

July 12, 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, July 12, 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.

11-328

Approval Of Agenda

Motion: Comm. Schouweiler

Second: Comm. Egan

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on July 12, 2011, with the following revision:

- Added Item 11.2 – Adoption Of Emergency Measures To Reduce Financial Risks Related To Minnesota State Shutdown.

ayes 7

nays none

At this time, Regional Extension Director Jayne Hager Dee introduced Dennis Reuter and Carl Reuter and their families from Hastings as the 2011 University of Minnesota Extension Services Family Farm of the Year and highlighted their farming operation and community activities.

The consent agenda was then approved as follows:

Motion: Comm. Gaylord

Second: Comm. Branning

11-329

Approval Of Minutes

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held June 21, 2011, as presented and entered in Commissioners' Record 2011.

11-330

Authorization To Execute Contracts For ERP Implementation Project Manager, Contract Programming Resource For ERP Interfaces

WHEREAS, in January 2010 (Resolution No. 10-041) the Board of Commissioners approved entry into a contract with SunGard Public Sector Inc. for a Phase I Gap Fit Analysis project, being the first phase of an effort to replace existing mainframe applications used for Financial and Employee Relations tracking and reporting; and

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WHEREAS, on October 12, 2010 (Resolution No. 10-526) the Board of Commissioners approved entry into a contract with SunGard Public Sector Inc. for the Phase II Implementation of the SunGard IFAS Enterprise Resource Planning (ERP) system to replace the existing mainframe applications used for Financial and Employee Relations tracking and reporting; and

WHEREAS, due to the retirement of the County's ERP Project Manager and the unanticipated extra use of Information Technology resources by the Real Estate Management System (REMS) project; and

WHEREAS, Hollstadt & Associates has available a contract ERP Implementation Project Manager, with sufficient skills and experience to successfully complete the ERP project implementation; and

WHEREAS, NorthShore Resources, Inc. has available a contract computer programmer, with sufficient skills and experience to complete the required work on the ERP programmatic interfaces; and

WHEREAS, funds are available in the 2011 Finance and Information Technology Departments budgets.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Director of the Information Technology Department to execute contracts with Hollstadt & Associates for an amount not to exceed \$144,000 for the contract ERP Implementation Project Manager; and NorthShore Resources, Inc. for an amount not to exceed \$95,200, for a contract computer programmer to assist in the programmatic interfaces for the ERP implementation, the total amount not to exceed \$239,200, subject to approval by the County Attorney's office as to form.

11-331**Authorization To Amend Contract With Stan Smiley For Consulting Services To Update Dakota County All Hazard Mitigation Plan**

WHEREAS, Congress enacted The Disaster Mitigation Act Of 2000, which requires counties and first-order cities to prepare All-Hazard Mitigation Plans; and

WHEREAS, these plans must address potential natural and manmade hazards and develop mitigation goals, objectives, and strategies to proactively protect public safety and reduce disaster relief costs; and

WHEREAS, the Dakota County All-Hazard Mitigation Plan was submitted and approved by the Federal Emergency Management Agency (FEMA) in July 2006; and

WHEREAS, the Dakota County Board Of Commissioners adopted the All-Hazard Mitigation Plan by Resolution No. 06-377 on September 19, 2006; and

WHEREAS, FEMA is requiring that All-Hazard Mitigation Plans must be updated on a five year basis; and

WHEREAS, the Dakota County Board Of Commissioners authorized the execution of Pre-Disaster Mitigation Grant with the Minnesota Department Of Public Safety, Division Of Emergency Management for \$56,250 to fund the process to update the All-Hazard Mitigation Plan by Resolution No. 10-054 on January 26, 2010; and

WHEREAS, Stan Smiley is providing consulting services under an existing contract to support the updating process for the All-Hazard Mitigation Plan funded through the Pre-Disaster Mitigation Grant, and grant funds are available to extend the amount and time frame for delivery of these services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Manager to execute an amendment to the contract with Stan Smiley, extending the term through September 30, 2011, and increasing the amount by \$7,250 to a new contract maximum of \$56,250, subject to approval of the County Attorney's Office as to form.

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11-332**Authorization To Relay Recommendations To State Department Of Human Services On Re-Procurement Request For Proposals With Managed Care Organizations**

WHEREAS, the Minnesota Department of Human Services (DHS), through its Managed Care and Payment Policy Division, issued a Request for Proposals (RFP) on April 6, 2011, for Technical Proposals from qualified Managed Care Organizations (MCO's) to provide prepaid health care to eligible Medical Assistance (MA) and MinnesotaCare recipients in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington; and

WHEREAS, the objective of the RFP is to contract with qualified Responders to perform the tasks and services set forth in the RFP in the respective counties; and

WHEREAS, DHS asked each of the counties to participate in the RFP review process, specifically the Technical Proposal; and

WHEREAS, County staff involved in the RFP review process included Financial Services, Employment and Economic Assistance, Public Health, Social Services, and Community Services Administration; and

WHEREAS, staff request authorization to recommend that DHS retain contractual agreements with Blue Cross Blue Shield of Minnesota - Blue Plus, HealthPartners, Inc., Medica, and UCare.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recommends to the Minnesota Department of Human Services that it include Blue Cross Blue Shield of Minnesota - Blue Plus, HealthPartners, Inc., Medica, and UCare among the selected MCOs to allow Dakota County to retain its contractual agreements with each of them for the provision of health care services to our eligible residents.

11-333**Authorization To Execute Contracts With Department Of Employment And Economic Development Job Service And HIRED For Smead Manufacturing Special Dislocated Worker Services**

WHEREAS, by Resolution No. 11-244 (May 17, 2011), the County Board authorized execution of a grant agreement with the Department of Employment and Economic Development (DEED) to accept funding for Smead Manufacturing Special Dislocated Worker Services for the period of April 5, 2011 through March 31, 2013, in an amount up to \$245,630; and

WHEREAS, the final grant agreement amount awarded was \$150,000 and was designated to serve 50 participants for the anticipated period of April 1, 2011 through March 31, 2012; and

WHEREAS, on May 20, 2011, the Dakota-Scott Workforce Investment Board approved contracts with providers to provide eligible clients with training and support services; and

WHEREAS, on June 2, 2011, DEED notified Dakota-Scott Workforce Services of a \$5,000 Early Readjustment Assistance Grant received for this project to provide interim funding prior to actual grant receipt to allow contractors to provide initial services including orientations, client meetings, and other related activities.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with DEED Job Service to provide case management services to Smead Manufacturing Special Dislocated Workers, to serve up to 30 participants at \$1,200 per participant, for the period of for the period of April 5, 2011 through March 31, 2012, for an amount not to exceed \$36,000, 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 Community Services Director to execute a contract with HIRED to provide case management services to Smead Manufacturing Special Dislocated Workers, to serve up to 30 participants at \$1,200 per participant, for the period of for the period of April 5, 2011 through March 31, 2012, for an amount not to exceed \$36,000, subject to approval by the County Attorney's Office as to form; and

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BE IT FURTHER RESOLVED, That the total number of participants is not to exceed 50 participants and the total contract expenditures are not to exceed \$60,000; and

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

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

11-334**Authorization To Execute Contracts With Scott County Employment And Training And HIRED For Tyco Electronics Special Dislocated Worker Services**

WHEREAS, by Resolution No. 11-243 (May 17, 2011), the County Board authorized execution of a grant agreement with the Department of Employment and Economic Development (DEED) to accept funding for Tyco Electronics Special Dislocated Worker Services for the period of April 1, 2011 through March 31, 2013, in an amount up to \$750,000; and

WHEREAS, the final grant agreement amount awarded was \$690,000 and was designated to serve 230 participants for the anticipated period of March 18, 2011 through March 31, 2012; and

WHEREAS, on May 20, 2011, the Dakota-Scott Workforce Investment Board approved contracts with providers to provide eligible clients with training and support services; and

WHEREAS, on June 2, 2011, DEED notified Dakota-Scott Workforce Services of a \$7,500 Early Readjustment Assistance Grant received for this project to provide interim funding prior to actual grant receipt to allow contractors to provide initial services including orientations, client meetings, and other related activities.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Scott County Employment and Training (SCET) to provide case management services to Tyco Electronics Special Dislocated Workers, to serve up to 125 participants at \$1,200 per participant, for the period of for the period of March 18, 2011 through March 31, 2012, for an amount not to exceed \$150,000, 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 Community Services Director to execute a contract with HIRED to provide case management services to Tyco Electronics Special Dislocated Workers, to serve up to 125 participants at \$1,200 per participant, for the period of for the period of March 18, 2011 through March 31, 2012, for an amount not to exceed \$150,000, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the total number of participants is not to exceed 230 participants and the total contract expenditures are not to exceed \$276,000; and

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

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

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11-335**Authorization To Execute Joint Powers Agreement With Dakota County Community Development Agency For Cost Share Related To Staffing Effectiveness And Efficiency Study**

WHEREAS, separate staff groups from the Transportation, Parks and Open Space, and Operations Management departments currently perform maintenance-related functions in Dakota County; and

WHEREAS, the Community Development Agency (CDA) also has staff who perform maintenance related functions; and

WHEREAS, both Dakota County and the Dakota County CDA desire to evaluate options to maximize staffing effectiveness and efficiency; and

WHEREAS, on May 25, 2011, a Request for Proposals (RFP) was issued for a Staffing Effectiveness and Efficiency Study that will analyze current maintenance-related staff utilization and structure, identify best practices, analyze alternative service delivery options, and provide recommendations to optimize performance and promote the effective and efficient use of County and CDA resources; and

WHEREAS, a Joint Powers Agreement between Dakota County and the CDA is necessary to define the cost sharing arrangement for the cost of the Study.

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 Community Development Agency to provide for a Dakota County cost share of 75% and a Dakota County CDA cost share of 25% of the Staffing Effectiveness and Efficiency Study, subject to approval by the County Attorney's Office as to form.

11-336**Approval Of Special Hazardous Waste Processing And Universal Waste Facility License For USA Lamp And Ballast Recycling, Inc. In Lakeville**

WHEREAS, in accordance with Dakota County Ordinance 111, Hazardous Waste Regulation, USA Lamp submitted a license application to Dakota County to operate a special hazardous waste processing and universal waste facility in the City of Lakeville; and

WHEREAS, USA Lamp shall provide financial assurance in accordance with Dakota County Ordinance 111, Hazardous Waste Regulation, in the amount of \$4,500, in the form of an irrevocable letter of credit in the favor of Dakota County to cover potential closure costs associated with the storage of up to 25,000 pounds of special hazardous waste at this facility, subject to the approval of the Dakota County Risk and Homeland Security Manager and the Dakota County Attorney's Office as to form and financial institution issuing the financial assurance; and

WHEREAS, USA Lamp shall provide financial assurance, as required by the Minnesota Pollution Control Agency, in the amount of \$30,000, in the form of an irrevocable letter of credit, to cover potential removal and clean-up costs associated with the storage of 30,000 fluorescent lamps at this facility; and

WHEREAS, County staff has reviewed the application from USA Lamp and has determined that all other aspects of the proposed special hazardous waste processing and universal waste facility conform to the requirements of Dakota County Ordinance 111, Hazardous Waste Regulation.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves issuance of a license pursuant to Dakota County Ordinance 111, Hazardous Waste Regulation, to USA Lamp to operate a special hazardous waste processing and universal waste facility in the City of Lakeville for the period of July 12, 2011, to March 31, 2012, subject to compliance with all applicable federal, state, local, and County laws, rules, and ordinance requirements, or special conditions; and

BE IT FURTHER RESOLVED, That USA Lamp shall operate the special hazardous waste processing and universal waste facility in accordance with the plans and information approved as part of its license application to Dakota County; and

BE IT FURTHER RESOLVED, That USA Lamp shall operate this special hazardous waste processing and universal waste facility so that the maximum storage capacity at any one time does not exceed 25,000 pounds of special hazardous waste and 30,000 fluorescent lamps; and

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BE IT FURTHER RESOLVED, That pursuant to Dakota County Ordinance 111, Hazardous Waste Regulation, USA Lamp shall provide and maintain financial assurance for the special hazardous waste processing and universal waste facility in the form of a \$4,500 irrevocable letter of credit in the favor of Dakota County, and a \$30,000 irrevocable letter of credit in the favor of the Minnesota Pollution Control Agency, with said financial assurances subject to the approval of the Dakota County Risk and Homeland Security Manager and the County Attorney's Office as to form and financial institution issuing the financial assurances; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to issue a special hazardous waste processing and universal waste facility license, as approved by the Dakota County Board of Commissioners, to USA Lamp, subject to the payment of required fees and the satisfaction of all appropriate license conditions.

11-337**Authorization To Submit 2013 Outdoor Heritage Funding Request To Lessard-Sams Outdoor Heritage Council**

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

WHEREAS, the 2009 Minnesota legislature provided direction on the administration and dispersal of the dedicated revenue through various agencies and grant programs, including the Lessard-Sams Outdoor Heritage Council (LSOHC); and

WHEREAS, shoreland conservation easements and improved public access along public waters in the County are included as a 2011 priority by the Dakota County Board of Commissioners, and are priorities for the Farmland and Natural Areas Program and the adopted plans for the Vermillion and Cannon River watersheds; and

WHEREAS, staff has identified, and recommends submission of a \$3.2 million funding request to the LSOHC to fund conservation easements, habitat restoration and improved angling access along the Mississippi River, the Vermillion and Cannon rivers and their main tributaries; and Chub and Marcott Lakes; and

WHEREAS, the application deadline for a 2013 funding request to the LSOHC is July 15, 2011.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby supports and authorizes the Parks and Open Space Department to submit a \$3.2 million proposal to the Lessard-Sams Outdoor Heritage Council (LSOHC) for conservation easement acquisition, habitat enhancement and restoration and angling access along the Vermillion and Cannon Rivers and their main tributaries; and Chub and Marcott Lakes through the Outdoor Heritage Fund; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby directs that these projects be included in the proposed 2012-2016 Parks and Open Space Capital Improvement Program; and

BE IT FURTHER RESOLVED, That, subject to award of any grant, the Dakota County Board of Commissioners will consider authorizing the execution of the grant agreement at a future meeting.

11-338**Authorization To Execute Joint Powers Agreement With Vermillion River Watershed Joint Powers Organization To Receive Reimbursement For Acquiring Dakota County Agricultural Society, Inc. Conservation Easement**

WHEREAS, in September 2007, Dakota County, in conjunction with the Vermillion River Watershed Joint Powers Organization (VRWJPO), submitted a project proposal to the Legislative-Citizen Commission on Minnesota Resources (LCCMR) to provide funds to protect land within the Vermillion River corridor; and

WHEREAS, by Resolution No. 10-552 (November 2, 2010), the Dakota County Board of Commissioners approved the Vermillion River Corridor Plan; and

WHEREAS, by Resolution No. 10-553 (November 2, 2010), the Dakota County Board of Commissioners adopted a process to evaluate, select and implement Vermillion River Corridor acquisition and restoration projects; and

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WHEREAS, the Dakota County Agricultural Society, Inc. (Agricultural Society) submitted a Vermillion River Corridor Project application to Dakota County in December 2010, and the project was ranked the highest of the applications submitted; and

WHEREAS, the Agricultural Society agreed to sell a permanent, natural area conservation easement on approximately 193.2 acres of land located in Castle Rock Township; and

WHEREAS, the total cost of the permanent easement is estimated to be \$755,000, including \$5,000 for closing costs and other costs associated with the acquisition; and

WHEREAS, \$509,965 from the State Environment and Natural Resources Trust Fund and approximately \$195,035 of state Fiscal Year 2011 Outdoor Heritage Fund funding are available for this project; and

WHEREAS, Dakota County has requested \$50,000 from the VRWJPO for this acquisition project; and

WHEREAS, on June 23, 2011, the VRWJPO Board approved entering into a Joint Powers Agreement with Dakota County to provide \$50,000 for acquisition of the conservation easement from the Agricultural Society; and

WHEREAS, Dakota County acquired a 193.2-acre permanent, natural area conservation easement from the Agricultural Society on June 29, 2011.

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 Vermillion River Watershed Joint Powers Organization to receive \$50,000 to acquire a permanent natural area conservation easement on 193.2 acres of Dakota County Agricultural Society, Inc. property in Castle Rock Township.

11-339**Authorization To Execute Amendment No. 1 To Agreement No. 91582 With Minnesota Department Of Transportation For County Project 70-06, State Project 19-670-08**

WHEREAS, to provide safe, efficient transportation throughout the County, the Dakota County Transportation Department partnered with the Minnesota Department of Transportation (Mn/DOT) and the City of Lakeville on County Project (CP) 70-06; and

WHEREAS, by Resolution No. 08-128 (March 18, 2008), the Dakota County Board of Commissioners approved executing Mn/DOT Agreement No. 91582 to provide reimbursement by the State to the County for the State's share of the costs of the roadway improvements in the amount of \$2,500,000 in Mn/DOT fiscal year 2012 (after July 1, 2011); and

WHEREAS, the construction of CP 70-06 is complete and Mn/DOT's construction cost share has been calculated to be \$2,540,074.50; and

WHEREAS, Mn/DOT Agreement No. 91582 is being amended to allow payment by the State to the County for cost overruns for relocating concrete barriers, and for the installation of guardrails and additional signing in the amount of \$40,074.50; and

WHEREAS, executing Amendment No. 1 to Agreement No. 91582 will increase the County's compensation and reimbursement from the State from \$2,500,000 to \$2,540,074.50.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute Amendment No. 1 to Agreement No. 91582 with the Minnesota Department of Transportation for County Project 70-06, State Project 19-670-08, subject to approval by the County Attorney's Office as to form.

11-340**Authorization To Execute Contract Amendment With Short Elliott Hendrickson, Inc. For Construction Inspection Services For Cedar Avenue Transitway**

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with construction of the Cedar Avenue Transitway; and

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WHEREAS, Dakota County is the lead agency for administration of the construction contract with Shafer Contracting Company, Inc. (Resolution No 11-030, January 4, 2011); and

WHEREAS, due to the increased amount of construction underway on the project, it was necessary to hire construction inspection services; and

WHEREAS, Short Elliott Hendrickson (SEH), Inc. was selected for the highly qualified staff at the lowest cost and is currently under contract for construction inspection services in the amount of \$49,900; and

WHEREAS, Shafer Construction has since increased its production and the number of operations on the job and there is still a need for additional inspection on the Cedar Avenue Transitway; and

WHEREAS, the Transportation Director recommends an amendment to the contract with SEH for construction inspection services in the amount of \$35,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an amendment in the amount of \$35,000 to the professional services contract with Short Elliott Hendrickson, Inc. for construction inspection services, for a total amount not to exceed \$84,900, subject to approval by the County Attorney's Office as to form

11-341

Authorization To Execute Contract With Integra Realty Resources For Appraisal Services For County Project 5-41 In Burnsville

WHEREAS, Dakota County, the City of Burnsville and the Minnesota Department of Transportation (Mn/DOT) are partnering on County Project (CP) 5-41 for the construction of an interchange at the intersection of Trunk Highway 13 and County State Aid Highway (CSAH) 5 in Burnsville; and

WHEREAS, Mn/DOT is the lead agency for final design and the County is the lead agency for right of way acquisition and construction administration; and

WHEREAS, the County needs to contract with a well-qualified professional appraisal firm because of the complexity of the appraisals; and

WHEREAS, the Transportation Department sent a Request for Proposals to three qualified professional appraisal firms; and

WHEREAS, the proposals were received and evaluated by Transportation Department staff; and

WHEREAS, the County Engineer recommends execution of a contract with Integra Realty Resources for appraisal services for CP 5-41 for the actual costs not to exceed \$115,700; and

WHEREAS, the costs for the appraisal services will be shared between Dakota County and the City of Burnsville in accordance with County policy; and

WHEREAS, the 2011 Transportation Capital Improvement Program (CIP) budget includes funding for Professional Services; and

WHEREAS, a budget amendment is necessary to transfer funds from Professional Services to appraisal services for CP 5-41.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Integra Realty Resources to perform professional appraisal services for CP 5-41 in an amount not to exceed \$115,700, 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 | |
| Appraisal Services - CP 5-41 | \$115,700 |
| Professional Services | (115,700) |
| Total Expense | \$0 |

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11-342**Authorization To Execute Contract With Independent School District 196 For School Resource Officer Services**

WHEREAS, Independent School District (ISD) 196 (Dakota Ridge) has requested the School Resource Officer Program continue and be provided by the Dakota County Sheriff's Office for the school year of 2011/2012, and the Sheriff desires to provide that service; and

WHEREAS, ISD 196 has agreed to pay 75 percent of the cost of salary and benefits for the deputy assigned to the school.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Sheriff to execute a contract with ISD 196 for the purpose of providing school resource officer services, for the period of September 1, 2011, through September 1, 2012, provided that ISD 196 pays 75 percent of the cost of salary and benefits of the school resource officer (currently estimated \$70,000), subject to approval by the County Attorney's Office as to form.

11-343**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

Cordell and Holly Campbell - #34-25100-020-09- Rosemount, City of

Reduce the 2010 estimated market value from \$432,800 to \$212,800. The tax capacity is reduced from \$4,328 to \$2,128.

11-344**Approval Of Application For Assemblage Of Large Numbers Of People License For Hispano Records, Inc.**

WHEREAS, an application has been submitted by Hispano Records, Inc. to hold a rodeo on July 31, 2011, at the Dakota County Fairgrounds in Castle Rock Township; 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 by Hispano Records, Inc. to hold a rodeo to be held July 31, 2011, at the Dakota County Fairgrounds in Castle Rock Township and authorizes the County Property Taxation and Records Director to issue the license.

11-345**Approval Of Application For 3.2% Temporary Malt Beverage License - Hispano Records, Inc.**

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

Castle Rock Township:

| | | | |
|-----------------------|---------------|---------|--------------|
| Hispano Records, Inc. | July 31, 2011 | \$50.00 | Temp On-Sale |
|-----------------------|---------------|---------|--------------|

11-346**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 Entertainment and Living History Demonstrations on July 29-31, 2011 at 21889 Michael Avenue, Hastings, Minnesota in Marshan Township; and

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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 by Little Log House Properties, Inc. to hold Entertainment and Living History Demonstrations to be held July 29-31, 2011 at 21889 Michael Avenue, Hastings, Minnesota in Marshan Township and authorizes the County Property Taxation and Records Director to issue the license.

11-347

Approval Of Application For Permit For 1-4 Day Temporary On-Sale Liquor License - Dakota County Agricultural Society, Inc.

WHEREAS, an application was received from Dakota County Agricultural Society for a 4 day on-sale liquor license; and

WHEREAS, the application was reviewed and approved by the County Sheriff, County Attorney and Castle Rock Township.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from Dakota County Agricultural Society, Inc. for a 4 day on-sale liquor license issued by Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division at the Dakota County Fair for the period of Thursday, August 11, 2011 through Sunday, August 14, 2011; and

BE IT FURTHER RESOLVED, That the County Property Taxation and Records Department is authorized to approve application upon payment of the proper fees.

11-348

Approval Of Application For Permit For 1-4 Day Temporary On-Sale Liquor License - Dakota City Heritage Village, Inc.

WHEREAS, an application was received from Dakota City Heritage Village, Inc. for a 3 day on-sale liquor license; and

WHEREAS, the application was reviewed and approved by the County Sheriff, County Attorney and Castle Rock Township.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from Dakota City Heritage Village, Inc. for a 3 day on-sale liquor license issued by Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division at the Dakota County Fair for the period of Monday, August 8, 2011 through Wednesday, August 10, 2011; and

BE IT FURTHER RESOLVED, That the County Property Taxation and Records Department is authorized to approve application upon payment of the proper fees.

11-349

Approval Of Application For 3.2% Temporary Malt Beverage License - Dakota County Agricultural Society, Inc.

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

Castle Rock Township:

| | | | |
|------------------------------------------|-------------------|---------|--------------|
| Dakota County Agricultural Society, Inc. | August 8-14, 2011 | \$50.00 | Temp On-Sale |
|------------------------------------------|-------------------|---------|--------------|

11-350

Approve Sale Of Portions Of Two Tax-Forfeited Parcels To Burnsville Economic Development Authority

WHEREAS, the City of Burnsville has resolved to reconvey to the State, portions of two tax-forfeited parcels that were forfeited on December 5, 1977; and

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BE IT RESOLVED, That the Dakota County Board of Commissioners hereby reappoints the following individuals to the Dakota-Scott Workforce Investment Board for two-year terms ending June 30, 2013:

| Representing | Name |
|--------------------------|--------------------|
| Private | Mandy LaChance |
| Private | Ruthe Batulis |
| Private | Clifford Reykdal |
| Private | Catherine Weik |
| Private | Edward Bolton |
| Private | Gene Grazzini |
| Public-Community Based | Steven Ditschler |
| Public-Community Based | Carolina Bradpiece |
| Public-Education | Clifford Skagen |
| Public-Public Assistance | Timothy Walsh |
| Public-Public Employment | Michael Yanda |
| Public Rehabilitation | Richard Wagner |

ayes 7

nays none

Land Conservation Manager Al Singer presented Item 12.1 Authorization Of 2012 Farmland And Natural Areas Program Application Round.

11-353

Authorization Of 2012 Farmland And Natural Areas Program Application Round

Motion: Comm. Schouweiler

Second: Comm. Egan

WHEREAS, by Resolution No. 02-90 (January 29, 2002), the Dakota County Board of Commissioners adopted a Farmland and Natural Area Plan (FNAP) in response to citizen concerns; and

WHEREAS, the County Board has undertaken development of a comprehensive, long-term land conservation vision for Dakota County that includes Regional/County parks, multi-purpose greenways, natural areas, farmland and open space buffer corridors; and

WHEREAS, interest in voluntary land protection continues, with receipt of 11 unsolicited pre-applications for farmland and natural area protection totaling 1,005 acres; and

WHEREAS, there is an estimated \$2.3 million balance of uncommitted Farmland and Natural Areas Program bond funds for farmland protection and a \$659,000 balance for natural area protection; and

WHEREAS, available FNAP funds will likely continue leveraging future non-County funds for protection of farmland and natural areas through the federal Farm and Ranch Lands Protection Program, the state Outdoor Heritage Fund, and other sources; and

July 12, 2011

WHEREAS, a new FNAP application round will maintain interest in and visibility of the County's land conservation vision and goals.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes a 2012 Farmland and Natural Areas Program application round with a final application deadline of September 15, 2011.

ayes 7

nays none

11-354

Authorization To Approve Settlement Of Parcel 132 (324): County Project 23-59

Motion: Comm. Egan

Second: Comm. Schouweiler

WHEREAS, Dakota County, through County Project (CP) 23-59 is reconstructing County State Aid Highway (CSAH) 23 (Cedar Avenue) in Apple Valley and Lakeville as part of the Cedar Avenue Bus Rapid Transit (BRT) project; and

WHEREAS, in Parcel 132 (324), the County condemned for highway purposes 9,035 square feet of permanent highway right of way, 900 square feet of temporary construction easement and 988 square feet of trail, drainage and utility easement for which the County offered the landowner \$138,500 in compensation; and

WHEREAS, F & W Properties, the fee owner of the property, rejected the offer and has countered with a demand for \$311,100 in damages; and

WHEREAS, the parties to this action have agreed to a settlement of all damages caused by the takings, including severance damages to the remaining parcel, in the amount of \$165,500, 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 of the action 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 approve the settlement agreement in the amount of \$165,500, less the quick take payment, for Parcel 132 (324) as being in the best interest of the county, and authorizes the County Attorney to arrange for final payment of the settlement amount and filing of the necessary court documents to effectuate final settlement of the court action between the parties.

ayes 7

nays none

11- 355

Closed Executive Session: Development Of Offer To Macalester College To Acquire Natural Area Conservation Easement

Motion: Comm. Schouweiler

Second: Comm. Gaylord

WHEREAS, Macalester College is the owner of 165 ± acres of the Katherine Ordway Natural History Area, located at 9550 Inver Grove Trail in the City of Inver Grove Heights; and

WHEREAS, Macalester College submitted a Farmland and Natural Areas Program application to Dakota County for selling a natural area conservation easement to permanently protect the land from future development; and

WHEREAS, on August 18, 2009, the Dakota County Board of Commissioners, pursuant to Resolution No. 09-410, authorized County staff to secure an appraisal of the property and to enter into negotiations with Macalester College regarding the sale of a natural area conservation easement; and

WHEREAS, County staff have secured an appraisal of the property and have entered into negotiations with Macalester College; and

July 12, 2011

WHEREAS, Minn. Stat. §13D.05, subd. 3 authorizes a public body to 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 July 12, 2011, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, in order to develop an offer to Macalester College to acquire a 147-acre natural area conservation easement on the Katherine Ordway Natural History Area, located at 9550 Inver Grove Trail in the City of Inver Grove Heights.

ayes 7

nays none

11-356

Closed Executive Session: Byllesby Dam Lease Litigation

Motion: Comm. Schouweiler

Second: Comm. Gaylord

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 July 12, 2011, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, in order to discuss with the County Attorney the matter of *County of Dakota V. North American Hydro Holdings, Inc., et al.*

ayes 7

nays none

The time being 9:25 a.m. and pursuant to public notice and Resolution Nos. 11-355 and 11-356, the County Board convened in Conference Room 3A to hold a Closed Executive Session to discuss development of an offer to Macalester College to acquire a natural area conservation easement and 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
 James Backstrom, County Attorney
 Karen Schaffer, First Assistant County Attorney
 Jay Stassen, Assistant County Attorney
 Kelly Olson, Sr. Administrative Coordinator to the Board
 Lynn Thompson, Physical Development Director
 Al Singer, Physical Development Parks and Open Space Manager
 Jimmy Oliverie, County Administration ICMA Management Fellow

The Closed Executive Session continued until 9:46 a.m., at which time Mr. Singer left the meeting and David Swenson, Water Resources Manager, and Matt Smith, Financial Services Director, entered the meeting. The Closed Executive Session continued until 9:55 a.m., at which time the Board reconvened in the Board Room with all members present.

July 12, 2011

11-357**Approve Settlement With North American Hydro Holdings, Neshkoro Power Associates And Goodhue County On Byllesby Dam Litigation**

Motion: Comm. Krause

Second: Comm. Egan

WHEREAS, staff from Dakota County, Goodhue County, North American Hydro Holdings, Inc. and Neshkoro Power Associates, LLC have negotiated a global settlement in the pending litigation between them and all other disputes and issues related to the 1987 lease of the Byllesby Dam; and

WHEREAS, the County Attorney recommends approval of the settlement agreement as being a fair and equitable settlement of the case in view of the Dakota County Board of Commissioners' approval on June 21, 2011, of a new operating agreement with Neshkoro Power Associates to operate the Byllesby Dam, the time, additional expense and risk involved in continued litigation and the belief that the settlement reflects an appropriate allocation of the risks and prospects for success if the matter is allowed to proceed to trial in District Court.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the settlement agreement substantially as presented at its July 12, 2011 Board meeting, as a full and final settlement and authorizes dismissal of the action pending in Dakota County District Court between Dakota County, Goodhue County, North American Hydro Holdings, Inc. and Neshkoro Power Associates, LLC; and

BE IT FURTHER RESOLVED, That the County Attorney's Office is hereby authorized to execute all documents and take all actions necessary to dismiss the district court action and to effectuate the terms of the settlement agreement.

ayes 7

nays none

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

The meeting was recessed at 10:27 a.m. The meeting reconvened at 12:45 p.m. in Conference Room 3A, with all members present.

11-358**Adoption Of Emergency Measures To Reduce Financial Risks Related To Minnestoa State Shutdown**

Motion: Comm. Egan

Second: Comm. Schouweiler

WHEREAS, the State of Minnesota shutdown will result in financial risk to Dakota County; and

WHEREAS, emergency measures are necessary to reduce the County's financial risks.

NOW, THEREFORE, BE IT RESOLVED, That the County Administrator is hereby authorized to suspend vendor payments and reinstate payments upon reestablishment of State funding; and

BE IT FURTHER RESOLVED, That the County Administrator is hereby authorized to reduce and reinstate staffing levels due to State shutdown related funding changes; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby adopts an amendment to Policy 3242 Leaves of Absence, as presented to the County Board on July 12, 2011, providing for involuntary unpaid leaves of absence for employees whose positions are affected by emergency circumstances adversely impacting the County's budget, funding, or ability to provide County services.

ayes 7

nays none

July 12, 2011

11-359

Adjournment

Motion: Comm. Gaylord

Second: Comm. Workman

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, August 2, 2011.

eyes 7

nays none

The County Board meeting was adjourned at 12:47 p.m.

Joseph A. Harris
Chair

ATTEST

Brandt Richardson
County Administrator