

November 1, 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, November 1, 2011. The meeting was called to order by Chair Joseph Harris who welcomed everyone and opened the meeting with the Pledge of Allegiance. Roll was called with the following members present:

- Commissioner Joseph A. Harris, District 1
- Commissioner Kathleen A. Gaylord, District 2
- Commissioner Thomas A. Egan, District 3
- Commissioner Nancy Schouweiler, District 4
- Commissioner Liz Workman, District 5
- Commissioner Paul J. Krause, District 6
- Commissioner Willis E. Branning, District 7

Also in attendance were: Brandt Richardson, County Administrator; Karen Schaffer, First Assistant County Attorney; and Kelly Olson, Senior Administrative Coordinator to the Board.

Chair Harris asked if there was anyone in the audience who wished to address the County Board on an item not scheduled on the agenda or on any item on the consent agenda. No one appeared.

**11-523**

**Approval Of Agenda**

Motion: Comm. Branning

Second: Comm. Schouweiler

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on November 1, 2011, as presented.

ayes 7

nays none

The consent agenda was then approved as follows:

Motion: Comm. Gaylord

Second: Comm. Workman

**11-524**

**Approval Of Minutes**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held October 18, 2011, as presented and entered in Commissioners' Record 2011.

**11-525**

**Authorization To Execute Contract With Minnesota Department Of Public Safety For 2011 Homeland Security Grant**

WHEREAS, Dakota County desires to improve internal preparedness efforts and to assist local agencies to be better prepared for any potential of disasters/emergencies in Dakota County; and

WHEREAS, the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, has been provided funding from the federal government under the homeland security grant program to enhance preparedness activities related to natural disasters and terrorism.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chair to execute a contract with the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, for the 2011 Homeland Security Grant in the amount of \$550,522 for the period of January 1, 2012 through December 31, 2013, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2011 Homeland Security grant is included in the recommended 2012 Operations Management budget.

**11-526****Authorization To Execute Agreement With Minnesota Department Of Natural Resources To Receive Environment And Natural Resources Trust Funds For Protecting And Restoring Lakeshore And Riparian Buffers**

WHEREAS, the Legislative-Citizen Commission on Minnesota Resources (LCCMR) was established in 1963 to make funding recommendations to the Minnesota Legislature for special projects that help maintain and enhance Minnesota's environment and natural resources; and

WHEREAS, Dakota County has received previous state funding, as recommended by the LCCMR, for developing the Farmland and Natural Areas Protection Plan and Program and the Vermillion River Corridor Acquisition and Restoration Project; and

WHEREAS, by Resolution No. 10-196 (April 6, 2010), the Dakota County Board of Commissioners approved submission of a \$2.7 million grant request to the LCCMR through the Metropolitan Conservation Corridors partnership for riparian and lakeshore habitat protection and restoration projects; and

WHEREAS, the LCCMR reviewed the County's proposal and included \$1,035,000 for the County in its 2011 funding recommendations to the Minnesota Legislature; and

WHEREAS, the Minnesota Legislature approved and appropriated \$1,035,000 from the Environment and Natural Resources Trust Fund (ENRTF) according to Minn. Laws 2011, 1<sup>st</sup> Special Session, Chapter 2, Article 3, Section 2, Subd. 4(i) Metropolitan Conservation Corridors (MeCC) – Phase VI for state fiscal year (FY) 2012 to the commissioner of natural resources for an agreement with Dakota County for acquisition of permanent easements and enhancement and restoration of aquatic and associated upland habitat; and

WHEREAS, the LCCMR has approved the "Dakota County Riparian and Lakeshore Protection" Accomplishment Plan as required by the appropriation; and

WHEREAS, the Fiscal Year (FY) 2012 ENRTF grant is administered by the Minnesota Department of Natural Resources and requires a County Board resolution attesting that the County act as the grantee for the grant, has the financial capability to complete the projects by June 30, 2014, will comply with all laws and regulations, and authorizes execution of the agreement.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the grant funds and authorizes the Physical Development Director to execute the FY 2012 Environment and Natural Resources Trust Fund Grant Agreement [Minn. Laws 2011, 1<sup>st</sup> Special Session, Chapter 2, Article 3, Section 2, Subd. 4(i) Metropolitan Conservation Corridors (MeCC) – Phase VI] for "Dakota County Riparian and Lakeshore Protection," subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That Dakota County hereby attests that it has the financial capability to ensure adequate completion of the habitat protection projects and certifies that it will comply with all applicable laws and regulations as stated in the grant agreement.

**11-527****Approval Of Plats**

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

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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 Council and submits them to the Property Taxation and Records Department for recording:

Spirit of Brandtjen Farm 7th Addition	City of Lakeville
Riverfront View Addition	City of Lilydale

END OF CONSENT AGENDA

ayes 7

nays none

Kelly Harder, Community Services Director, presented Item 9.1 – Authorization To Submit And Approval Of Proposed 2012-2013 Biennial Service Agreement For Minnesota Family Investment Program Consolidated Fund and Item 9.2 – Authorization To Submit And Approval Of Proposed 2012-2013 Biennial Service Plan For Vulnerable Children And Adults Act.

**11-528**

**Authorization To Submit And Approval Of Proposed 2012-2013 Biennial Service Agreement For Minnesota Family Investment Program Consolidated Fund**

Motion: Comm. Egan

Second: Comm. Branning

WHEREAS, Dakota County dedicates resources and support toward promoting economic stability for low income families; and

WHEREAS, Dakota County is required to have in place a biennial service agreement as part of the Minnesota Family Investment Program Consolidated Fund for approval by the Minnesota Department of Human Services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the 2012-2013 Minnesota Family Investment Program Biennial Service Agreement; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes submission of the Agreement to the Minnesota Department of Human Services.

ayes 7

nays none

**11-529**

**Authorization To Submit And Approval Of Proposed 2012-2013 Biennial Service Plan For Vulnerable Children And Adults Act**

Motion: Comm. Schouweiler

Second: Comm. Krause

WHEREAS, Dakota County provides services to keep vulnerable children and adults safe and improve their well-being; and

WHEREAS, Dakota County is required to provide a service plan addressing the service needs and resources available for vulnerable children and adults, to be approved by the Minnesota Department of Human Services as part of the new Vulnerable Children and Adults Act.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the Dakota County Vulnerable Children and Adults Act Service Plan; and

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BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes submission of the Plan to the Minnesota Department of Human Services.

ayes 7

nays none

The following appointments were made to the Dakota-Scott Workforce Investment Board.

**11-530  
Appointments To Dakota-Scott Workforce Investment Board**

Motion: Comm. Branning

Second: Comm. Egan

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

Representing	Name	Term Ending
Private	Duane Lubbers	June 30, 2012
Public-Education	Larry Raddatz	June 30, 2012

ayes 7

nays none

Mark Zabel, Vermillion River Watershed Coordinator, presented Item 11.1 – Request For Special Assessment For Abatement Of Failing Septic System.

**11-531  
Request For Special Assessment For Abatement Of Failing Septic System**

Motion: Comm. Egan

Second: Comm. Krause

WHEREAS, in 2006, the Dakota County Board of Commissioners authorized an initiative in the Vermillion River and North Cannon River Watersheds to inspect and upgrade failing septic systems along rivers and streams that are polluted (“Initiative”); and

WHEREAS, Vernon and Roxanne Napper (collectively “the Nappers”) own property located at 21849 Ravenna Trail, County of Dakota, State of Minnesota , PIN 33-03300-520-40 (“Property”) which was inspected as part of the Initiative; and

WHEREAS, the inspection revealed that the Nappers’ septic system was a failing system and needed to be upgraded in accordance with Dakota County Ordinances 50 and 113; and

WHEREAS, the Dakota County Water Resources Department (“Department”) issued a notice of violation to the Nappers on July 14, 2009, requiring the Nappers to upgrade their failing septic system, which they failed to do; and

WHEREAS, the Department issued a second notice of violation to the Nappers on December 27, 2010, requiring the Nappers to upgrade their failing septic system by June 1, 2011, which they failed to do; and

WHEREAS, the Department and the Nappers executed a Stipulation Agreement dated August 31, 2011, whereby it was agreed that: (1) the County would install a new septic system on the Property at County expense and assess the costs thereof against the Property; and (2) if deemed appropriate, the Dakota County Board of Commissioners could also assess against the Property the costs of the permit fee of \$310 and enforcement costs related to staff time and attorney time (staff time = \$1,412.50; attorney time = \$1,255.50); and

WHEREAS, the County retained a contractor to install a new septic system on the Property at a cost of \$12,045.00; and

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WHEREAS, the Dakota County Board of Commissioners must determine the costs to be assessed against the Property and the terms thereof.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby spreads the sum of \$15,023 against the property identified as PIN 33-03300-520-40 located at 21849 Ravenna Trail, County of Dakota, State of Minnesota, as a special assessment payable over 15 years, plus an interest rate of 4%; and

BE IT FURTHER RESOLVED, That the costs recovered through the special assessment shall be reimbursed to the Dakota County Environmental Management fund balance.

ayes 7

nays none

#### 11-532

#### **Authorization To Settle 2005-2009 Host Fee Compliance Review With Burnsville Sanitary Landfill, Inc. For Burnsville Sanitary Landfill**

Motion: Comm. Gaylord

Second: Comm. Workman

WHEREAS, Burnsville Sanitary Landfill, Inc., (BSLI) is the owner and operator of the Burnsville Sanitary Landfill (Landfill) located in the City of Burnsville, 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 BSLI and the County, a host fee was established in lieu of the landfill surcharge fee through a series of host fee agreements executed by and between BSLI 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 BSLI; and

WHEREAS, due to the burden, expense, delay and uncertainties of litigation, the County and BSLI 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.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby agrees to settle the issue of the amount of host fees due the County for solid waste delivered to the Burnsville Sanitary Landfill during the time period January 1, 2005, through December 31, 2009 by BSLI paying to the County additional host fees in the amount of \$16,000.00; 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

Brandt Richardson, County Administrator, and Matt Smith, Deputy County Administrator, presented Item 10.2 – County Administrator’s 2012 Recommended Budget. This item was for information only; no action was requested.

At this time, the following individual appeared and addressed the Board regarding Item 11.1 - Request For Special Assessment For Abatement Of Failing Septic System. No further action was taken on this item.

- Vern Napper, Welch

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

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**11-533**

**Adjournment**

Motion: Comm. Schouweiler

Second: Comm. Egan

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, November 15, 2011.

ayes 7

nays none

The County Board meeting was adjourned at 10:41 a.m.

Joseph A. Harris  
Chair

ATTEST

Brandt Richardson  
County Administrator