

October 4, 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, October 4, 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.

11-438

Approval Of Agenda

Motion: Comm. Gaylord

Second: Comm. Egan

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on October 4, 2011, as presented.

ayes 7

nays none

At this time, Bonnie Brueshoff, Public Health Director, presented Item 5.1 - 2011 National Association of Counties (NACo) Achievement Award For Smart Choices: Creating A Healthy School Environment. Ms. Brueshoff recognized staff from Dakota County Public Health and Blue Cross Blue Shield. Janelle Waldock, Blue Cross Blue Shield commented on the partnership between Dakota County and Blue Cross.

The consent agenda was then approved as follows:

Motion: Comm. Egan

Second: Comm. Schouweiler

11-439

Approval Of Minutes

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held September 13, 2011, as presented and entered in Commissioners' Record 2011.

11-440

Authorization To Release Draft 2012–2016 Capital Improvement Program For Formal Review

WHEREAS, the Dakota County Board of Commissioners recognizes the need to identify and plan for future capital projects; and

WHEREAS, the County desires input from local communities in developing its Capital Improvement Program; and

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WHEREAS, staff has compiled the draft 2012–2016 Capital Improvement Program; and

WHEREAS, by Resolution No. 10-475 (September 28, 2010), the County Board scheduled budget workshops to discuss the 2012 budget, beginning on November 1, 2011; and

WHEREAS, by Resolution No. 10-475, the County Board also scheduled a public hearing for November 15, 2011, to receive comments on the 2012–2016 Capital Improvement Program (CIP).

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Administrator to post the draft 2012–2016 Capital Improvement Program to the Dakota County website to allow review from interested cities as a means of receiving further input prior to adoption of the CIP in December 2011.

11-441

Authorization To Execute Joint Powers Agreement With Technology and Information Educational Services For Development Of Optical Fiber Network

WHEREAS, Technology and Information Educational Services (TIES) wishes to expand their bandwidth to the Internet; and

WHEREAS, Dakota County owns unused fiber strands that can provide additional bandwidth to the Internet; and

WHEREAS, all of the parties see mutual benefit in jointly cooperating on the development and use of the existing optical fiber infrastructure; and

WHEREAS, all of the parties are governmental agencies subject to Minn. Stat. 471.59, which allows two or more governmental units to enter into an agreement to cooperatively exercise any power common to the contracting parties or any similar powers, and one of the participating government units may exercise one of its powers on behalf of the other governmental units; and

WHEREAS, the County Attorney's Office has reviewed and approved the joint powers agreement as drafted.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Administrator to execute a joint powers agreement on behalf of Dakota County for the shared use of portions of a fiber optic infrastructure (I-Net) with TIES, substantially as presented to the Administration/Finance/Policy Committee of the Whole on September 13, 2011, subject to approval by the County Attorney's Office as to form.

11-442

Scheduling Of 2012 County Board/Board Committee Of Whole Meetings, Workshops, And Public Hearings

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the following 2012 County Board/Committees of the Whole meeting schedule:

| County Board | Administration/Finance/ Policy Committee | Community Services/ Physical Development Committees |
|---------------------|---|--|
| January 10 | January 10 | January 17 |
| January 31 | | |
| February 14 | February 14 | February 21 |
| February 28 | | |
| March 13 | March 13 | March 20 |
| March 27 | | |
| April 10 | April 10 | April 17 |
| April 24 | | |
| May 8 | May 8 | May 15 |
| May 22 | | |

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| | | |
|--------------|--------------|--------------|
| June 5 | June 5 | June 12 |
| June 19 | | |
| July 10 | July 10 | July 24 |
| July 31 | | |
| August 14 | August 14 | August 21 |
| August 28 | | |
| September 11 | September 11 | September 18 |
| October 2 | October 2 | October 16 |
| October 23 | | |
| November 6 | November 6 | November 13 |
| November 20 | | November 27 |
| December 11 | December 11 | |

; and

BE IT FURTHER RESOLVED, That the location of the Board/Committee of the Whole meetings shall be scheduled as follows:

- All County Board meetings will be held at 9:00 a.m. in the Boardroom, Administration Center, in Hastings.
- All Administration/Finance/Policy Committee meetings will be held at 9:30 a.m. (or following the County Board meeting) in Conference Room 3A, Administration Center, in Hastings.
- Physical Development (9:00 a.m.) and Community Services (at 9:00 a.m. or following) Committee meetings will be held in Conference Room 520, Northern Service Center, in West St. Paul, for the months of January through June.
- Community Services (at 9:00 a.m.) and Physical Development (at 9:00 a.m. or following) Committee meetings will be held in Conference Room L139, Western Service Center, in Apple Valley, for the months of July through December.

; and

BE IT FURTHER RESOLVED, That a Strategic Planning Workshop is hereby scheduled for January 31, 2012, at 9:00 a.m. or following the County Board meeting; and

BE IT FURTHER RESOLVED, That County Board workshops to discuss the 2013 budget are hereby scheduled as follows:

| | |
|----------------------------------|---|
| June 19, 2012 | 9:00 a.m. or following County Board |
| August 28, 2012 | 9:00 a.m. or following County Board |
| November 6, 2012 | 10:00 a.m. or following Administration/Finance/Policy Committee meeting |
| November 7, 2012 | 1:00 p.m. |
| November 8, 2012 | 9:00 a.m. |
| November 9, 2012 | 9:00 a.m. |
| November 20, 2012 (if necessary) | 10:00 a.m. or following County Board |

; and

BE IT FURTHER RESOLVED, That a public hearing is hereby scheduled for November 20, 2012, at 9:00 a.m., in the Boardroom, Administration Center, Hastings, Minnesota, to receive comments on the 2013–2017 Capital Improvement Program; and

BE IT FURTHER RESOLVED, That a public meeting is hereby scheduled for November 27, 2012, at 6:00 p.m., in the Boardroom, Administration Center, Hastings, Minnesota to receive input on the 2013 levy and budget.

11-443

Design Selection For Western Service Center Atrium Stair And Balcony Railing Code Improvements

WHEREAS, architectural changes to the appearance of County building exteriors and public building space require review and approval by the County Board; and

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WHEREAS, the Western Service Center was completed in 1990; and

WHEREAS, over the past 20 years, changes to the building code have reduced stair and balcony rail opening size from 6" to 4"; and

WHEREAS, existing rail openings average 5½"; and

WHEREAS, it is in the public's best interests to make safety modifications to comply with current code; and

WHEREAS, three effective design options have been prepared by CNH Architects as part of the 2011 County-wide fall protection improvement project that add additional vertical posts or pickets to reduce all railing openings to below the new code requirements; and

WHEREAS, staff have reviewed each option and is recommending Option 2 as being the closest to the appearance of the existing railing; and

WHEREAS, in order to complete the design work, staff is requesting that the County Board review the three design options and direct staff to proceed with Option 2 so that the design work can be completed prior to 2012.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Administration, Policy and Finance Committee hereby recommends that the County Board of Commissioners direct staff to proceed with design option 2.

11-444

Acceptance Of 2012 HealthPartners Medical And Dental Plan Rates

WHEREAS, medical claims experience during the past year validates a 0% rate increase for the Three For Free medical plan and a 3% rate increase for the Distinctions medical plan for 2012; and

WHEREAS, dental claims experience during the past year validates a 7% rate increase for 2012.

NOW THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the 0% rate increase for the HealthPartners Three for Free medical plan and a 3% increase for the HealthPartners Distinctions medical plan for 2012; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the 7% rate increase for the HealthPartners dental plan for 2012.

11-445

Authorization To Execute Joint Powers Agreement Amendment With Minnesota Department Of Corrections For Gender Specific Programming

WHEREAS, by Resolution No. 09-533 (October 20, 2009), the County Board authorized a Joint Powers Agreement (JPA) to provide Gender Specific Programming at the Juvenile Service Center which expired on June 30, 2011; and

WHEREAS, the Minnesota Department of Corrections and Dakota County staff have negotiated a proposed JPA amendment for Gender Specific Programming to extend the JPA for one (1) one-year term if mutually agreed between parties; and

WHEREAS, the Parties agree on the scope and nature of services to be provided.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a Joint Powers Agreement amendment with the Minnesota Department of Corrections, for Gender Specific Programming at the Juvenile Service Center, substantially as presented to the Community Services Committee of the Whole on September 20, 2011, at the per diem rate set forth by the Dakota County Board of Commissioners, for the period of July 1, 2011 through June 30, 2012, subject to approval of the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to extend this agreement by one (1) one-year term, at the per diem rate set by the Dakota County Board of Commissioners, if mutually agreed between parties, subject to approval of the County Attorney's Office as to form.

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11-446

Authorize Acceptance Of Award Of Supported Work Program Funds From Minnesota Department Of Human Services, Amendment Of Employment And Economic Assistance Budget, And Execution Of Related Contract

WHEREAS, By Resolution No. 10-338 (June 22, 2010), the County Board authorized a contract with HIRED to provide Job Advance supported work program services for the period of July 1, 2010 through June 30, 2011; and

WHEREAS, the Job Advance program provides supported work services to the general Minnesota Family Investment Program (MFIP) population; and

WHEREAS, on August 2, 2011, the Minnesota Department of Human Services (DHS) notified Dakota County of an allocation of \$273,958 to provide supported work activities for eligible MFIP Employment Services participants, for the period of July 1, 2011, through June 30, 2012; and

WHEREAS, the County was not required to submit a grant application to DHS for the funding; and

WHEREAS, staff recommends acceptance of the award of supported work program funds from DHS to implement supported work activities for MFIP participants, and authorization to execute a contract with HIRED to provide the Job Advance program, in an amount not to exceed \$232,864 for the period of July 1, 2011 through June 30, 2012.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes acceptance of the award of supported work program funds from the Minnesota Department of Human Services, to implement supported work activities for Minnesota Family Investment Program participants, in the amount of \$273,958 for the period of July 1, 2011 through June 30, 2012; 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 Job Advance supported work program services in an amount not to exceed \$232,864 for the period of July 1, 2011 through June 30, 2012, 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 amend said contract, within the Employment and Economic Assistance budget, and to alter the number and type of clients, types of services provided, the reporting requirements, the contract amount, 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 this contract shall contain a provision that allows the County 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; and

BE IT FURTHER RESOLVED, That the 2011 Employment and Economic Assistance budget is hereby amended as follows:

| | |
|--------------------------|------------------|
| Expense | |
| Direct Program | \$232,864 |
| Total Expense | \$232,864 |
| | |
| Revenue | |
| DHS | \$273,958 |
| Increase in fund balance | (41,094) |
| Total Revenue | \$232,864 |

11-447

Authorization To Execute Grant Agreement With Greater Twin Cities United Way For Market Rate Re-Housing For Families

WHEREAS, by Resolution No.11-040 (January 18, 2011), the County Board authorized ratification of a Dakota County grant application submitted to Greater Twin Cities United Way in the amount of \$720,000 for a three-year period beginning January 1, 2012; and

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WHEREAS, Greater Twin Cities United Way has awarded Dakota County \$75,000 per year for a three-year period, for a total amount of \$225,000, subject to slight adjustments in year two and three, to support re-housing for families; and

WHEREAS, the proposed grant agreement with Greater Twin Cities United Way includes five outcome indicators related to housing stability and family safety that Dakota County must comply with; and

WHEREAS, staff recommends executing a grant agreement with Greater Twin Cities United Way, and accepting the grant funds for Market Rate Re-Housing for Families, in the amount of \$225,000, for the period of January 1, 2012, through December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a grant agreement with Greater Twin Cities United Way for Market Rate Re-Housing for Families, in the amount of \$225,000, subject to slight adjustments in year two and three, for the period of January 1, 2012, through December 31, 2014, subject to approval by the County Attorney's Office as to form; and

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

11-448

Authorization To Execute Contract With Associated Clinic Of Psychology For Outpatient Mental Health Clinic Services

WHEREAS, staff recommends the County Board execute a contract with Associated Clinic of Psychology for up to 930 hours of psychiatric/medication management services to be provided in both the clinic setting and in the Dakota County jail; and

WHEREAS, the County Administrator's 2012 recommended budget will include sufficient funding to pay for services provided through this contract; and

WHEREAS, this contract contains a provision that allows the County to immediately terminate the contract if insufficient funds are not appropriated at a level sufficient to allow payment of the amounts due.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Associated Clinic of Psychology for outpatient mental health services, for the period of January 1, 2012, through December 31, 2012, at payment rates as presented to the Community Services Committee of the Whole on September 20, 2011, except that payment for 930 hours of psychiatric/medication services will be \$195,730 less payments Associated Clinic of Psychology receives from any third party payer, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That bi-monthly payments of \$6,987.50 for 780 hours of psychiatric/medication management services provided in the clinic setting and bi-monthly payments of \$1,167.90 for 150 hours of psychiatric/medication services provided in the Dakota County jail shall be made for the months of January 2012 through December 2012, to assure availability of 930 hours of psychiatric/medication management services; and

BE IT FURTHER RESOLVED, That monthly payments of \$3,640 for 416 hours of mental health professional consultation services provided at the Dakota County jail during this contract period shall be made for the months of January 2012 through December 2012; and

BE IT FURTHER RESOLVED, That therapy services and fee-for-service psychiatric assessments/medication management services shall be reimbursed up to a maximum of \$210,760 in accordance with Associated Clinic of Psychology Unit Rates presented on September 20, 2011; and

BE IT FURTHER RESOLVED, That mental health professional consultation services provided at Robert B. Lewis House shall be reimbursed up to a maximum \$21,000 in accordance to the unit rates, substantially as presented to the Community Services Committee of the Whole on September 20, 2011; and

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BE IT FURTHER RESOLVED, That the Contract shall contain a provision that the Contractor shall reimburse the County for any payment of County funds made for clients who are retroactively eligible for Medical Assistance or who were eligible for a Prepaid Medical Assistance Program on a date of service paid for by the County; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, 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.

11-449**Authorization To Execute Contract With Eagan Counseling Clinic, Ltd., DBA Minnesota Mental Health Clinics For Outpatient Mental Health Services**

WHEREAS, staff recommends the County Board execute a contract with Eagan Counseling Clinic, Ltd., DBA Minnesota Mental Health Clinics for up to 780 hours of psychiatric/medication management services provided in the clinic setting; and

WHEREAS, the County Administrator's 2012 recommended budget will include sufficient funding to pay for services provided through this contract; and

WHEREAS, this contract contains a provision that allows the County to immediately terminate the contract if insufficient funds are not appropriated at a level sufficient to allow payment of the amounts due.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Eagan Counseling Clinic, Ltd., DBA Minnesota Mental Health Clinics, for outpatient mental health services, for the period of January 1, 2012, through December 31, 2012, at payment rates as presented to the Community Services Committee of the Whole on September 20, 2011, except that payment for 780 hours of psychiatric/medication management services will be \$167,700 less payments Eagan Counseling Clinic, Ltd., DBA Minnesota Mental Health Clinics receives from any third party payer, subject to approval by the County Attorney's Office, as to form; and

BE IT FURTHER RESOLVED, That bi-monthly payments of \$6,987.50 for 780 hours of psychiatric/medication management services provided shall be made for the months of January 2012 through December 2012, to ensure availability of psychiatric medication management services; and

BE IT FURTHER RESOLVED, That therapy and fee-for-service psychiatric services provided to eligible uninsured clients shall be reimbursed up to a maximum of \$150,000 in accordance with the unit rates, substantially as presented to the Community Services Committee of the Whole on September 20, 2011; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that the Contractor shall reimburse the County for any payment of County funds made for clients who are retroactively eligible for Medical Assistance or who were eligible for a Prepaid Medical Assistance Program on a date of service paid for by the County; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, 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.

11-450**Authorization To Execute Contract With Boston Health Care Systems, Inc. For Intensive Residential Treatment Services**

WHEREAS, staff recommends the County Board execute a contract with Boston Health Care Systems, Inc., for intensive residential treatment services; and

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WHEREAS, the County Administrator's 2012 recommended budget will include sufficient funding to pay for services provided through this contract; and

WHEREAS, this contract contains a provision that allows the County to immediately terminate the contract if insufficient funds are not appropriated at a level sufficient to allow payment of the amounts due.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Boston Health Care Systems, Inc. for intensive residential treatment services, for the period of January 1, 2012, through December 31, 2012, subject to approval by the County Attorney's Office as to form, as follows:

Residential Treatment Program:

| | |
|--|---------------------------|
| Program Rate | At DHS Approved Rates |
| Group and Residential Housing Board/Room Costs | \$27.81/day (\$846/month) |

; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that the Contractor shall reimburse the County for payment of County funds made for clients who are retroactively eligible for Medical Assistance or who were eligible for a Prepaid Medical Assistance Program on a date of service paid for by the County; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, 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.

11-451

Authorization To Execute Contract With Guild Incorporated For Intensive Residential Treatment Services And Crisis Stabilization Services

WHEREAS, staff recommends the County Board execute a contract with Guild Incorporated for intensive residential treatment services and crisis stabilization services; and

WHEREAS, the County Administrator's 2012 recommended budget will include sufficient funding to pay for services provided through this contract; and

WHEREAS, this contract contains a provision that allows the County to immediately terminate the contract if insufficient funds are not appropriated at a level sufficient to allow payment of the amounts due.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Guild Incorporated for intensive residential treatment services and crisis stabilization services, for the period of January 1, 2012, through December 31, 2012, subject to approval by the County Attorney's Office as to form, as follows:

Residential Treatment Program:

| | |
|--|---------------------------|
| Program Rate | At DHS Approved Rates |
| Group and Residential Housing Board/Room Costs | \$27.81/day (\$846/month) |

Crisis Stabilization Services:

| | |
|--|---------------------------|
| Program Rate | At DHS Approved Rates |
| Group and Residential Housing Board/Room Costs | \$27.81/day (\$846/month) |

; and

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BE IT FURTHER RESOLVED, That Dakota County's maximum financial obligation for 60% occupancy for crisis stabilization services equals Contractor's total expenses up to the budget maximum set by DHS, less amount received from third party payers, less expenses for the intensive residential treatment component of the services; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that the Contractor shall reimburse the County for payment of County funds made for clients who are retroactively eligible for Medical Assistance or who were eligible for a Prepaid Medical Assistance Program on a date of service paid for by the County; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, 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.

11-452**Authorization To Execute Contract With Regions Hospital For Inpatient Psychiatric Services**

WHEREAS, staff recommends the County Board execute a contract with Regions Hospital for inpatient psychiatric services; and

WHEREAS, the County Administrator's 2012 recommended budget will include sufficient funding to pay for services provided through this contract; and

WHEREAS, this contract contains a provision that allows the County to immediately terminate the contract if insufficient funds are not appropriated at a level sufficient to allow payment of the amounts due.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Regions Hospital for inpatient psychiatric services, for the period of January 1, 2012, through December 31, 2012, subject to approval by the County Attorney's Office as to form, as follows:

| | |
|--|--|
| Inpatient Per Diem (All inclusive including pharmaceutical) | \$1,134.65 per day (Inpatient Per Diem + Psychiatry) |
| Emergency Department (Room) (All inclusive except for CT and MRI) | \$682.89 per day (ED + Psychiatry) |
| CT Rate | \$388.72 per Scan |
| MRI Rate | \$420.24 per Scan |

; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that the Contractor shall reimburse the County for payment of County funds made for clients who were eligible for Medical Assistance or for a Prepaid Medical Assistance Program on a date of service paid for by the County; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, 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.

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11-453

Authorization To Execute Contract With Tasks Unlimited Mental Health Services For Mental Health And Housing Support Services

WHEREAS, staff recommends the County Board execute a contract with Tasks Unlimited Mental Health Services for mental health and housing support services; and

WHEREAS, the County Administrator's 2012 recommended budget will include sufficient funding to pay for services provided through this contract; and

WHEREAS, this contract contains a provision that allows the County to immediately terminate the contract if insufficient funds are not appropriated at a level sufficient to allow payment of the amounts due.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Tasks Unlimited Mental Health Services for mental health and housing support services, for the period of January 1, 2012, through December 31, 2012, in an amount not to exceed \$101,871, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That monthly payments of \$8,489.25 for mental health and housing support services shall be made to Tasks Unlimited Mental Health Services for the months of January 2012 through December 2012; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, 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.

11-454

Authorization To Execute Contract With Guild Incorporated For Community Support Program Services And Case Management

WHEREAS, staff recommends the County Board execute a contract with Guild Incorporated for community support services and case management; and

WHEREAS, the County Administrator's 2012 recommended budget will include sufficient funding to pay for services provided through this contract; and

WHEREAS, this contract contains a provision that allows the County to immediately terminate the contract if insufficient funds are not appropriated at a level sufficient to allow payment of the amounts due.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Guild Incorporated for community support program services, assertive community treatment (ACT) and targeted case management services (MH-TCM), for the period of January 1, 2012, through December 31, 2012, subject to approval by the County Attorney's Office as to form, as follows:

| | |
|--------------------------------|-----------------------|
| ACT Rate | At DHS Approved Rate |
| ACT Supplemental Rate | At DHS Approved Rate |
| MH Targeted Case Management | \$364.71/client/month |
| Vocational Specialist Services | \$62.42/hour |
| Rule 25 CH Assessment | \$125.00/assessment |

; and

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BE IT FURTHER RESOLVED, That client specific expenses for clients receiving Guild Incorporated case management services shall be reimbursed up to a maximum of \$17,985; and

BE IT FURTHER RESOLVED, That monthly payments of \$16,564.83 for drop-in center services shall be made to Guild Incorporated for the months of January 2012 through December 2012; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that the Contractor shall reimburse the County for payment of County funds made for clients who are retroactively eligible for Medical Assistance or who were eligible for a Prepaid Medical Assistance Program on a date of service paid for by the County; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, 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.

11-455

Authorization To Execute Contract With Mental Health Resources, Inc. For Community Support Program Services And Case Management

WHEREAS, staff recommends the County Board execute a contract with Mental Health Resources, Inc., for community support program services and case management; and

WHEREAS, the County Administrator's 2012 recommended budget will include sufficient funding to pay for services provided through this contract; and

WHEREAS, this contract contains a provision that allows the County to immediately terminate the contract if insufficient funds are not appropriated at a level sufficient to allow payment of the amounts due.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services director to execute a contract with Mental Health Resources, Inc. for community support program services, assertive community treatment (ACT) and targeted case management services (MH-TCM), for the period of January 1, 2012, through December 31, 2012, subject to approval by the County Attorney's Office as to form, as follows:

| | |
|-----------------------------|-----------------------|
| ACT Rate | At DHS Approved Rate |
| ACT Supplemental Rate | At DHS Approved Rate |
| MH Targeted Case Management | \$364.71/client/month |
| Nursing Services | \$160.89/hour |
| Rule 25 CH Assessment | \$125.00/assessment |

; and

BE IT FURTHER RESOLVED, That client specific expenses for clients receiving Mental Health Resources, Inc., case management services shall be reimbursed up to a maximum of \$20,114; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that the Contractor shall reimburse the County for payment of County funds made for clients who are retroactively eligible for Medical Assistance or who were eligible for a Prepaid Medical Assistance Program on a date of service paid for by the County; and

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BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, 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.

11-456**Authorization To Execute Contract With People Incorporated For Community Support Program Services And Case Management**

WHEREAS, staff recommends the County Board execute a contract with People Incorporated for community support program services and case management; and

WHEREAS, the County Administrator's 2012 recommended budget will include sufficient funding to pay for services provided through this contract; and

WHEREAS, this contract contains a provision that allows the County to immediately terminate the contract if insufficient funds are not appropriated at a level sufficient to allow payment of the amounts due.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with People Incorporated for community support program services, targeted case management services, mental health rehabilitative services, and home health services, for the period of January 1, 2012, through December 31, 2012, at the following rates, subject to approval by the County Attorney's Office as to form, as follows:

| | |
|---------------------------------------|--|
| MH Targeted Case Management | \$364.71/client/month |
| Mental Health Rehabilitative Services | At prevailing ARMHS Rates |
| Home Health Services | At prevailing Medical Assistance Rates |
| Rule 25 CH Assessment | \$125.00/assessment |

; and

BE IT FURTHER RESOLVED, That client specific expenses for clients receiving People Incorporated case management services shall be reimbursed up to a maximum of \$19,050; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that the Contractor shall reimburse the County for payment of County funds made for clients who are retroactively eligible for Medical Assistance or who were eligible for a Prepaid Medical Assistance Program on a date of service paid for by the County; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, 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.

11-457**Authorization To Execute Contract With Eagan Counseling Clinic, Inc., DBA Minnesota Mental Health Clinics, For Community Support Program Services And Case Management**

WHEREAS, staff recommends the County Board execute a contract with Eagan Counseling Clinic, Inc., DBA Minnesota Mental Health Clinics, for community support program services and case management; and

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WHEREAS, the County Administrator's 2012 recommended budget will include sufficient funding to pay for services provided through this contract; and

WHEREAS, this contract contains a provision that allows the County to immediately terminate the contract if insufficient funds are not appropriated at a level sufficient to allow payment of the amounts due.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Eagan Counseling Clinic, Inc., DBA Minnesota Mental Health Clinics, for community support program services and targeted case management services for the period of January 1, 2012, through December 31, 2012, subject to approval by the County Attorney's Office as to form, as follows:

| | |
|-----------------------------|-----------------------|
| MH Targeted Case Management | \$364.71/client/month |
| Rule 25 CH Assessment | \$125.00/assessment |

; and

BE IT FURTHER RESOLVED, That monthly payments of \$21,241.50 for drop-in center services shall be made to Eagan Counseling Clinic, Inc., DBA Minnesota Mental Health Clinics, for the months of January 2012 through December 2012; and

BE IT FURTHER RESOLVED, That client specific expenses for clients receiving Eagan Counseling Clinic, Inc., DBA Minnesota Mental Health Clinics, case management services shall be reimbursed up to a maximum of \$23,664; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that the Contractor shall reimburse the County for payment of County funds made for clients who are retroactively eligible for Medical Assistance or who were eligible for a Prepaid Medical Assistance Program on a date of service paid for by the County; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, 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.

11-458

Approval Of Right Of Way Acquisition And Relocation Assistance 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, the County is the lead agency for right of way acquisition; and

WHEREAS, the total acquisition of six businesses is necessary to move forward with CP 5-41; and

WHEREAS, the businesses have been appraised and conditional offers are being prepared at the following amounts:

| <u>Parcel</u> | <u>Owner</u> | <u>Opinion of Value</u> |
|-------------------------------|--------------------------|-------------------------|
| C | Ashland, Inc. | \$580,000 |
| E | Lakota Fields, LLC | \$940,000 |
| Q | Sandra K. Heidman | \$490,000 |
| R | Sinclair Marketing, Inc. | \$505,000 |
| X & Y | William & Kellie Dennehy | \$890,000 |
| AA | Namakan Properties, LLC | \$1,600,000 |
| Total appraised value: | | \$5,005,000 |

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; and

WHEREAS, the current Transportation Department Capital Improvement Program (CIP) budget includes \$10,500,000 for CP 5-41; and

WHEREAS, the property owners are entitled to relocation assistance from the County; and

WHEREAS, the County is required to provide a written offer for relocation assistance that includes moving expenses and other benefits as required by law.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following right of way acquisition for CP 5-41, plus relocation costs as required by law, and authorizes payment from the 2011 Transportation Department CIP budget as follows:

| Parcel | Owner | Opinion of Value |
|-------------------------------|--------------------------|-------------------------|
| C | Ashland, Inc. | \$580,000 |
| E | Lakota Fields, LLC | \$940,000 |
| Q | Sandra K. Heidman | \$490,000 |
| R | Sinclair Marketing, Inc. | \$505,000 |
| X & Y | William & Kellie Dennehy | \$890,000 |
| AA | Namakan Properties, LLC | \$1,600,000 |
| Total appraised value: | | \$5,005,000 |

11-459

Authorization To Execute Contract Amendment With Short Elliott Hendrickson, Inc. For Design Services For County Project 28-30

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 28-30 for the design of intersection modifications, new public street connections and median closures on County State Aid Highway (CSAH) 28 (Yankee Doodle Road) from Denmark Avenue to Lexington Avenue; and

WHEREAS, CP 28-30 will implement improvements to the West Segment of County State Aid Highway 28 as identified in the adopted CSAH 28 Corridor Study (Resolution No. 07-390, August 28, 2007); and

WHEREAS, by Resolution No. 10-117 (February 23, 2010), the County Board authorized a design contract with Short Elliott Hendrickson, Inc. (SEH) for the recommended improvements within the West Segment of CP 28-30 in the amount of \$200,800; and

WHEREAS, the preferred design for the intersection of Denmark Avenue and Town Centre Drive has changed since the adopted CSAH 28 Corridor Study, requiring additional design services in the amount of \$32,700; and

WHEREAS, the 2011 Transportation Capital Improvement Program (CIP) includes adequate funds for the additional design costs for CP 28-30; and

WHEREAS, Dakota County and the City of Eagan will share in the additional design costs for the CSAH 28 west segment in accordance with County Policy; and

WHEREAS, the Transportation Director recommends execution of the contract amendment with Short Elliott Hendrickson, Inc. for additional design engineering services for CP 28-30, in an amount not to exceed \$32,700.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract amendment with Short Elliott Hendrickson, Inc. to perform professional design services for CP 28-30 increasing the contract by an amount not to exceed \$32,700 for a total contract total of \$233,500, subject to approval by the County Attorney's Office as to form.

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11-460**Acceptance Of Resignations From Members Of Dakota-Scott County Workforce Investment Board**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the resignations received from Sharon LaComb, Public – Education representative on the Dakota-Scott Workforce Investment Board, and Deborah Insel, Private representative on the Dakota-Scott Workforce Investment Board, and authorizes staff to begin the process to fill these vacancies.

11-461**Authorization To Execute Joint Powers Agreement With City Of Hastings For Development Of Optical Fiber Network**

WHEREAS, the State of Minnesota, City of Hastings, and Dakota County wish to extend and develop the use of their optical fiber network; and

WHEREAS, all of the parties see mutual benefit in jointly cooperating on the development and use of this optical fiber infrastructure; and

WHEREAS, sufficient funds from the State of Minnesota have been committed to pay for the installation and maintenance of this fiber installation; and

WHEREAS, all of the parties are governmental agencies subject to Minn. Stat. 471.59, which allows two or more governmental units to enter into an agreement to cooperatively exercise any power common to the contracting parties or any similar powers, and one of the participating government units may exercise one of its powers on behalf of the other governmental units; and

WHEREAS, the County Attorney's Office has reviewed and approved the joint powers agreement as drafted.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Administrator to execute a joint powers agreement on behalf of Dakota County for the installation and shared use of portions of a fiber optic infrastructure (I-Net), with the State of Minnesota, and City of Hastings, subject to approval by the County Attorney's Office as to form.

11-462**Authorization To Purchase Hardware For Disaster Recovery**

WHEREAS, the County's current disaster recovery infrastructure does not meet the Continuity of Operations Plan (COOP) Recovery Time Objective (RTO) of 72 hours; and

WHEREAS, incident analysis showed that the county's system recovery time and recovery point objectives are less than 4 hours for mission critical systems such as: networks, domain controllers, email/calendars, OnBase, and public safety systems; and

WHEREAS, to meet the required recovery objectives for our mission critical systems, it is necessary to purchase new hardware that will support local and offsite backup and recovery tasks and allow for data replication across the primary (Administration Center) and secondary (Northern Service Center) sites; and

WHEREAS, the hardware and software needed for disaster recovery is available for purchase from 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 hardware, pre-loaded software and related services sufficient to build infrastructure which will enable Dakota County to recover from an information systems disaster in accordance with the standards set forth in the Dakota County Continuation of Operations Plan, from Dell Marketing L.P., pursuant to State of Minnesota Contract #441939, Contract Release C-872(5) and the related Master Price Agreement Number B27160, in an amount not to exceed \$492,972.

11-463**Ratification Of Community Development Funding Requests To U.S. Department Of Housing And Urban Development**

WHEREAS, the Dakota County Community Development Agency (CDA) is administering the Community Development Block Grant (CDBG) program on behalf of Dakota County; and

October 4, 2011

WHEREAS, funds expended from previously approved projects for Fiscal Year 2001 - 2010 of the CDBG program must be ratified by the Dakota County Board of Commissioners; and

WHEREAS, the CDA has incurred and paid the requests for payment associated with the CDBG program.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies requisitions to the U.S. Department of Housing and Urban Development for \$450,549.50 as presented on October 4, 2011.

11-464**Approval Of Amendment To 2011 Community Development Block Grant Program**

WHEREAS, on May 3, 2011, the Dakota County Board of Commissioners approved the 2011 Community Development Block Grant (CDBG) Program Action Plan, along with the 2011 Activity Statement; and

WHEREAS, three types of substantial amendments to the CDBG Program are permissible by the US Housing and Urban Development Department (HUD): creation of a new activity or cancellation of an activity; increase or decrease of an activity budget by \$75,000 at one time; and change to the location and/or national objective of an activity; and

WHEREAS, the City of South St. Paul has requested a substantial amendment to the 2011 Rediscover South St. Paul activity to add the specific property located at 148 – 6th Avenue South, with no amendment to the budget; and

WHEREAS, public notice of the substantial amendment was placed in the Dakota County Tribune on August 18, 2011, in accordance with the approved Citizen Participation Plan process; and

WHEREAS, no public comments were received on the proposed substantial amendment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the amendment of the 2011 CDBG Action Plan and Activity Statement to add the property at the location of 148 – 6th Avenue South to the 2011 Rediscover South St. Paul activity with no change in the budget of \$37,000.

11-465**Authorization To Execute Agreements With Cities Of West St. Paul And Burnsville And Contract With Minnesota Valley Transit Authority For Sidewalk And Trail Projects**

WHEREAS, to provide a safe and efficient transportation system, and to provide intermodal transportation opportunities throughout the County, the Transportation Department is requesting authorization to enter into separate Agreements with the Cities of West St. Paul and Burnsville and a contract with the Minnesota Valley Transit Authority (MVTA) for the following County Projects:

- County Project (CP) 4-12 is the construction of a concrete sidewalk along the north side of County Road 4 (Butler Avenue) from Carrie Street to Sperl Street near Thompson County Park in West St. Paul. Design and right-of-way acquisition are anticipated in 2011 with construction in 2012.
- CP 32-74 is the construction of a concrete sidewalk along the north side of County State Aid Highway (CSAH) 32 (Cliff Road) from Millpond Avenue to Trunk Highway 13 and the construction of a bituminous trail along the north side of CSAH 32 from Trunk Highway 13 to East River Hills Drive in Burnsville. Design and right-of-way acquisition are anticipated in 2011 with construction in 2012; and

WHEREAS, an agreement with the City of West St. Paul is necessary for the County to lead the project and to identify the City cost participation and City maintenance responsibilities in CP 4-12; and

WHEREAS, an agreement with the City of Burnsville is necessary for the County to lead the project and to identify the City cost participation and City maintenance responsibilities for the sidewalk in CP 32-74; and

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WHEREAS, a contract with the MVTA is necessary to identify the MVTA responsibilities and cost participation for the bituminous trail in CP 32-74; and

WHEREAS, the 2011 Transportation Capital Improvement Program (CIP) budget includes adequate funding in Bike Trail, Transit Infrastructure, and Safety & Management projects for CP 4-12 and CP 32-74.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute joint powers agreements with the Cities of West St. Paul for County Project 4-12) and Burnsville for County Project 32-74, substantially as presented on October 4, 2011, 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 Physical Development Director to execute a contract, substantially as presented on October 4, 2011, with the Minnesota Valley Transit Authority for County Project 32-74, 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 | |
| CP 4-12 | \$50,000 |
| CP 32-74 | 150,000 |
| Bike Trail Projects | (13,090) |
| Transit Infrastructure | (56,243) |
| Safety & Management | (40,667) |
| Total Expense | \$90,000 |
| Revenue | |
| City of West St. Paul | \$11,250 |
| Transfer from POS CIP | 11,250 |
| City of Burnsville | 22,500 |
| MVTA | 45,000 |
| Total Revenue | \$90,000 |

11-466

Request To Commissioner Of Transportation To Transfer Excess Municipal State Aid Construction Funds To Regular State Aid Construction Account

WHEREAS, Dakota County receives County State Aid Highway (CSAH) funds for construction that are allocated to a Regular Construction Account and a Municipal Construction Account; and

WHEREAS, Regular Account funds can be used on any CSAH route, including CSAH routes in cities with a population less than 5,000, and Municipal Account funds can only be used for projects in cities with a population less than 5,000; and

WHEREAS, rules of the Screening Board, a board of designated county engineers appointed by the Commissioner of Transportation, include a deduction in needs that will result in a reduction in the 2012 State Aid apportionment; and

WHEREAS, Minnesota Laws 1996, Chapter 455, Section 15, provides that accumulated balances in excess of two years of Municipal Construction Account apportionment may be spent on projects located outside of municipalities under 5,000 population when approved by resolution of the County Board; and

WHEREAS, since funds in the Regular Account can be used on any County State Aid Route, potential future projects in cities under 5,000 are not jeopardized; and

WHEREAS, a transfer of Municipal Construction Account funds exceeding the last three years to the Regular Construction Account is necessary to avoid a reduction in needs.

October 4, 2011

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby requests that the Commissioner of Transportation transfer all funds in excess of two years apportionment from the Municipal Construction Account to the Regular Construction Account.

11-467**Authorization To Execute Second Amendment To Joint Powers Agreement With Scott County For Winter Snow And Ice Control Maintenance Activities On Select County Roads**

WHEREAS, to promote safe and efficient transportation, Dakota County works with other transportation agencies to utilize cost effective maintenance and operations of the County highway system; and

WHEREAS, on January 23, 2007 (Resolution No. 07-060), the County Board authorized the Physical Development Director to execute a Joint Powers Agreement (JPA) with Scott County for winter snow and ice control maintenance activities on the following County roads:

| <u>Scott County</u> | <u>Dakota County</u> | <u>Modified Route</u> |
|---------------------|----------------------|---|
| CR 21 | CR 60 | Scott County to plow up to I-35 |
| CR 8 | CR 70 | Dakota County to plow up to Scott CR 91 |
| CR 46 | CR 5 | Scott County to plow up to Dakota CR 70 |
| CR 29 | CR 73A | Dakota County to plow from Scott CR 46 to Dakota CR 9 |
| CR 2 | CR 9 | Dakota County to plow to Scott CR 46 |

; and

WHEREAS, on November 17, 2009 (Resolution No. 09-591), the County Board authorized the Physical Development Director to execute an amendment to the JPA that extends the expiration term to December 1, 2011; and

WHEREAS, maintenance supervisors from both counties monitored the collaborative operation for the past two winter seasons and found that by extending the routes into the other county by one mile or more, approximately 1 hour of plowing time per event was saved with a cost savings of an estimated \$4,160 annually on equipment and labor; and

WHEREAS, the County Engineer recommends continuing the collaboration between the counties and amending the expiration term to December 1, 2014.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a second amendment to the Joint Powers Agreement with Scott County, extending the term through December 1, 2014, for winter snow and ice control maintenance activities on county roads, subject to approval by the County Attorney's Office as to form.

11-468**Authorization To Accept Grant And Execute Joint Powers Agreements With Minnesota Department Of Agriculture And Regents Of University Of Minnesota To Conduct Nitrogen Fertilizer Research And Outreach**

WHEREAS, Minn. Stat. § 471.59, subdivision 10, empowers the State to engage such assistance as deemed necessary and Minn. Stat. § 471.59 authorizes local governmental units to jointly or cooperatively exercise any power common to the contracting parties; and

WHEREAS, the State of Minnesota, acting through its Minnesota Department of Agriculture ("State"), is in need of research to develop new nitrogen fertilizer recommendations and an understanding of corresponding water quality implications, and is in need of a local partner to administer this research and to develop and implement outreach and educational programs based on this research; and

WHEREAS, the County, the State, and the University of Minnesota will mutually benefit from the results of this research and research-based outreach programs; and

WHEREAS, the State has offered the County a grant to administer this grant and develop and implement outreach and educational programs based on this research; and

October 4, 2011

WHEREAS, the County is in need of professional services from the University of Minnesota to complete the research portion of this grant, to evaluate agricultural technologies to improve nitrogen management to groundwater effects of nitrogen fertilizer application to corn; and

WHEREAS, the University desires to provide and is capable of providing the necessary services.

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 State of Minnesota related to nitrogen fertilizer research, as presented on October 4, 2011; 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 Physical Development Director to execute a joint powers agreement with the Regents of the University of Minnesota for the performance of services related to nitrogen fertilizer research, in the amount not to exceed \$48,178, as presented on October 4, 2011; subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2011 Water Resources budget is hereby amended as follows:

| | |
|---------------------|----------|
| Expense | |
| Direct Program | \$71,694 |
| Total Expense | \$71,694 |
| | |
| Revenue | |
| From Other Agencies | \$71,694 |
| Total Revenue | \$71,694 |

11-469

Approval Of Plats

WHEREAS, the Plat Commission examines plats prior to County Board approval; and

WHEREAS, the conditions established by the Plat Commission were met for this/these plats; and

WHEREAS, the County Surveyor has signed the plat/plats and recommends approval.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following plats, having been approved by the respective City Councils and submits them to the Property Taxation and Records Department for recording:

| | |
|--|--------------------|
| Prestwick Place 2 nd Addition | City of Rosemount |
| Burnsville Walmart | City of Burnsville |

END OF CONSENT AGENDA

eyes 7

nays none

The following item was on the agenda for informational purposes only: Item 8.2 – Report On Invoices Paid In August 2011.

Appointments were made to various citizen advisory committees as follows:

11-470

Appointment To Dakota-Scott Workforce Investment Board

Motion: Comm. Branning

Second: Comm. Schouweiler

October 4, 2011

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

| Representing | Name | Term Ending |
|--------------|-----------------|---------------|
| Private | Elizabeth Piper | June 30, 2013 |

ayes 7

nays none

11-471

Appointment To Human Services Advisory Committee

Motion: Comm. Workman

Second: Comm. Schouweiler

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individual to the Human Services Advisory Committee for a two-year term ending December 31, 2011:

| District | Name |
|----------|----------------|
| 5 | O'Neal Hampton |

ayes 7

nays none

11-472

Appointment To Personnel Board Of Appeals

Motion: Comm. Schouweiler

Second: Comm. Workman

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints Linda Derks to the Personnel Board of Appeals for a three year term ending December 31, 2013.

ayes 7

nays none

11-473

Authorization To Release Draft Dakota County 2030 Transportation Plan For Public Review And Comment, To Schedule Public Hearing, And To Submit To Metropolian Council For Conformance Review

Motion: Comm. Egan

Second: Comm. Krause

WHEREAS, County staff, as directed by the County Board of Commissioners, developed an updated draft transportation plan, *Dakota County 2030 Transportation Plan*; and

WHEREAS, the *Dakota County 2030 Transportation Plan* will replace the *Dakota County 2025 Transportation Plan* as a plan section of *DC2030: Planning for the Future (Dakota County Comprehensive Plan)* that was adopted by the County Board on May 19, 2009; and

WHEREAS, the *Dakota County 2030 Transportation Plan* will function as a guide to the County's existing transportation network and as a plan for future investment needs and priorities of the transportation system; and

WHEREAS, the *Dakota County 2030 Transportation Plan* will identify the County's transportation goals, policies and strategies that support a transportation system that moves people and goods safely, with minimal congestion and provides choices in the mode of transportation; and

October 4, 2011

WHEREAS, through Physical Development Committee reviews, County Board workshops and public open house review of plan components, staff has produced a draft of the *Dakota County 2030 Transportation Plan*; and

WHEREAS, the Metropolitan Council statutorily allows 60 days for public review of comprehensive plan amendments.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes staff to release the draft *Dakota County 2030 Transportation Plan* for a 60-day public review period, from October 4, 2011 to December 2, 2011; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing for November 15, 2011, at 9:00 a.m. in the Board Room, Dakota County Administration Center, Hastings, Minnesota, to receive comments on the draft *Dakota County 2030 Transportation Plan*; and

BE IT FURTHER RESOLVED, That the Dakota County Treasurer/Auditor is hereby directed to publish in the official County newspaper the notice of the public hearing on the draft *Dakota County 2030 Transportation Plan*; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes staff to submit the draft *Dakota County 2030 Transportation Plan* as a Comprehensive Plan Amendment to the Metropolitan Council for conformance review.

ayes 7

nays none

11-474

Authorization To Approve Settlement Of Parcel 61 (324): County Project 23-59

Motion: Comm. Gaylord

Second: Comm. Branning

WHEREAS, Dakota County, through County Project (CP) 23-59, 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 61 (324), the County condemned for highway purposes 1,570 square feet of permanent trail, drainage, wall and utility easement and 347 square feet of temporary construction easement for which the County offered compensation of \$13,150, which amount has been paid to the landowners; and

WHEREAS, Ronald R. Baumgart and Mary J. Baumgart, the owners of the parcel, rejected the offer and have countered with a demand for \$28,750 plus attorney's fees of \$5,000 as compensation for the taking of these easements and further attorney's fees and costs if the matter proceeds to litigation; and

WHEREAS, the parties to this action have agreed to a settlement of all damages caused by the takings for an amount of \$23,250 and \$2,500 for attorney's fees and costs, for a total of \$25,750, minus the quick take payment of \$13,150, 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 hereby approves the settlement agreement for Parcel 61 (324) in the total amount of \$25,750, minus the quick take payment of \$13,150, for a remaining amount owing of \$12,600 as being in the best interest of the County, and authorizes the County Attorney to arrange for full and final payment of the settlement amount and file the necessary court documents to effectuate final settlement of the condemnation between the parties.

ayes 7

nays none

October 4, 2011

11-475**Authorization To Approve Settlement Of Parcel 58 (324): County Project 23-59**

Motion: Comm. Egan

Second: Comm. Krause

WHEREAS, Dakota County, through County Project (CP) 23-59, 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 58 (324), the County condemned for highway purposes 1,122 square feet of permanent trail, drainage, wall and utility easement and 255 square feet of temporary construction easement for which the County offered compensation of \$7,700, which amount has been paid to the landowners; and

WHEREAS, Terry A. McDonald and Judith A. McDonald, the owners of the parcel, rejected the offer and have countered with a demand for \$23,200 plus attorney's fees of \$5,000 as compensation for the taking of these easements and further attorney's fees and costs if the matter proceeds to litigation; and

WHEREAS, the parties to this action have agreed to a settlement of all damages caused by the takings for an amount of \$17,200 and \$2,500 for attorney's fees and costs, for a total of \$19,700, minus the quick take payment of \$7,700, 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 hereby approves the settlement agreement for Parcel 58 (324) in the total amount of \$19,700, minus the quick take payment of \$7,700, for a remaining amount owing of \$12,000 as being in the best interest of the County, and authorizes the County Attorney to arrange for full and final payment of the settlement amount and file the necessary court documents to effectuate final settlement of the condemnation between the parties.

eyes 7

nays none

11-476**Authorization To Settle 2005 – 2009 Host Fee Compliance Review With BFI Waste Systems Of North America, LLC For Pine Bend Sanitary Landfill**

Motion: Comm. Branning

Second: Comm. Workman

WHEREAS, BFI Waste Systems of North America, LLC (BFI) is the owner and operator of the Pine Bend Sanitary Landfill (Landfill) located in the City of Inver Grove Heights, Dakota County, Minnesota, and which accepts solid waste for disposal; and

WHEREAS, pursuant to the authority granted under Minn. Stat. §115A.919, the County previously imposed a landfill abatement fee from approximately 1985 through November 18, 1997, also known as a landfill surcharge fee, upon all non-exempt solid waste that is disposed in the sanitary landfills located in the County; and

WHEREAS, by agreement of BFI, and the County, host fee was established in lieu of the landfill surcharge fee through a series of host fee agreements executed by and between BFI and the County; and

WHEREAS, the County conducted a host fee compliance review of the Landfill for the time period covering January 1, 2005, through December 31, 2009, and found discrepancies in the payment of host fees by BFI; and

WHEREAS, due to the burden, expense, delay and uncertainties of litigation, the County and BFI desire to fully and finally settle all differences between them related to any host fees that were identified as being due and payable in the host fee compliance review of the Landfill conducted for the time period covering January 1, 2005, through December 31, 2009; and

October 4, 2011

WHEREAS, settlement of claims in excess of \$5,000 requires authorization by the Dakota County Board of Commissioners.

NOW, THEREFORE, BE IT RESOVLED, That the Dakota County Board of Commissioners hereby agrees to settle the issue of the amount of host fees due the County for solid wasted delivered to Pine Bend Sanitary Landfill during the time period January 1, 2005, through December 31, 2009 by BFI paying to the County additional host fees in the amount of \$82,566; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the County Board Chair and the County Attorney to execute any documents required to effectuate the settlement of this matter.

ayes 7

nays none

11-477

Closed Executive Session: Discuss Labor Negotiations Strategy

Motion: Comm. Schouweiler

Second: Comm. Gaylord

WHEREAS, upon adoption of a resolution by majority vote, the Dakota County Board of Commissioners is authorized, pursuant to Minn. Stat. § 13D.03, to hold a closed executive session to discuss labor negotiations strategy; and

WHEREAS, the Board of Commissioners desires to meet to discuss labor negotiations strategy.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the Board meeting on October 4, 2011, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, in order to discuss labor negotiations strategy.

ayes 7

nays none

The time being 9:34 a.m. and pursuant to public notice and Resolution No. 11-477, the County Board convened in Conference Room 3A to hold a Closed Executive Session to discuss labor negotiations strategy.

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
- Kelly Olson, Sr. Administrative Coordinator to the Board
- Matt Smith, Financial Services Director
- Nancy Hohbach, Interim Employee Relations Director
- Kelly Harder, Community Services Director

The Closed Executive Session continued until 10:07 a.m., at which time the Board reconvened in the Board Room with all members present.

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

October 4, 2011

11-478

Adjournment

Motion: Comm. Schouweiler

Second: Comm. Krause

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, October 18, 2011.

ayes 7

nays none

The County Board meeting was adjourned at 10:33 a.m.

Joseph A. Harris
Chair

ATTEST

Brandt Richardson
County Administrator