

January 21, 2020

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

Call To Order And Roll Call

Commissioner Mike Slavik
Commissioner Kathleen A. Gaylord
Commissioner Thomas A. Egan
Commissioner Joe Atkins
Commissioner Liz Workman
Commissioner Mary Liz Holberg
Commissioner Chris Gerlach

Also in attendance were: Matt Smith, County Manager; James Backstrom, County Attorney; Tom Donely, First Assistant County Attorney; and Jeni Reynolds, Sr. Administrative Coordinator to the Board.

Video and audio of this County Board meeting are available on the Dakota County website.

Pledge Of Allegiance

The meeting was called to order at 9:00 a.m. by Chair Mike Slavik who welcomed everyone and opened the meeting with the Pledge of Allegiance.

Audience

Chair Slavik asked if there was anyone in the audience that wished to address the Board on an item not scheduled on the agenda or any item on the consent agenda. No one came forward.

20-034

Approval Of Agenda (Additions/Corrections/Deletions)

Motion: Liz Workman

Second: Mary Liz Holberg

On a motion by Commissioner Liz Workman, seconded by Commissioner Mary Liz Holberg, the agenda was unanimously approved.

CONSENT AGENDA

Motion: Thomas A. Egan

Second: Chris Gerlach

On a motion by Commissioner Thomas A. Egan, seconded by Commissioner Chris Gerlach, the consent agenda was approved as follows:

20-035

Approval Of Minutes Of Meeting Held On January 7, 2020

Items Recommended By Board Committee

20-036

Authorization To Amend Joint Powers Agreement With City Of West St Paul For River To River Robert Street Grade Separated Crossing

WHEREAS, by Resolution No. 18-534 (October 23,2018), Dakota County Board of Commissioners approved a cost share joint powers agreement with the City of West St. Paul for the River to River Greenway Robert Street

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crossing project; and

WHEREAS, parties have identified the need to revise the original joint powers agreement to include provision for temporary construction and additional acquisition; and

WHEREAS, the City of West St. Paul has approved the proposed changes to the joint powers agreement; and

WHEREAS, staff recommends authorization to amend the joint powers agreement as substantially presented at the January 14, 2020 Physical Development Committee Meeting of the Whole, subject to approval by the County Attorney's Office as to form.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to amend the joint powers agreement with the City of West St. Paul for the River to River Greenway - Robert Street Crossing final design, acquisition and construction.

Ayes: 7

Nays: 0

20-037

Adoption Of Thompson County Park Master Plan And Thompson County Park Natural Resources Management Plan

WHEREAS, by Resolution No. 18-224 (April 24, 2018), the Dakota County Board of Commissioners (County Board) approved the consultant contract to update the 2005 Thompson County Park (TCP) Master Plan (MP) and to create the first TCP Natural Resources Management Plan (NRMP); and

WHEREAS, together, the plans present a long-range vision for the park and will guide five and 10-year priorities for recreation development, natural resource management, visitor services, and park operations; and

WHEREAS, the TCP MP addresses community identified needs and desires including enhancing the lake as a focal point, restoring natural resources, expanding community gathering opportunities, making the park more accessible, and providing more to do; and

WHEREAS, the NRMP is a technical guide to restoration and management of the park's natural areas and includes existing conditions, restoration phasing, and management recommendations; and

WHEREAS, by Resolution No. 19-720 (September 24, 2019), the draft plan documents were released by the Dakota County Board for Public Review; and

WHEREAS, public comment was solicited by open houses, electronic news distribution, community presentations, community events, and the project website; and

WHEREAS, the TCP MP and NRMP have been revised to address staff, stakeholder, and public comments; and

WHEREAS, estimated costs for the five-year plan are \$5.8 million dollars for recreation development and natural resource restoration; and

WHEREAS, the County Board will determine implementation priorities and funding levels during the annual Parks Capital Improvement Program budget process; and

WHEREAS, on December 19, 2019, the Dakota County Planning Commission recommended adoption of the TCP MP and NRMP.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Thompson County Park Master Plan and the Thompson County Park Natural Resources Management Plan as presented to the Physical Development Committee of the Whole on January 14, 2020.

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Ayes: 7

Nays: 0

20-038

Rename Rich Valley Regional Greenway To Veterans Memorial Greenway, And Receive Update On Feasibility Study

WHEREAS, there have been over 25,000 veterans that have served in the armed forces from Dakota County; and

WHEREAS, Dakota County does not have or manage a facility to honor veterans and connect people to the history and value of their service; and

WHEREAS, on April 23, 2019, Chair Workman sent a letter on behalf of the County Board to Representative Angie Craig requesting \$8,000,000 of Federal funds to construct the Rich Valley Greenway; and

WHEREAS, by Resolution No. 19-564 (June 4, 2019), the County Board authorized submitting a \$5,000,000 bonding request to Minnesota Management and Budget for a \$10,000,000 Veterans Valley Greenway project that includes a \$5,000,000 local share; and

WHEREAS, the County Board has established a preliminary vision for the Rich Valley Greenway to serve as the Veterans Memorial Greenway; and

WHEREAS, by Resolution No. 19-770 (October 29, 2019), the County Board authorized a contract amendment with Short-Elliott-Hendrickson, Inc., for the Veterans Memorial Greenway feasibility study; and

WHEREAS, the scope of the Veterans Memorial Greenway project is intended to include the general alignment of the five-mile Rich Valley Greenway, five to seven memorials, and one large area for community events and memorials planned and constructed with veteran groups and the affected cities, and, upon securing funding, design and construction would occur within three to five years; and

WHEREAS, staff is requesting County Board consideration to rename the Rich Valley Greenway to the Veterans Memorial Greenway; and

WHEREAS, staff will advance the Veterans Memorial Greenway project based on the direction of the County Board.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby renames the Rich Valley Greenway as the Veterans Memorial Greenway.

Ayes: 7

Nays: 0

20-039

Recommendation To Governor And Metropolitan Council For Appointment To Metropolitan Area Water Supply Advisory Committee

WHEREAS, Minn. Stat § 473.1565 directs the Metropolitan Council to undertake a metropolitan area water supply planning effort, including formation of a Metropolitan Area Water Supply Advisory Committee; and

WHEREAS, Dakota County supports this legislation due to the importance of water to the future of Dakota County's and the metropolitan region's economy and quality of life; and

WHEREAS, Dakota County Commissioners and staff have a strong track record of working in partnership with Metropolitan Council members and their staff on water management issues; and

WHEREAS, Dakota County is highly dependent of groundwater to sustain its commercial and agricultural

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industries as well as continued residential growth; and

WHEREAS, future groundwater usage based on population projections and rainfall data for Dakota County indicates that groundwater consumption may not be sustainable in the long-term for projected population increases; and

WHEREAS, it is in the interest of Dakota County to work with other local governments and the Metropolitan Council to conserve, manage, and protect the surface and ground waters within the seven-county metropolitan area.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Board Chair to submit a letter to Governor Walz and the Metropolitan Council recommending the appointment of Dakota County Groundwater Protection Supervisor Valerie Grover to serve as the Dakota County representatives on the Metropolitan Area Water Supply Advisory Committee.

Ayes: 7

Nays: 0

20-040

Approval Of Designated Lists Of Recyclables, Organics, And Contaminants

WHEREAS, Metropolitan counties are responsible for waste management policy and programs (Minn. Stat. §115A.551); and

WHEREAS, by Resolution No.18-493 (September 18, 2018), the Dakota County Board of Commissioners (County Board) adopted the 2018–2036 Solid Waste Master Plan (Master Plan); and

WHEREAS, the adopted Master Plan includes educational, financial, and regulatory strategies; and

WHEREAS, on November 26, 2019 (Resolution No. 19-938), the County Board adopted amendments to Ordinance 110, Solid Waste Management, to implement regulatory strategies in the Master Plan; and

WHEREAS, the amendments include requirements for designated lists of recyclables, organics, and contaminants to be approved by the County Board and published on the Dakota County website; and

WHEREAS, the proposed lists incorporate the acceptance/contaminant lists developed by the Minnesota Recycling Education Committee and feedback from the nine recycling/organics facilities serving the Twin Cities Metropolitan area; and

WHEREAS, approved lists will be published on the Dakota County website; and

WHEREAS, any future modifications to the lists require County Board approval.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the designated lists of recyclables, organics, and contaminants, as presented on January 14, 2020, at the Physical Development Committee of the Whole.

Ayes: 7

Nays: 0

20-041

Authorization To Execute Contract Amendment With Bolton & Menk, Inc., For Additional Design Services For County Project 70-23

WHEREAS, Dakota County (County) and the City of Lakeville (City) are partnering on County Project (CP) 70-23; and

WHEREAS, CP 70-23 includes the segment of County State Aid Highway (CSAH) 70 from Kensington

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Boulevard/Kenrick Avenue to CSAH 23 (Cedar Avenue); and

WHEREAS, the purpose of the project is to improve operations and capacity along a primary truck corridor; and

WHEREAS, to address the purpose of the project, the County is proposing to expand CSAH 70 to a four-lane divided-highway, modify access using raised median and local street extensions, construct trails, and add turn lanes; and

WHEREAS, the County is the lead agency for CP 70-23 with construction scheduled to begin in summer 2020; and

WHEREAS, CP 70-23 was awarded federal funding through the Minnesota Highway Freight Program and the Metropolitan Council Regional Solicitation; and

WHEREAS, by Resolution No. 18-204, (April 10, 2018), the County Board authorized the execution of a contract with Bolton & Menk, Inc., for \$1,395,297; and

WHEREAS, the design of a noise wall is needed based on the apparent results of the noise analysis, which was required due to the federal funding on the project; and

WHEREAS, the County and City requested that Bolton & Menk, Inc., evaluate methods to provide additional storm water treatment near a trout stream; and

WHEREAS, the County and City identified an alternative trail alignment between Dodd Boulevard and Humboldt Court that will enhance safety and user experience; and

WHEREAS, the alternative trail alignment will require the design of two bridges; and

WHEREAS, an amendment is requested to include these additional tasks to satisfactorily deliver the project; and

WHEREAS, the cost of the professional services will be shared between Dakota County and the City in accordance with County policy; and

WHEREAS, the adopted 2020–2024 Capital Improvement Program budget includes sufficient funding.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to amend the contract with Bolton & Menk, Inc., to perform additional engineering services for County Project 70-23 in an amount not to exceed \$429,257, resulting in a total amended contract amount not to exceed \$1,824,554, including reimbursable items, subject to approval by the County Attorney's Office as to form.

Ayes: 7

Nays: 0

20-042

Authorization To Execute A Contract With SEH, Inc. For Transportation Planning Services For CSAH 42

WHEREAS, to provide a safe and efficient transportation system, Dakota County and the Cities of Apple Valley, Burnsville, and Rosemount are proceeding with County Project (CP) 42-144; and

WHEREAS, CP 42-144 is the Highway 42 Visioning Study, addressing 15 miles of County State Aid Highway (CSAH) 42, from the County's west border in Burnsville to US Highway 52 in Rosemount; and

WHEREAS, the Transportation Department sent a Request for Proposal to five qualified professional consultants; and

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WHEREAS, the proposals received were evaluated by the Cities of Apple Valley, Burnsville, and Rosemount, and by County staff; and

WHEREAS, the proposal from SEH, Inc., has the best value costs for the Study and provides all the services needed; and

WHEREAS, staff representing the Cities of Apple Valley, Burnsville, and Rosemount concur with this recommendation; and

WHEREAS, the 2019 Transportation Capital Improvement Program Budget includes \$907,000 for CP 42-144 engineering consulting services; and

WHEREAS, the County Engineer recommends execution of a contract with SEH, Inc., for engineering consulting services for CP 42-144 for actual costs not to exceed \$707,294.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with SEH, Inc., to perform engineering consulting services for County Project 42-144 in an amount not to exceed \$707,294, subject to approval by the County Attorney's Office as to form.

Ayes: 7

Nays: 0

20-043

Direction On Feasibility Study To Reintroduce Bison To County Park System

WHEREAS, by Resolution No. 17-274 (May 23, 2017), the County Board adopted the Natural Resource Management System Plan; and

WHEREAS, by Resolution No. 19-051 (February 5, 2019), the County Board directed staff to prepare a keystone feasibility study for reintroducing bison to the County Park System and return to the Board for further direction; and

WHEREAS, the purpose of the feasibility study is to understand the potential ecological and park visitor benefits plus the required project elements and resources needed for reintroducing bison to the County Park System; and

WHEREAS, bison improve the prairie ecosystem in numerous ways including increasing plant and animal diversity, cycling of nutrients, and reducing the cover of woody plants; and

WHEREAS, bison will provide opportunities for park visitors to learn about the park, the prairie ecosystem, and this native prairie animal; and

WHEREAS, the adopted Dakota County Natural Resource Management System Plan and the Parks Visitor Services Plan, By Resolution No. 17-541 (October 31, 2017), support the idea of reintroducing bison to a park within the County system; and

WHEREAS, thirty bison, an anticipated Dakota County herd size, can be procured through the Minnesota Bison Conservation Herd partnership; and

WHEREAS, based on the feasibility study, staff recommends Spring Lake Park Reserve as the preferred candidate park for bison reintroduction because it 1) provides 150 acres of prairie habitat, 2) provides some of the infrastructure required for bison management, 3) would be efficient for operations and management, and 4) is convenient to recreation infrastructure that allows the public to view and learn about bison; and

WHEREAS, a bison project could qualify for state funding through: The Legislative-Citizen Commission on Minnesota Resources; and The Lessard-Sams Outdoor Heritage Council.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby directs County staff to further advance bison reintroduction in the County Park System by taking the following actions:

- Refine the Spring Lake Park Reserve bison range site plan and operations/capital cost estimates; and
- Advance discussions with the Minnesota Bison Conservation Herd partnership on the associated County responsibilities and terms for potential bison collaboration; and
- Prepare and submit funding proposals to the Legislative-Citizen Commission on Minnesota Resources and the Lessard-Sams Outdoor Heritage Council in 2020 for legislative consideration in 2021; and
- Return and seek direction at a future Board meeting regarding 1) refined bison range site plan and associated visitor services enhancements in Spring Lake Park Reserve, 2) refined bison range and visitor service enhancements capital costs, 3) preliminary operational and implementation framework, 4) responsibilities and terms for collaborating with the Minnesota Bison Conservation Herd partnership, and 5) status of external funding requests.

Ayes: 6

Nays: 1 Mary Liz Holberg

County Board/County Administration

20-044

Designation Of 2020 Official Voting Delegates For Association Of Minnesota Counties

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby designates the following County officials as official voting delegates to represent Dakota County at the Association of Minnesota Counties (AMC) Annual Conference and during the year 2020:

Commissioner Mike Slavik
Commissioner Kathleen A. Gaylord
Commissioner Thomas A. Egan
Commissioner Joe Atkins
Commissioner Liz Workman
Commissioner Mary Liz Holberg
Commissioner Chris Gerlach
County Manager
Community Services Director
Public Services and Revenue Director

Ayes: 7

Nays: 0

County Attorney

20-045

Authorization To Execute Joint Powers Agreement With Metropolitan Library Service Agency

WHEREAS, in 2005, Dakota County entered into an agreement with the Metropolitan Library Service Agency (MELSA), pursuant to which Dakota County authorized MELSA employees to participate in Dakota County's benefits program and authorized MELSA to obtain employee relations, payroll, and legal services from Dakota County; and

WHEREAS, the agreement between Dakota County and MELSA was extended in 2013 and in 2017; and

WHEREAS, the current agreement between Dakota County and MELSA expired on December 31, 2019, although Dakota County has continued to provide services to MELSA to the present time; and

WHEREAS, Dakota County desires to continue to provide and MELSA desires to receive provision of legal services, human resources consulting services, and employee benefit services at the agreed upon hourly rates

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and payment for service terms.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Board Chair to execute a joint powers agreement with Metropolitan Library Service Agency (MELSA), for the period of January 1, 2020, through December 31, 2021, for provision of for legal services, human resources consulting services, and employee benefit services to MELSA, substantially as presented on January 21, 2020 subject to approval of the County Attorney's Office as to form.

Ayes: 7

Nays: 0

Operations, Management And Budget

Report On Invoices Paid In December 2019

This item was on the agenda for informational purposes only.

20-046

Authorization To Execute Contract Amendment With North Risk Partners For Insurance Brokerage Services For 2020

WHEREAS, Dakota County purchases insurance brokerage services; and

WHEREAS, staff evaluated available services through a review of the marketplace for brokerage services; and

WHEREAS, the results of the review and a request for proposal process in 2015 showed that North Risk Partners offered the best value for brokerage services; and

WHEREAS, the Office of Risk Management staff have been satisfied with the brokerage services for insurance placement and risk management services provided by North Risk Partners; and

WHEREAS, the Risk and Homeland Security Manager recommends the amendment of the current five-year contract for one additional year with North Risk Partners for brokerage services for insurance placement and risk management services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Deputy County Manager to execute a contract amendment with North Risk Partners to extend the current contract term through December 31, 2020 and increase the amount to \$151,500, subject to approval by the County Attorney's Office as to form.

Ayes: 7

Nays: 0

Physical Development

20-047

Approval Of Amendments To Rosemount Community Development Block Grant Program

WHEREAS, three types of substantial amendments to the Community Development Block Grant (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 \$100,000 or more at one time; and change to the location and/or national objective of an activity; and

WHEREAS, the City of Rosemount (City) requests a substantial amendment to the 2016 CDBG Program to create the Homeowner Rehabilitation activity and fund it with a budget of \$5,809; and

WHEREAS, the City requests substantial amendments to the 2017 CDBG Program to cancel the Municipal Well

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Sealing activity, create the Homeowner Rehabilitation activity, and fund it with a budget of \$51,463; and

WHEREAS, public notice of the substantial amendments was placed in the Dakota Tribune on December 20, 2019, and also on the Dakota County Community Development Agency, Dakota County, and City of Rosemount websites, in accordance with the approved Citizen Participation Plan process, and no public comments were received on the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the substantial amendments to the 2016 and 2017 Rosemount Community Development Block Grant Programs.

Ayes: 7

Nays: 0

20-048

Approval Of Right Of Way Acquisition, Authorization To Initiate Quick Take Condemnation, And Authorization To Execute Contract Amendment With Patchin Messner Valuation Counselors For County Project 86-34 In Castle Rock, Eureka, Greenvale, And Waterford Townships

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with the County Project (CP) 86-34; and

WHEREAS, CP 86-34 is the reconstruction of County State Aid Highway (CSAH) 86 (280th Street West) as an undivided two-lane highway with shoulders and turn lanes at all public road intersections from CSAH 23 (Galaxie Avenue) to Trunk Highway (TH) 3; and

WHEREAS, existing CSAH 86, within the CP 86-34 project limits, has inadequate shoulder width, lacks dedicated turn lanes and bypass lanes and has poor pavement conditions; and

WHEREAS, CP 86-34 has two railroad crossings: 990 feet east of Foliage Avenue (at grade) and 380 feet west of Danbury Avenue (railroad bridge over CSAH 86); and

WHEREAS, Dakota County has hosted two Public Open Houses showing the proposed improvements and gathering public feedback; and

WHEREAS, the acquisition from 56 parcels as identified in Attachment B is necessary to move forward with CP 86-34; and

WHEREAS, the parcels have been appraised, and offers are being prepared for a total appraised value of \$999,875; and

WHEREAS, the 2019 Transportation Capital Improvement Program Budget included sufficient funds for CP 86-34 right of way acquisition; and

WHEREAS, in the event that timely acquisition by direct negotiation of all required parcels does not appear possible, it is necessary for the County Board to authorize the County Attorney's Office to initiate quick take condemnation of the remaining parcels to allow for a fall 2020 start date; and

WHEREAS, by Resolution No. 19-509 (May 7, 2019), the County Board authorized the execution of a contract with Patchin Messner Valuation Counselors for appraisal services on CP 86-34 in the amount of \$120,000; and

WHEREAS, the modification of the CP 86-34 design within the Village of Castle Rock required revision of 23 appraisals and the temporary easement duration extension required modification to 30 temporary easement values; and

WHEREAS, an amendment to the existing Patchin Messner Valuation Counselors contract is requested to account for this additional work; and

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WHEREAS, staff has negotiated with Patchin Messner Valuation Counselors for compensation in the amount of \$15,000.00 for the additional services provided; and

WHEREAS, staff recommends authorizing a contract amendment with Patchin Messner Valuation Counselors.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised values prepared by Patchin Messner Valuation Counselors for the acquisition of the right of way for County Project 86-34 and authorizes County staff, in its discretion, to share the appraisal data with the respective landowners, including all or portions of the completed appraisals as part of the negotiation process; and

BE IF FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of right of way for County Project 86-34 at the approved appraised values and in accordance with County policy and authorizes payment from the 2019 Transportation Capital Improvement Program Budget; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to initiate quick take condemnation of the remaining parcels to allow a fall 2020 start date, in the event that timely acquisition by direct negotiations of all parcels does not appear possible; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract amendment with Patchin Messner Valuation Counselors for additional appraisal services for County Project 86-34 in an amount not to exceed \$15,000, which would amount in a total amended contract amount not to exceed \$135,000, including reimbursable items, subject to approval by the County Attorney's Office as to form.

Ayes: 7

Nays: 0

20-049

Authorization To Execute Contract With Kimley-Horn And Associates, Inc., For Design Services For County Project 42-156, County State Aid Highway 42 At County Road 73 In City Of Rosemount And Authorization To Enter Into Joint Powers Agreement With City Of Rosemount

WHEREAS, to provide a safe and efficient transportation system, Dakota County (County) is partnering with the City of Rosemount (City) on County Project (CP) 42-156; and

WHEREAS, CP 42-156 is the preliminary engineering and final design for signal installation and geometric improvements at County State Aid Highway 42 and County State Aid Highway 73 (Akron Ave) and conversion of the Dakota County Technical College access east of the intersection to partial access intersections consistent with the August 6, 2007 update of the CP 42 Corridor Study; and

WHEREAS, staff sent a request for proposals and received proposals from three qualified professional consultants; and

WHEREAS, the proposals received were evaluated by City and County staff; and

WHEREAS, Kimley-Horn and Associates, Inc., was selected as the preferred consultant based on the proposal which included review of six criteria: proposed project approach, understanding of the scope of work, public participation approach, qualifications of the project team, completeness of quality control approach, and cost proposal best value; and

WHEREAS, the County Engineer recommends execution of a contract with Kimley-Horn and Associates, Inc., for design engineering consulting services for CP 42-156 in a contract amount not to exceed \$214,890; and

WHEREAS, the 2020–2024 Transportation Capital Improvement Program Adopted Budget includes \$200,00 in funds for CP 42-156 and additional dollars in 2020 Future Studies/Professional Services Professional Services for the design contract costs; and

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WHEREAS, staff recommends authorization to enter into a joint powers agreement with the City of Rosemount to define costs and responsibilities for CP 42-156.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Kimley-Horn and Associates, Inc., to perform design engineering consulting services for County Project 42-156 in an amount not to exceed \$214,890 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 City of Rosemount for County Project 42-156 to define cost sharing and responsibilities subject to approval by the County Attorney's Office as to form.

Ayes: 7

Nays: 0

20-050

Authorization To Execute Contract With Kimley-Horn And Associates, Inc., For Construction Management Services For County Project 73-19, County Road 73 In City Of Rosemount

WHEREAS, to provide a safe and efficient transportation system, Dakota County, and the City of Rosemount are proceeding with County Project (CP) 73-19; and

WHEREAS, CP 73-19 is the construction of County Road (CR) 73 from a gravel road to a two-lane paved roadway with shoulders and turn lanes from Bonaire Path to the north city limits; and

WHEREAS, the County is the lead agency for CP 73-19 with construction scheduled to begin in spring 2020; and

WHEREAS, the 2020 construction workload is greater than the number of available County staff; and

WHEREAS, an engineering firm with this specialty will provide construction management in 2020; and

WHEREAS, the three proposals were evaluated by staff and approved by the Rosemount City Engineer; and

WHEREAS, the proposal from Kimley-Horn and Associates, Inc., highlights their strong technical expertise, staff and experience with large scale transportation projects and meets the requirements of this project, and

WHEREAS, the requested construction management was estimated to cost 12 percent of the estimated construction cost, but the proposal submitted by Kimley-Horn and Associates, Inc., came in at approximately 7.8 percent; and

WHEREAS, \$5,800 remains in the design contract with Kimley-Horn and Associates, Inc., for shop drawing review; and

WHEREAS, the design contract will be closed and the \$5,800 transferred to the construction contract for the same task; and

WHEREAS, the 2020 Transportation Capital Improvement Program Adopted Budget includes sufficient funding in 2020 for CP 73-19; and

WHEREAS, the County Engineer recommends execution of a contract with Kimley-Horn and Associates, Inc., for construction management services for CP 73-19 in an amount of \$394,740 including reimbursable items, with a contingency of \$15,990 in the event development has not started construction, for a total contract amount not to exceed \$410,730.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Kimley-Horn and Associates, Inc. for construction management services for CP 73-19 in an amount not to exceed \$410,730, subject to approval by the County

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Attorney's Office as to form.

Ayes: 7

Nays: 0

20-051

Authorization To Execute Joint Powers Agreement With City Of Eagan For County Project 32-93, Corridor Traffic Study On County State Aid Highway 32 From Johnny Cake Ridge Road To County State Aid Highway 31

WHEREAS, to promote a safe and efficient transportation system throughout Dakota County, the County is the lead agency partnering with the City of Eagan (City) on County Project (CP) 32-93; and

WHEREAS, CP 32-93 includes a corridor traffic study on County State Aid Highway (CSAH) 32 (Cliff Road) from Johnny Cake Ridge Road to CSAH 31 (Pilot Knob Road) in Eagan; and

WHEREAS, Dakota County is the lead agency for CP 32-93; and

WHEREAS, Stonebrooke Engineering was selected for consultant services for CP 32-93 in the amount of \$51,000 dollars; and

WHEREAS, a contract for design services separate from the study consultant work is anticipated to start summer 2020 following the study results; and

WHEREAS, CP 32-93 will be shared 55 percent County funds and 45 percent City funds in accordance with adopted County Policy.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the City of Eagan to identify costs and responsibilities for a corridor traffic study in accordance with County policy, for County Project 32-93, in the City of Eagan, subject to approval by the County Attorney's Office as to form.

Ayes: 7

Nays: 0

20-052

Authorization To Amend Joint Powers Agreement With City Of Eagan For County Project 30-36

WHEREAS, to provide a safe and efficient transportation system, the City of Eagan (City) is the lead agency partnering with the County on County Project (CP) 30-36; and

WHEREAS, by Resolution No. 18-565 (November 6, 2018), Dakota County initially partnered with the City of Eagan on CP 30-36 to develop an intersection improvement project on County State Aid (CSAH) 30 (Diffley Road) at Braddock Trail; and

WHEREAS, CP 30-36 was updated to include an expanded scope in partnership between Dakota County, City and Independent School District 196 to address safety and mobility needs for all travelers along CSAH 30 (Diffley Road) from Lexington Avenue to Braddock Trail, including Northview Elementary, Dakota Hills Middle School and Eagan High Schools sites and nearby neighborhood connections; and

WHEREAS, the joint powers agreement for CP 30-36 will be amended to reflect the additional scope of work including additional consultant services with the City's consultant; and

WHEREAS, funding is available for the project consultant services for CP 30-36; and

WHEREAS, staff recommends amending the joint powers agreement with the City to update project costs and responsibilities associated with CP 30-36.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an amendment to joint powers agreement with the City of Eagan to update project design scope associated with County Project 30-36, subject to approval by the County Attorney's Office as to form.

Ayes: 7

Nays: 0

20-053

Scheduling Of Public Hearing To Receive Comments On County Project 70-23 In Lakeville

WHEREAS, Dakota County (County) and the City of Lakeville (City) are partnering on County Project (CP) 70-23; and

WHEREAS, CP 70-23 includes the segment of County State Aid Highway (CSAH) 70 from Kensington Boulevard/Kenrick Avenue to CSAH 23 (Cedar Avenue); and

WHEREAS, the purpose of the project is to improve safety, operations, and capacity along a primary truck corridor; and

WHEREAS, to address the purpose of the project, the County is proposing to expand CSAH 70 to a four-lane divided-highway, modify access through the use of raised median and local street extensions, construct trails, and add turn lanes; and

WHEREAS, the County is the lead agency for CP 70-23 with construction scheduled to begin in summer 2020; and

WHEREAS, CP 70-23 has been awarded \$14,000,000 in federal funding; and

WHEREAS, additional travel lanes are proposed to be constructed on the 3.7-mile segment of CSAH 70; and

WHEREAS, an Environmental Assessment and Environmental Assessment Worksheet (EA/EAW) is necessary to satisfy federal and state requirements on the project; and

WHEREAS, an EA/EAW for the project was completed on January 7, 2020 and published in the Minnesota Environmental Quality Board Monitor on January 13, 2020; and

WHEREAS, a public notice regarding a 30-day comment period for the EA was also published in local newspapers; and

WHEREAS, staff is requesting to schedule a public hearing to provide an opportunity for a hearing as part of the 30-day public comment period.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing for February 4, 2020, at 9:00 a.m. in the Boardroom, Dakota County Administration Center, 1590 Highway 55, Hastings, Minnesota.

Ayes: 7

Nays: 0

20-054

Award Of Bid And Authorization To Execute Contract With Meisinger Construction Company, Inc., To Provide General Contractor Services For Countywide Buildings Fall Protection Project

WHEREAS, the 2020–2024 Building Capital Improvement Program (CIP) Adopted Budget authorized the renovation of the Countywide Buildings Fall Protection Improvements project with a total project budget of \$465,000; and

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WHEREAS, the design team, led by Kodet Architectural Group, met with staff to develop the design for the Countywide Buildings Fall Protection Improvements; and

WHEREAS, the project was originally planned to occur in two phases in 2019 and 2020; and

WHEREAS, the low and sole bidder for the phase 1 improvements withdrew their bid after award and did not execute the contract and the project was redesigned and rebid as one single phase and scope in late 2019; and

WHEREAS, bid documents and specifications were prepared by Kodet Architectural Group and advertised on December 19, 2019; and

WHEREAS, three competitive bids were received on January 9, 2020; and

WHEREAS, Meisinger Construction Company, Inc., has submitted a bid of \$651,100; and

WHEREAS, staff and Kodet Architectural Group reviewed the qualifications of the bidder and recommend award to Meisinger Construction Company, Inc., as the lowest responsive and responsible bidder, in an amount not to exceed \$651,100 for the Countywide Buildings Fall Protection Improvements project; and

WHEREAS, funds in the amount of \$465,000 are available within the 2020-2024 Building CIP Adopted Budget for this project; and

WHEREAS, additional funding is available in the recently completed Pleasant Hill Library Renovation project to supplement the Countywide Buildings Fall Protection Improvements project and ensure compliance with the latest Occupational Safety and Health Administration (OSHA) rules.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract with Meisinger Construction Company, Inc., 121 Bridgepoint Way, South St. Paul, MN 55075 in an amount not to exceed \$651,100, for the Countywide Buildings Fall Protection Improvements project, substantially as presented and attached, 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 amends the 2020 Building Capital Improvement Program Adopted Budget as follows:

Expense	
Pleasant Hill Library Renovation (B30026)	(\$248,000)
Countywide Buildings Fall Protection (B70075)	<u>\$248,000</u>
Total Expense	\$0

Ayes: 7

Nays: 0

20-055

Authorization To Reject Bids For 2019 Uninterruptible Power Supply Replacement At Dakota Communications Center

WHEREAS, the 2019–2023 Building Capital Improvement Program (CIP) Adopted Budget includes replacement of the existing two building uninterruptible power supply systems for the Dakota Communications Center; and

WHEREAS, County staff and Engineering Design Initiative (EDI) prepared bid documents and specifications; and

WHEREAS, two competitive bids were received on October 3, 2019, but one bid contained two alternative pricing options; and

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WHEREAS, there were inconsistencies in the bidding documents resulting in one bidder providing two prices; and

WHEREAS, staff worked with the County Attorney's Office and determined that rejecting these two bids was the preferred approach; and

WHEREAS, staff will work with EDI to clarify the bidding documents, so all bidders will have a clear understanding of the work and the project will be rebid in February 2020; and

WHEREAS, staff recommends rejection of the two bids.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to reject the two bids for the 2019 Uninterruptible Power Supply Replacement at the Dakota Communications Center.

Ayes: 7

Nays: 0

20-056

Authorization To Execute Lease Agreement Amendment With State Of Minnesota Department Of Administration On Behalf Of Minnesota Department Of Employment And Economic Development For Office Space At Northern Service Center

WHEREAS, the Dakota County Board of Commissioners must approve all leases and license agreements; and

WHEREAS, the State of Minnesota Department of Employment and Economic Development (DEED) uses space in the Northern Service Center to provide Workforce Center and related services; and

WHEREAS, DEED has used space in the Northern Service Center since 2002; and

WHEREAS, one of the larger DEED service provider units has vacated the space effective December 2019 and therefore DEED will be leasing less space starting January 1, 2020; and

WHEREAS, the Vocational Rehabilitation Services (VRS) unit of DEED moved from the Northern Service Center to a site in Woodbury, Minnesota in December 2019; and

WHEREAS, this departure changed the amount of space leased by DEED considerably, from 4,519 to 1,398 square feet and a seventy percent decrease in lease revenue for the office space; and

WHEREAS, the VRS departure will change how their staff meet clients; and

WHEREAS, their current plan is to meet clients in public places, such as coffee shops and libraries; and

WHEREAS, DEED desires to continue to use approximately 1,398 square feet of space in the Northern Service Center through December 31, 2020; and

WHEREAS, should DEED and the County agree to extension terms, the lease will automatically renew for 2021 and 2022; and

WHEREAS, staff and DEED have agreed to lease terms for the space use in accordance with the attached agreement; and

WHEREAS, the 2020 lease rates are \$22.11 per square foot annually, an increase of one and one-half percent over the 2019 rates; and

WHEREAS, each subsequent extension has a compounding one and one-half percent rate increase over the

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prior year; and

WHEREAS, rates are consistent with comparable County space; and

WHEREAS, the lease rates cover costs associated with the cleaning, maintenance, phones/telecommunications, and utilities within the space.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a Lease Agreement with the State of Minnesota Department of Employment and Economic Development for approximately 1,398 square feet of rentable office space located at the Northern Service Center in West St. Paul, Minnesota, substantially as presented, for the period from January 1, 2020 through December 31, 2020, including two possible one-year extensions, subject to approval of the County Attorney's Office as to form.

Ayes: 7

Nays: 0

20-057

Authorization To Execute Lease Agreement Between Dakota County And Hennepin County Medical Examiner For Office Space Located At Western Service Center

WHEREAS, the Dakota County Board of Commissioners must approve all leases; and

WHEREAS, the Hennepin County Medical Examiner's Office has leased approximately 120 rentable square feet of office space at the Western Service Center since July 1, 2013; and

WHEREAS, the Hennepin County Medical Examiner's Office desires to execute a lease agreement for approximately 120 rentable square feet of office space at the Western Service Center; and

WHEREAS, staff from Facilities Management and the Hennepin County Medical Examiner's Office have agreed to lease terms for the office space needs of the Hennepin County Medical Examiner's Office; and

WHEREAS, the rental rates incorporate a two percent increase in rent per year for each year of the lease, sufficient to cover County costs for cleaning, maintenance, and utilities for the leased space; and

WHEREAS, the lease terms provide for a 30-day notice of termination, should the County need the space for other County purposes, or if the contract for Hennepin County Morgue and Medical Examiner Services is terminated; and

WHEREAS, the County Board finds that the lease is consistent with the County's interest in cooperating with the Hennepin County Medical Examiner's Office to provide office space in the Dakota County Western Service Center.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a lease agreement with the Hennepin County Medical Examiner's Office for use of approximately 120 square feet of rentable space at the following rate in the Western Service Center, for the period of January 1 through December 31, 2020, with automatic extension for up to two additional one-year terms, unless either party provides notice of termination, at the following rental rates:

January 1 through December 31, 2020 \$2,740.63 per year, or \$228.39 per month
January 1 through December 31, 2021 \$2,795.44 per year, or \$232.95 per month
January 1 through December 31, 2022 \$2,851.35 per year, or \$237.61 per month

Subject to approval of the County Attorney's Office as to form.

Ayes: 7

Nays: 0

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20-058

Authorization To Execute Contract With Donlar Construction Company And Amend Project Budget For Judicial Center Public Restroom Remodel Project

WHEREAS, the 2020–2024 Building Capital Improvement Program (CIP) Adopted Budget includes a project to renovate and upgrade the large public restrooms on the main and upper levels of the Judicial Center; and

WHEREAS, the Countywide ADA/Accessibility and Barrier Removal Plan calls for improvements to make all County facilities ADA accessible and barrier-free; and

WHEREAS, the renovation and upgrade of these public restrooms will bring them into current code and ADA accessibility compliance; and

WHEREAS, bid documents were prepared by Wold Architects and Engineers; and

WHEREAS, seven competitive bids were received on November 14, 2019; and

WHEREAS, Donlar Construction Company has submitted the lowest responsive and responsible bid of \$418,300; and

WHEREAS, staff has reviewed the qualifications of the low bidder and recommends award to Donlar Construction Company as the lowest responsive and responsible bidder in an amount not to exceed \$418,300 for the Judicial Center Public Restroom Remodel Project; and

WHEREAS, funds in the amount of \$403,200 are available within the 2020–2024 Building CIP Adopted Budget for this project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract with Donlar Construction Company, 550 Shoreview Park Road, Shoreview, MN for the Judicial Center Public Restroom Remodel Project, in an amount not to exceed \$418,300; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2020 Building Capital Improvement Program budget as follows:

Expense	
Heritage Library and License Center Renovation (B30029)	(\$100,000)
Judicial Center Public Restrooms Renovation (B10061)	<u>\$100,000</u>
Total Expense	\$0

Ayes: 7

Nays: 0

20-059

Authorization To Acquire Conservation Easement On Trilva Melbo Property

WHEREAS, one of the largest and most diverse, contiguous unprotected forests, locally known as “Hampton Woods,” is located in Hampton and Castle Rock townships in southern Dakota County; and

WHEREAS, the oak forest of Hampton Woods was of such high ecological quality that it was recommended for inclusion in the State Scientific and Natural Area Program by the Minnesota Department of Natural Resources (DNR) in 1994; and

WHEREAS, by Resolution No.15-357 (July 7, 2015), the County Board authorized the establishment of the new state Hampton Woods Wildlife Management Area (WMA) within Castle Rock and Hampton townships; and

WHEREAS, the County previously acquired the former Rose M. Kuntz Estate, Uselmann/Bakalars, and Dove

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Creek LLC properties, totaling 197 acres, and conveyed them to the DNR for the new WMA; and

WHEREAS, by Resolution No.19-621 (July 23, 2019), the County approved the acquisition of the Toohey/Gustafson property and will be acquiring the 10-acre property in January 2020 and conveying it to the DNR as an addition to the WMA; and

WHEREAS, Trilva Melbo (Melbo) has agreed to sell a permanent natural area conservation easement (Easement) on a 4.4-acre portion of her property for \$10,200; and

WHEREAS, the estimated total acquisition cost of the Easement is \$11,200, including an estimated \$1,000 for closing costs; and

WHEREAS, the County received a Minnesota Law 2018 (ML18) Outdoor Heritage (OH) funding appropriation to protect wildlife habitat through fee title and conservation easement acquisition and to restore and enhance protected land; and

WHEREAS, \$6,000 of ML18 OH funds would be used to acquire the Easement on the Melbo property; and

WHEREAS, the Friends of the Mississippi River (FMR) has agreed to contribute \$3,000 toward the acquisition cost of the Easement on the Melbo property; and

WHEREAS, a Notice of Funding Restriction for the Easement on the Melbo property must be executed by the County Board Chair and recorded prior to ML18 OH funding reimbursement by the State of Minnesota; and

WHEREAS, the estimated five-year natural resource restoration cost for the Easement area is \$28,000; and

WHEREAS, Melbo is willing to commit 25 percent or an estimated \$7,000 to implement priority natural resource management improvements to the Easement; and

WHEREAS, the estimated County cost, including available ML18 OH funds and County grant match for restoration, is \$21,000; and

WHEREAS, amendments to the 2020 Environmental Resources (ER) Capital Improvement Program (CIP) budget is required to acquire and restore the Easement on the Melbo property.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the expenditure of up to \$11,200, including an estimated \$1,000 for closing costs, to acquire the 4.4-acre Easement on the Trivia Melbo (Melbo) property located within the boundary of the Hampton Woods Wildlife Management Area in Castle Rock Township; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a purchase agreement to acquire the Easement, 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 Board Chair to execute the Easement on the Melbo property and to execute a Notice of Funding Restriction as required for use of Minnesota Law 2018 (ML18) Outdoor Heritage (OH) grant funds for the Easement acquisition, 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 expenditure of up to \$21,000 to fully restore the 4.4-acre Easement on the Melbo property; and

BE IT FURTHER RESOLVED, That the 2020 Environmental Resources Capital Improvement Program budget is amended as follows:

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Expense

Acquisition – NA Easement on Melbo property (LC10054)	\$11,200
Acquisition - NA Easement on Melbo property - ML18 OH (LC00008)	(\$8,200)
Restoration - NA Easement on Melbo property (LC30027)	\$21,000
Restoration - NA Easement on Melbo property - ML18 OH (LC00008)	(\$21,000)
Total Expenses	\$3,000

Revenues

NA Easement on Melbo property (LC10054)	\$6,000
ML18 OH Grant (LC00008)	(\$6,000)
NA Easement on Melbo property (LC10054)	\$2,200
ML18 OH County Grant-Match (LC00008)	(\$2,200)
NA Easement on Melbo property (LC10054) Friends of Mississippi River	\$3,000
Restoration of Easement on Melbo property (LC30027)	\$16,800
ML18 OH Grant (LC00008)	(\$16,800)
Restoration of Easement on Melbo property (LC30027)	\$4,200
ML18 OH County Grant-Match (LC00008)	(\$4,200)
Total Revenue	\$3,000

; and

BE IT FURTHER RESOLVED, That following completion of the acquisition of the Easement on the Melbo property, staff will submit the necessary forms and documentation to the State of Minnesota to receive an estimated \$22,800 in ML18 OH reimbursement funds; and

BE IT FURTHER RESOLVED, That following acquisition of the Easement on the Melbo property, staff will submit the necessary forms and documentation to the Friends of the Mississippi River to receive an estimated \$3,000 in reimbursement funds; and

BE IT FURTHER RESOLVED, That reimbursement from the State of Minnesota and the Friends of the Mississippi River for the acquisition of the Easement on the Melbo property will be returned to the 2020 Environmental Resources Capital Improvement Program budget.

Ayes: 7

Nays: 0

REGULAR AGENDA

Operations, Management And Budget

20-060

Approval Of Resolution In Support Of 2020 Census

Management Analyst Jane Vanderpoel and Minnesota State Demographer/Head of Minnesota Demographic Center Susan Brower briefed this item and responded to questions. Additional Census information can be found at mn.gov/2020Census

Motion: Thomas A. Egan

Second: Joe Atkins

WHEREAS, for more than two centuries the federal government has been required by the U.S. Constitution to conduct a thorough count of the population of the nation every ten years, with the goal of counting every person once, only once, and in the right place; and

WHEREAS, the Dakota County Board of Commissioners is committed to ensuring that every resident of Dakota County is counted in the 2020 Census that begins in mid-March; and

WHEREAS, Dakota County's voluntary completion rates in the 2000 and 2010 Censuses were among the

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nation's highest; and

WHEREAS, more than \$15 billion annually in federal funding (more than \$2,800 per Minnesotan per year) is allocated to communities, based in part on population counts derived from the Census, including funds for health care, housing, transportation, community development, education, social services, and employment; and

WHEREAS, population counts derived from the Census determine how many seats each state will have in the U.S. House of Representatives, and are used to accurately and fairly re-draw district boundaries for elected officials at the federal, state and local levels; and

WHEREAS, every Census Bureau worker takes a lifetime oath to protect confidentiality of data collected in the Census, data about individuals cannot be released or shared for 72 years, and there has never been a breach of Census data security.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners supports the goals and ideals for the 2020 Census and therefore encourages all people who live in the County to participate in the Census by completing forms on line, by phone or on paper quickly and completely.

Ayes: 6

Nays: 1 Chris Gerlach

Physical Development

20-061

Authorization Of 2020 Landfill Host Community Environmental Legacy Fund Grant Pilot Program

Physical Development Deputy Director Erin Stwora briefed this item and responded to questions.

Motion: Liz Workman

Second: Chris Gerlach

WHEREAS, Dakota County collects landfill host fees to mitigate the negative effects of landfills; and

WHEREAS, those landfill host fees are deposited into the Environmental Legacy Fund, which supports programs and projects for the purposes of protection, preservation or enhancement of the environment; and

WHEREAS, Dakota County is initiating the 2020 Landfill Host Community Environmental Legacy Fund Grant Pilot Program to distribute up to three million dollars of funding to cities that host or are located in proximity to a landfill including the Cities of Burnsville, Coates, Inver Grove Heights, Rosemount and/or South St. Paul; and

WHEREAS, the application must be from the identified communities and must demonstrate how the proposed project(s) meet the purposes for the use of the Environmental Legacy Fund and County funding requirements; and

WHEREAS, eligible applications will demonstrate clear alignment with targeted themes and expenditure categories relating to:

- Economic development activities including land acquisition, demolition, and relocation through an agreement with the Dakota County Community Development Agency (CDA).
- Brownfield redevelopment activities, including land acquisition and remediation for park and greenway improvements connecting county/regional parks and greenways.
- Natural resource conservation and restoration projects.
- Activities supporting the Dakota County Solid Waste Master Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Landfill Host Community Environmental Legacy Fund Grant Pilot Program for 2020; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners will open the application period on January 22, 2020, with applications being due April 1, 2020.

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Ayes: 7

Nays: 0

20-062

Authorization To Execute Outdoor Heritage Fund Grant Agreement And Amend Environmental Resources Capital Improvement Program And Environmental Legacy Fund Budgets

Farmland Natural Area Program Manager Al Singer briefed this item and responded to questions.

Motion: Kathleen A. Gaylord

Second: Joe Atkins

WHEREAS, on November 4, 2008, Minnesota voters approved amending the Minnesota Constitution to dedicate land and water legacy funding to protect our drinking water sources to protect, enhance, and restore our wetlands, prairies, forests, and fish, game, and wildlife habitat; preserve our arts and cultural heritage; support our parks and trails; and protect, enhance, and restore our lakes, rivers, streams, and groundwater by increasing the sales and use tax rate beginning July 1, 2009, by three-eighths of one percent on taxable sales until the year 2034; and

WHEREAS, by State Statute, the Lessard-Sams Outdoor Heritage Council (LSOHC) was established and required to make recommendations to the Minnesota Legislature (Legislature) regarding the use of Outdoor Heritage (OH) funds to protect, enhance, and restore our wetlands, prairies, forests, and fish, game, and wildlife habitat; and

WHEREAS, Dakota County identified previously approved and identified future Land Conservation Program and other riparian and lakeshore habitat protection and restoration projects that best met the LSOHC project scoring criteria for highest funding consideration; and

WHEREAS, by Resolution No. 18-293 (May 22, 2018), the Dakota County Board of Commissioners approved submission of a \$4.2M grant request to the LSOHC for riparian and upland habitat protection and restoration projects; and

WHEREAS, the County submitted a \$4.2M OH grant request to the LSOHC; and

WHEREAS, the LSOHC reviewed the County's proposal and initially included \$2,516,000 for County funding in its 2018 recommendations to the 2019 Minnesota Legislature (ML); and

WHEREAS, the LSOHC subsequently recommended an additional \$1M for County funding in its 2018 recommendations to the 2019 ML; and

WHEREAS, the 2019 ML approved and appropriated \$3,516,000 of OH funds to the commissioner of natural resources [ML 2019, 1st Sp. Session, Ch. 2, Art. 1, Sec. 2, Subd. 5c Dakota County Habitat Protection and Restoration, Ph. VII] for an agreement with the County for acquisition of permanent easements and fee title land and enhancement and restoration of aquatic and associated upland habitat; and

WHEREAS, the LSOHC approved the "Dakota County Habitat Protection/Restoration Phase VII" Accomplishment Plan at its June 21, 2019, meeting; and

WHEREAS, the ML19 OH Grant Agreement is administered by the Minnesota Department of Natural Resources (DNR) 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, 2023, or five years after acquisition, whichever is later; 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 authorizes the Physical Development Director to execute the ML19 OH Grant Agreement [ML 2019, 1st Sp. Session, Ch. 2, Art. 1, Sec. 2, Subd. 5c Dakota County Habitat Protection and Restoration, Ph. VII] with the DNR to implement riparian and lakeshore protection and restoration/enhancement projects in Dakota County, subject to approval by

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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 ML19 OH Grant Agreement; and

BE IT FURTHER RESOLVED, That the County of Dakota shall act as the grantee for the \$3,516,000 ML19 OH Grant Agreement for riparian and lakeshore habitat protection and restoration projects in Dakota County; and

BE IT FUTHER RESOLVED, That the 2020 Environmental Resources Capital Improvement Program budget is hereby amended as follows:

Expense:

Wetlands & Water Retention Grant (WWR)	(\$1,800,000)
ML19 OH Grant	\$1,000,000
ML19 OH County Grant Match	\$ 159,000
Total Expense	(\$ 641,000)

Revenue:

Board of Water & Soil Resources	(\$1,000,000)
Use of Fund Balance – ELF (WWR)	(\$ 800,000)
State Funding – ML19 OH Grant	\$ 1,000,000
Use of Fund Balance – ELF	\$ 159,000
Total Revenue	(\$ 641,000)

; and

BE IT FUTHER RESOLVED, That the 2020 Environmental Legacy Fund budget is hereby amended as follows:

Revenue:

Reimburse ER CIP – WWR	\$800,000
Reimburse ER CIP	(\$159,000)
Use of Fund Balance – ELF (WWR)	(\$800,000)
Use of Fund Balance – ELF	\$159,000
Total Revenue	\$0

Ayes: 7

Nays: 0

Closed Executive Session

20-063

Authorization Of Settlement In The Matter Of Sharon Boone

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Joe Atkins

WHEREAS, Sharon Boone has filed a Charge of Discrimination (“Charge”) against Dakota County on the basis of age and race discrimination by her supervisor with the United States Equal Employment Opportunity Commission (“EEOC”) and is considering filing an action under Title VII of the Civil Rights Act of 1964 and/or the Minnesota Human Rights Act (MHRA); and

WHEREAS, the EEOC is investigating the Charge; and

WHEREAS, Dakota County has denied and continues to deny the Charge and any liability to Sharon Boone whatsoever; and

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WHEREAS, Dakota County and Sharon Boone have negotiated a proposed settlement of all claims with respect to her employment with Dakota County; and

WHEREAS, having examined the facts and the law, and taking into consideration the uncertain outcome of a trial and potential liability in this matter as weighed against the desirability of achieving finality, a settlement is appropriate; and

WHEREAS, settlement of claims in excess of \$30,000 require authorization by the Dakota County Board of Commissioners; and

WHEREAS, under the terms of the proposed settlement, in exchange for a general and complete release of all claims with respect to her employment with Dakota County, the County will pay Sharon Boone and her attorney \$299,750, the amount includes all attorney fees and costs; and

WHEREAS, any amount of the settlement attributed to wages will be subject to state and federal payroll tax requirements at the expense of the parties; and

WHEREAS, the Dakota County Attorney's Office recommends approval of the settlement as a fair and equitable resolution of the potential claims against the County in view of the time, additional expense and risk involved in litigating the claims as in the best interest of the County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves a full and final settlement with Sharon Boone, inclusive of all claims for attorney fees and costs, in the amount of \$299,750 and authorizes the County Attorney and County Manager to execute all the necessary documents to settle the matter on behalf of Dakota County.

Ayes: 7

Nays: 0

20-064

Closed Executive Session: Discussion Of Legal Strategy In Lutgens V. County Of Dakota, Et Al.

Motion: Thomas A. Egan

Second: Chris Gerlach

WHEREAS, former inmate Bryant Lutgens has sued Dakota County and its staff for alleged violation of the Establishment Clause in connection with a presentation at the Dakota County Jail on February 27, 2018; and

WHEREAS, the parties have been ordered to attend a settlement conference with a federal magistrate judge on February 5, 2020; and

WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to litigation strategy, the public disclosure of which would be detrimental to Dakota County's defense of this matter; and

WHEREAS, pursuant to Minn. Stat. § 13D.05, subd. 3(b), the County Board by resolution may close a meeting as permitted by the attorney-client privilege.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board meeting on January 21, 2020, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, to discuss with the County Attorney the legal strategy of defending Dakota County and its staff in the Lutgens v. County of Dakota, et al. lawsuit.

Ayes: 7

Nays: 0

The time being 9:38.m. and pursuant to public notice, the County Board convened in Conference Room 3A to hold a Closed Executive Session to discuss with the County Attorney the legal strategy of defending Dakota County and its staff in the Lutgens v. County of Dakota, et al. lawsuit.

The following were present:

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Commissioner Mike Slavik, District 1
Commissioner Kathleen A. Gaylord, District 2
Commissioner Thomas A. Egan, District 3
Commissioner Liz Workman, District 5
Commissioner Mary Liz Holberg, District 6
Commissioner Chris Gerlach, District 7
Matt Smith, County Manager
Tom Donely, First Assistant County Attorney
Jeni Reynolds, Sr. Administrative Coordinator to the Board
James Backstrom, County Attorney
Jacqlyn Warner, Assistant County Attorney
Will Topka, Assistant County Attorney
Chief Deputy Sheriff Joseph Leko
Commander Patrick Enderlein
Andrew Benish, Employee Relations Director
Jenny Groskopf, Claims Consultant
Kelly Willner, Risk/Safety Specialist

The Closed Executive Session continued until 9:53 a.m., at which time the Board reconvened in the Boardroom with all members present.

Interagency Announcements/Reports

Interagency announcements and reports were then presented.

County Manager's Report

County Manager Matt Smith gave a brief update on Point in Time. January 22, 2020 will be the Point in Time (PIT) homeless count. The PIT count is HUD's annual count of people experiencing homelessness in our community. The count helps us measure and monitor trends and changes in homelessness on local and national levels, as well as identify needed resources and funding. Ally Supportive Services outreach staff will be conducting PIT surveys in Dakota County again this year. They will be doing outreach at truck stops, transit stations, parking lots and other sites where people may be living outdoors.

Information

See Attachment A - Future Board Meetings And Other Board Activities

20-065

Adjournment

Motion: Thomas A. Egan

Second: Kathleen A. Gaylord

On a motion by Commissioner Thomas A. Egan, seconded by Commissioner Kathleen A. Gaylord, the meeting was adjourned at 10:09 a.m.

Mike Slavik
Chair

ATTEST

Matt Smith
County Manager