeks approval of an Application for Determination of Need by the Dakota County Board of Commissioners to increase its license capacity from 200 beds to 207 beds at its Eagan site; and

WHEREAS, staff has reviewed the Application for Determination of Need submitted by ProAct, Inc., and supports the request to increase its on-site license capacity.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to submit an Application for Determination of Need to the Commissioner of the Minnesota Department of Human Services for ProAct, Inc., to increase the license capacity at the site located at 3195 Neil Armstrong Boulevard In Eagan from 200 beds to 207 beds.

11-189**Authorization To Submit Application For Determination Of Need To Develop Day Training And Habilitation Program With Opportunity Partners, Inc.**

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WHEREAS, Minn. Stat. § 252.28 and Minn. Rule part 9525.0036 require that the Department of Human Services Commissioner (DHS Commissioner) determine the need for the development, modification, or termination of public and private Day Treatment and Habilitation (DT&H) services before an agency license is issued or modified; and

WHEREAS, this need is partially based upon the recommendation of the County Board of Commissioners in which the program is located and is submitted to the DHS Commissioner by the County Board via an Application for Determination of Need; and

WHEREAS, Opportunity Partners, Inc., seeks approval of an Application for Determination of Need Application by the Dakota County Board of Commissioners to develop a DT&H program, with a license capacity of 10, with program rates of \$78.50 for a full day, \$58.88 for a partial day and \$19.95 per day for transportation, at 1869 Robert Street, in West St. Paul; and

WHEREAS, staff have reviewed the Need Determination Application submitted by Opportunity Partners, Inc., and supports the request to develop a DT&H program.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to submit an Application for Determination of Need to the Commissioner of the Minnesota Department of Human Services for Opportunity Partners, Inc., to develop a DT&H program with a license capacity of 10, with program rates of \$78.50 for a full day, \$58.88 for a partial day and \$19.95 per day for transportation, at 1869 Robert Street in West St. Paul.

11-190

Scheduling Of Public Hearing To Receive Comments On Dakota County's Federal Fiscal Year 2011 One Year Action Plan For Community Development Block Grant And HOME Investment Partnerships Program

WHEREAS, Dakota County is an Entitlement County for funds through the Community Development Block Grant (CDBG) Program and a Participating Jurisdiction for the HOME Investment Partnership (HOME) Program with a requirement by the U.S. Department of Housing and Urban Development (HUD) that a One-Year Action Plan be submitted by Dakota County; and

WHEREAS, the Dakota County Community Development Agency (CDA) administers the CDBG and HOME Programs on behalf of Dakota County, thereby requiring agreements between HUD and Dakota County for the CDBG and HOME funds and between Dakota County and the Dakota County CDA for CDBG and HOME program administration; and

WHEREAS, the requested public hearing is to receive comments and inform the public on the Dakota County 2011 One Year Action Plan that outlines the strategies and objectives for the proposed allocation of 2011 CDBG and HOME funds to local governments in the County; and

WHEREAS, Dakota County CDA staff have worked with participating communities to identify CDBG and HOME activities for Federal Fiscal Year 2011 (FFY11); and

WHEREAS, the proposed activities for the U.S. Department of Housing and Urban Development (HUD) funds meet the housing and community development priorities established in the Five Year Consolidated Plan (2010-2014) that was approved by the County Board on May 4, 2010 (Resolution No. 10-230); and

WHEREAS, at this time, the final FFY11 CDBG and HOME budgets have yet to be released by HUD; and

WHEREAS, CDA staff recommends using a 7.5 percent reduction in FFY11 CDBG and HOME budgets from FFY10 for a FFY11 CDBG budget of \$1,713,000 and FFY HOME budget of \$760,000; and

WHEREAS, CDA staff recommends funding 30 CDBG eligible activities for the 12 cities with populations more than 10,000 with direct allocation funding, 4 CDBG eligible activities with competitive pool funds for cities and townships with populations less than 10,000, and 3 countywide activities with the FFY11 CDBG funds; and

WHEREAS, CDA staff recommends funding four HOME activities as follows: new construction (75%), unallocated CHDO (Community Development Housing Organization) project (15%), and administration (10%) with FFY11 HOME funds.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing on May 3, 2011, at 9:00 a.m., in the Boardroom, Administration Center, Hastings, MN, to receive comments on the Federal Fiscal Year 2011 One-Year Action Plan, including proposed CDBG activities estimated to total \$1,713,000 and HOME funded activities expected to total \$760,000 (of the Consortium total of \$2,295,000); and

BE IT FURTHER RESOLVED, That staff of the Dakota County CDA is hereby authorized and directed to publish the public hearing notice in the *Dakota County Tribune* and the *Rosemount Town Pages* and to post the notice on the Dakota County CDA website and the Dakota County website.

11-191**Approval Of Addition To Vermillion River Wildlife Management Area**

WHEREAS, Dakota County and the Minnesota Department of Natural Resources (DNR) have been working cooperatively since 2005 to establish and manage the Vermillion Highlands complex in central Dakota County as a large public open space for trail use, hunting and other types of compatible recreation and nature study; and

WHEREAS, Dakota County, through the Farmland and Natural Areas Program, has provided the DNR with \$2 million of funds to acquire and expand the Vermillion River Aquatic and Wildlife Management Area (VRWMA); and

WHEREAS, on February 25, 2011, the Minnesota Department of Natural Resources (DNR) Section of Wildlife signed a two-month option to purchase 110 acres from David and Betty Adelman (subject property) as an addition to the VRWMA; and

WHEREAS, by state statute 97A.145 subd. 2, the DNR must receive County Board approval for establishing or adding to a state Wildlife Management Area; and

WHEREAS, the DNR must receive County Board approval for adding the subject property to the VRWMA by April 25, 2011, in order to exercise its existing option to purchase; and

WHEREAS, this portion of the subject property is adjacent to the western boundary of the VRWMA and the southwest corner of the new regional park in Empire Township; and

WHEREAS, the Dakota County Park System Plan identifies a single north-south connection via the Vermillion Highlands Greenway Regional Trail (VHGRT) extending from the Vermillion River Greenway Regional Trail (VRGRT) to the new park in Empire Township; and

WHEREAS, the VHGRT alignment options from the Vermillion River to the new park were evaluated with the establishment of the VRWMA, which resulted in an agreement between Dakota County and the DNR for two potential regional corridors; and

WHEREAS, these corridor alternatives would provide the connection between the VRGRT and the new park, but are located within areas of the VRWMA that would require closing the trail during particular hunting seasons; and

WHEREAS, the DNR, Empire Township and County staff discussed a new western VHGRT corridor that includes a portion of the subject property; and

WHEREAS, County staff evaluated this western trail alignment within the subject property and found it is technically feasible, provides a high quality recreation experience, and according to the DNR, could be open year-round because of the limited type of hunting planned within this portion of the proposed VRWMA; and

WHEREAS, the evaluation did not estimate improvement costs or regulatory obligations associated with a boardwalk crossing of a wetland, and did not confer with a private landowner south of the subject property necessary for the continuance of the VHGRT to the VRGRT; and

WHEREAS, the DNR remains obligated to providing a single corridor from the VRGRT to the new regional park per the VRWMA agreement, but asked that Dakota County consider using a western alternative through the subject property since it provides the intended trail connection and accommodates hunters and trail users and has provided a written letter of commitment to the County; and

WHEREAS, if the DNR is successful in acquiring additional adjoining land it would further accommodate the trail corridor as needed; and

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WHEREAS, the DNR has secured all necessary acquisition funding for acquiring the subject property and will be responsible for payment in lieu of taxes for the property.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the addition of the 110-acre David and Betty Adelman property to the Vermillion River Aquatic and Wildlife Management Area, subject to a DNR letter committing to a 35-foot wide, permanent trail easement and necessary temporary construction easement on the Adelman property for the preferred VHGR alignment; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby directs staff to work with the DNR and Empire Township to refine the preferred VHGR alignment through DNR land as part of the current park master plan and review this with the County Board at a future meeting.

11-192**Award Of Bid And Authorization To Execute Contract With Danner, Inc. For County Project 63-22 In Mendota Heights And West St. Paul**

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, the 2011-2015 Transportation Capital Improvement Program (CIP) budget includes \$1,620,000 in 2011 for the construction of CP 63-22 starting in June 2011; and

WHEREAS, pursuant to advertisement, bids were received for CP 63-22 on April 5, 2011; and

WHEREAS, the bid of Danner, Inc., in the amount of \$1,217,952.18, was the lowest responsible bid received; and

WHEREAS, the County Engineer recommends awarding the bid for the CP 63-22 to Danner, Inc.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with Danner, Inc. for County Project 63-22, in the amount of \$1,217,952.18, based on their low bid, subject to approval by the County Attorney's Office as to form.

11-193**Approval Of Settlement And Authorization Of Payment For Drainage Easements In Parcel 8(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 (CSAH) 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, drainage easement and temporary construction easement is needed from the property owners in the northwest corner of CSAH 63 and Marie Avenue (Vernon and Rosemary Hildebrandt), identified as Parcel 8 on Right of Way Map No. 352, to move forward with CP 63-22; and

WHEREAS, County Board Resolution No. 10-560 (November 2, 2010), approved the acquisition of the easements along CSAH 63 in Parcel 8(352) for CP 63-22; and

WHEREAS, the drainage design for CP 63-22 has been completed and additional easements will be needed along Marie Avenue within Parcel 8(352); and

WHEREAS, the drainage easement, temporary construction easement and damages for tree loss along Marie Avenue has been appraised at \$18,400; and

WHEREAS, subject to the approval of the Dakota County Board of Commissioners, a settlement has been reached with the property owners of Parcel 8(352) for the additional easements along Marie Avenue in the amount of \$18,400; and

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WHEREAS, a fair and equitable settlement without additional time, expense, and risk of continued litigation is in the best interest of the property owners and Dakota County; and

WHEREAS, adequate funds are available in the Transportation Department Capital Improvement Program (CIP) budget in CP 63-22 for the additional easements for Parcel 8(352).

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the settlement amount and authorizes payment of \$18,400 from the Transportation CIP to Vernon and Rosemary Hildebrandt for the acquisition of drainage and temporary easements, and associated damages along Marie Avenue on Parcel 8(352) in CP 63-22 for a full and final settlement.

11-194**Approval Of Settlement And Authorization Of Payment For Drainage Easement In Parcel 19(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 (CSAH) 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, drainage, and temporary construction easements are needed to proceed with CP 63-22; and

WHEREAS, the drainage design for CP 63-22 has been completed and additional easements will be needed along Marie Avenue within Parcel 19(352); and

WHEREAS, the drainage easement and associated damages within Parcel 19(352) along Marie Avenue has been appraised at \$15,000; and

WHEREAS, subject to the approval of the Dakota County Board of Commissioners, a settlement has been reached with the property owners of Parcel 19(352) for the drainage easements along Marie Avenue in the amount of \$15,000; and

WHEREAS, a fair and equitable settlement without additional time, expense, and risk of continued litigation is in the best interest of the property owners and Dakota County; and

WHEREAS, adequate funds are available in the Transportation Department Capital Improvement Program (CIP) budget in CP 63-22 for the drainage easements for Parcel 19(352).

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the settlement amount and authorizes payment of \$15,000 from the Transportation CIP to Kerry and Lisa Kern for the acquisition of drainage easements and associated damages along Marie Avenue on Parcel 19(352) in CP 63-22 for a full and final settlement.

11-195**Award Of Bid And Authorization To Execute Contract With Minnesota Asphalt Maintenance For Parking Lot Sealing, County Project 97-106**

WHEREAS, pursuant to advertisement, bids were received for County Project 97-106 until 9:30 a.m. on April 5, 2011; and

WHEREAS, County Project 97-106 is the seal coating of asphalt parking lots at the Empire Transportation Facility and the Northern Service Center; and

WHEREAS, the approved 2011 Building Capital Improvement Program (CIP) budget includes \$185,000 for parking lot sealing at these two County facilities and \$45,000 in budget savings from the fleet storage building project; and

WHEREAS, the Transportation Department will provide construction management and inspection for County Project 97-106; and

WHEREAS, the bid of Minnesota Asphalt Maintenance, in the amount of \$ 229,392.90 was the lowest responsible bid received; and

WHEREAS, the County Engineer recommends awarding the bid to Minnesota Asphalt Maintenance.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Minnesota Asphalt Maintenance, for County Project 97-106, in the amount of \$229,392.90 based on their low bid, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOVLED, That the 2011 Transportation CIP budget is hereby amended as follows:

Expense	
CP 97-106	\$229,393
Revenue	
Empire crack/chip seal	\$88,000
NSC seal coating	\$97,000
Fleet Storage building	\$44,393
Transfer from Building CIP projects	\$229,393

11-196**Award Of Bid And Authorization To Execute Contract With McNamara Contracting, Inc. For Pavement Preservation Projects**

WHEREAS, pursuant to advertisement, bids were received for the 2011 Dakota County pavement preservation projects until 9:00 a.m. on March 30, 2011; and

WHEREAS, the 2011 projects include County Projects (CPs) 5-45, 9-49, 9-50, 11-20, 47-41, 47-42, 56-08, 56-09 and 73-24; and

WHEREAS, the 2011 Transportation Capital Improvement Program (CIP) includes funding for Pavement Preservation Projects, Safety & Management Projects, and Durable Pavement Markings; and

WHEREAS, the 2011 Parks and Open Space (POS) Department CIP budget includes funding for a bituminous trail along CSAH 56; and

WHEREAS, the 2011 projects include funding from the Cities of Burnsville and Inver Grove Heights for repairs to city utilities; and

WHEREAS, the bid of McNamara Contracting, Inc. in the amount of \$3,865,204.18 was the lowest responsible bid received; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with McNamara Contracting, Inc. for pavement preservation projects, in the amount of \$3,865,204.18 based on their low bid, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2011 Transportation CIP budget is hereby amended as follows:

Expense	
2011 Projects-CP 5-45, 9-49, 9-50, 11-20, 47-41, 47-42, 56-08, 56-09 & 73-24	\$3,865,204
Pavement Preservation Projects	(3,071,964)
Safety & Management Projects	(304,059)
Durable Pavement Markings	(57,931)
Total Expense	\$431,250
Revenue	
Transfer from POS CIP	\$52,749
City of Burnsville	364,740
City of Inver Grove Heights	13,761
Total Revenue	\$431,250

11-197

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Approval Of Acquisition And Authorization To Initiate "Quick Take" Condemnation Of Right Of Way For County Projects 32-60 And 32-61 In Eagan

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

WHEREAS, acquisition of right of way is necessary to move forward with CP 32-60 and 32-61; and

WHEREAS, the appraised value for the needed right of way is \$58,000 and the Transportation Department Capital Improvement Program (CIP) budget includes adequate funding for CP 32-60 and 32-61 right of way acquisition in 2011; and

WHEREAS, in the event that timely acquisition by direct negotiation of all required parcels does not appear possible, it is necessary to have the County Board authorize the County Attorney to initiate "quick take" condemnation of the remaining parcels to allow a summer 2011 start date.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves acquisition of right of way for CP 32-60 and 32-61 and authorizes payment from the 2011 Transportation Department CIP budget as follows:

Parcel No.	Owner	Opinion of Value	Project No.
1	Tamara Isleb	\$6,600	32-60
2	Curtis & Valerie Frederick	12,900	32-61
3	Craig Mills	29,400	32-61
4	Dharmhaj Hanuman & Janean Pearl	9,100	32-61
Total Appraised Value for CP 32-60 and 32-61:		\$58,000	

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney to initiate "quick take" condemnation of the remaining parcels to allow for a summer 2011 start date, in the event that timely acquisition by direct negotiations of all parcels does not appear possible.

11-198

Authorization To Grant Easement To Minnesota Department Of Natural Resources For Installation Of DNR Monitoring Wells At Lebanon Hills Regional Park

WHEREAS, the Commissioner of Natural Resources (DNR) has the authority to conduct surveys, investigations, and studies of waters of the state in order to implement the Commissioner's duties under Minnesota Statutes 103G.121; and

WHEREAS, the DNR desires to expand the observation well network throughout the state for the purpose of obtaining geologic and hydrologic information; and

WHEREAS, Dakota County Water Resources and Parks staff and the DNR have determined a location at Lebanon Hills Regional Park where it would be mutually beneficial to gather geological and hydrologic information; and

WHEREAS, the location at Lebanon Hills Regional Park is within a stormwater management easement belonging to the City of Eagan; and

WHEREAS, the location at Lebanon Hills Regional Park is subject to an agreement and restrictive covenant with Metropolitan Council; and

WHEREAS, the DNR will be responsible for all costs associated with installing, monitoring, maintaining, and eventually sealing these wells.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners, subject to the consent of the City of Eagan and the Metropolitan Council, hereby grants to the State of Minnesota acting through the Commissioner of Natural Resources a perpetual easement for the installation, operation and maintenance of up to six groundwater monitoring wells on the following described property:

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An easement over and across that part of the Southeast Quarter of the Southwest Quarter of Section 36, Township 27, Range 23, Dakota County, Minnesota, described as commencing at the southwest corner of said Section 36; thence on assumed bearing of North 0 degrees 19 minutes 48 seconds East, along the west line of said Section 36, a distance of 1323.17 feet to the north line of the South Half of said Southwest Quarter of Section 36; thence North 89 degrees 58 minutes 43 seconds East, along said north line of the South Half of the Southwest Quarter of Section 36, a distance of 1914.61 feet to the westerly right of way line of Dodd Road; thence South 12 degrees 52 minutes 31 seconds West , along said westerly right of way line of Dodd Road, a distance of 30.78 feet to the point of beginning of the easement to be described; thence South 89 degrees 58 minutes 43 seconds West a distance of 180.19 feet; thence South 0 degrees 00 minutes 30 seconds East a distance of 60.00 feet; thence North 89 degrees 58 minutes 43 seconds East a distance of 166.47 feet to said westerly right of way line of Dodd Road; thence North 12 degrees 52 minutes 31 seconds East along said westerly right of way line a distance of 61.55 feet to the point of beginning.

; and

BE IT FURTHER RESOLVED, That the above-described easement is subject to the conditions set forth in the Easement Agreement as presented to the County Board on April 19, 2011; and subject to the approval of the County Attorney's Office as to form.

11-199

Authorization To Sign Letter Of Agreement With Northern States Power - Minnesota For Emergency Response

WHEREAS, an annual review of the Dakota County Emergency Response Plan for Prairie Island Nuclear Generating Plant has been conducted; and

WHEREAS, the Federal Emergency Management Agency requires the Northern States Power Company – Minnesota to have a Memorandum of Agreement for emergency response on file.

NOW, THEREFORE BE IT RESOLVED, That the County Board Chair and the Dakota County Sheriff are authorized to sign a Letter of Agreement with Northern States Power – Minnesota for Emergency Response Services for the Prairie Island Nuclear Generating Plant.

11-200

Approval Of 2011 Dakota County Emergency Response Plan For Prairie Island Nuclear Generating Plant

WHEREAS, an annual review of the Dakota County Emergency Response Plan for Prairie Island Nuclear Generating Plant is required by the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management (HSEM), and the Federal Emergency Management Agency (FEMA); and

WHEREAS, staff updated the plan, submitted it for review, and received preliminary approval from HSEM and FEMA.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the 2011 Dakota County Emergency Response Plan for Prairie Island Nuclear Generating Plant; and

BE IT FURTHER RESOLVED, That the County Board Chair, the Sheriff/Director of Public Safety, and the Emergency Preparedness Coordinator are hereby authorized to sign the Verification of Plan Approval.

11-201

Authorize Execution Of Liability Waiver And Indemnification For Use Of Firearms Training Facility

WHEREAS, the Dakota County Sheriff's Office has been a member of the Multi-Agency Mutual Assistance Group (MAAG) since 2004; and

WHEREAS, the Sheriff's Office members of MAAG have a professional responsibility to remain proficient in the use of the various weapons systems available to them; and

WHEREAS, the Sheriff's Office and MAAG firearms instructors take all necessary precautions and maintain industry standard protocols during all firearms training and are not aware of any injuries from firearms training to its members since the inception of the MAAG in April 2004; and

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Motion: Comm. Workman

Second: Comm. Egan

WHEREAS, the Dakota County Criminal Justice Information Integration Network (CJIIN), is a partnership of the County and its cities, to integrate and share criminal justice information from cities, the county and the state by eliminating barriers to communication and sharing of information across agency and jurisdictional boundaries; and

WHEREAS, CJIIN applications are currently in use in 50 criminal justice agencies by over 2800 users, accessing information from multiple criminal justice data systems and sharing information across agency and jurisdictional boundaries; and

WHEREAS, the Federal Department of Justice Asset Forfeiture Program that authorizes the Attorney General to share federally forfeited property with participating state and local law enforcement agencies; and

WHEREAS, any state or local law enforcement agency that directly participates in an investigation or prosecution that results in a federal forfeiture may request an equitable share for the net proceeds of the forfeiture; and

WHEREAS, to improve information sharing among metro law enforcement agencies, the Metro Gang Strike Force sought approval from the Department of Justice to use \$80,000 of equitable sharing funds for data integration and information sharing between law enforcement agencies using CJIIN applications; and

WHEREAS, the Metro Gang Strike Force Board has approved the use of Federal Equitable Sharing Funds to further improve CJIIN applications and information sharing for law enforcement.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Administrator to enter into an agreement with the Metro Gang Strike Force for \$80,000, to be used to improve CJIIN applications and information sharing among law enforcement agencies, subject to approval by the County Attorney's office as to form; and

BE IT FURTHER RESOLVED, That the 2011 CJIIN Enterprise Fund budget is hereby amended as follows:

Expense	
CJIIN Office and Professional Services	\$80,000
Revenue	
Federal Equitable Sharing Funds	\$80,000

ayes 7

nays none

Operations Manager Taud Hoopingarner presented Item 13.2 – Authorization To Execute Joint Powers Agreement With Dakota County Community Development Agency Fro Fleet Services.

11-205

Authorization To Execute Joint Powers Agreement With Dakota County Community Development Agency For Fleet Services

Motion: Comm. Krause

Second: Comm. Branning

WHEREAS, the Community Development Agency (CDA) Executive Director approached the Dakota County Operations Management Director about receiving fleet management services for the CDA's thirteen vehicles in an effort to reduce their operating costs and improve the service level and condition of their fleet of vehicles; and

WHEREAS, Dakota County has the existing capacity to provide these services, and will receive reimbursement for actual repair, maintenance and administrative costs provided to service the CDA units; and

WHEREAS, the Board of Commissioners of Dakota County and the Dakota County Community Development Agency support opportunities to share resources for the benefit of their constituents.

April 19, 2011

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Administrator to execute a Joint Powers Agreement with the Dakota County Community Development Agency, for Fleet Management Services, effective April 19, 2011, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2011 Operations Management budget is amended as follows:

Expense	
Repair & Maintenance	\$9,000
Parts	1,500
Unleaded Fuel	15,000
	\$0
Revenue	
CDA	\$25,500
	\$0

ayes 7

nays none

County Assessor Bill Peterson presented Item 14.1 – Annual Market Value Update. This item was for information only; no action was requested.

11-206

Authorization To Approve Settlement Of County Of Dakota V. Convenience Store Investments, LLC, Et Al (Lakepointe Holdings, II, LLC) (County Project 23-64)

Motion: Comm. Egan

Second: Comm. Branning

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 78(324), the County condemned for highway purposes 1886 square feet of permanent trail, drainage and utility easement and 900 square feet of temporary construction easement for which the County offered compensation of \$31,000; and

WHEREAS, Lakepointe Holdings II, LLC, 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 \$43,000, or \$12,000 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 approves the settlement agreement in the matter of County of Dakota v. Convenience Store Investments, LLC, Et Al (Lakepointe Holdings, II, LLC) (County Project 23-64) for Parcel 78 (324) in the amount of \$43,000 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

Received a Legislative Update.

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

11-207

Adjournment

April 19, 2011

Motion: Comm. Schouweiler

Second: Comm. Krause

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, May 3, 2011.

ayes 7

nays none

The County Board meeting was adjourned at 10:24 a.m.

Joseph A. Harris
Chair

ATTEST

Brandt Richardson
County Administrator