

February 25, 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.

20-082

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: Kathleen A. Gaylord

On a motion by Commissioner Thomas A. Egan, seconded by Commissioner Kathleen A. Gaylord, the consent agenda was unanimously approved as follows:

20-083

Approval Of Minutes Of Meeting Held On February 4, 2020

Items Recommended By Board Committee

20-084

Authorization To Execute Contract For Emergency Shelter Services With Dakota Woodlands Using Emergency Assistance Funding

WHEREAS, the housing section in the Social Services Department contracts for services across the housing service continuum, including for emergency shelter; and

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WHEREAS, in order to ensure high quality services, a Request for Proposals was issued on September 11, 2017, for multiple housing services, including emergency shelter for families; and

WHEREAS, a review committee comprised of staff from across Community Services, the Community Development Agency, and the community reviewed and scored proposals and one vendor applied for family shelter services; and

WHEREAS, Dakota Woodlands, a 22-room shelter in Eagan, was approved through this process to receive County levy funds for emergency shelter services for families; and

WHEREAS, by Resolution No. 19-850 (November 26, 2019), the Dakota County Board of Commissioners authorized a contract with Dakota Woodlands for emergency shelter services for \$150,860 for the period of January 1, 2020 through December 31, 2020; and

WHEREAS, due to the current mix of funding flowing to Dakota Woodlands, levy funds issued in the 2020 contract will be used to offset costs for children not covered by Emergency Assistance; and

WHEREAS, Emergency Assistance pays for up to 60 days of emergency shelter services at Dakota Woodlands for children eligible for Emergency Assistance funding and has done so historically without a contract in place; and

WHEREAS, to ensure high quality services and accountability, staff now recommends entering into a contract with Dakota Woodlands for emergency shelter services for children eligible for Emergency Assistance funding in an amount not to exceed \$187,500 for the period of March 1, 2020 through December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Dakota Woodlands for emergency shelter services funded through Emergency Assistance for children in an amount not to exceed \$187,500 for the period of March 1, 2020 through December 31, 2020, 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 contract, within the amount budgeted, to alter the number and types of clients served, types of services provided, service expectations and rates, and the contract term, consistent with County contracting policies; 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 state or federal sources are not appropriated at a level sufficient to allow payment of the amounts due.

20-085

Authorization To Respond To Request For Assessment Of Need/Letter Of Support From Gateway Recovery

WHEREAS, under Minn. Rules, Part 9530.6800, the need for additional or expanded chemical dependency treatment programs must be determined, in part, based on the recommendation of the county board of commissioners of the county in which the program will be located and the documentation submitted by the applicant at the time of application to the Minnesota Department of Human Services (DHS) for licensing; and

WHEREAS, under Minn. Rules, Part 9530.6810, when an applicant for licensure for chemical dependency treatment services requests a written statement of support for a proposed chemical dependency treatment program, the county board of commissioners of the county in which the proposed program is to be located shall submit a statement to the DHS Commissioner that either supports or does not support the need for the applicant's program; and

WHEREAS, on January 6, 2020, Dakota County received a request from Drew Horowitz, Owner, Gateway Recovery, requesting a written statement that supports the need for the program; and

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WHEREAS, local needs assessment information suggests a need for the type of chemical dependency treatment services proposed; and

WHEREAS, Dakota County is not taking any position about Gateway Recovery's qualifications or ability to meet identified needs; and

WHEREAS, the DHS will process Gateway Recovery's request for a license to provide services in their location in Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to issue a letter to the Minnesota Department of Human Services stating the following; "Please consider this letter as Dakota County's support for a chemical dependency treatment program in Dakota County as proposed by Gateway Recovery."

20-086

Authorization To Continue DakotaLink Transportation Pilot And Execute A Contract With Minnesota Coaches, Incorporated, Db, Hastings Bus Company

WHEREAS, by Resolution No. 19-680 (August 20, 2019), the Dakota County Board of Commissioners authorized a Phase II Transportation pilot for a six-month period for loop transportation to and from Hastings three times per day, and the pilot was for individuals accessing Dakota County and District Court services or leaving jail; and

WHEREAS, as a result, staff executed a six-month contract with the Hastings Bus Company to provide transportation services for the DakotaLink Transportation Pilot in a contract not to exceed amount of \$60,870 for the period of September 1, 2019 through March 31, 2020, and used Budget Incentive Program (BIP) funds to fund this pilot; and

WHEREAS, DakotaLink stops at the Hastings Judicial Center, Cedar Grove Transit Center, and Signal Hills Shopping Center, and makes three loops per day; and

WHEREAS, the transportation loop assists individuals leaving jail to reach public transportation hubs throughout the County and it also assists individuals in accessing Dakota County services as well as District Court services; and

WHEREAS, staff recommends continuing the DakotaLink Transportation Pilot for an additional twelve months beginning on April 1, 2020 through March 31, 2021, and executing a new contract with the Hastings Bus Company in a not to exceed contract amount of \$121,740 for that time period; and

WHEREAS, staff also recommends allowing public ridership during this new phase of the pilot to maximize utilization of the bus service; and

WHEREAS, during the first six months of this phase, staff will explore options for revenue collection from public ridership, such as farebox recovery, partnerships with local cities, etc.; and

WHEREAS, these options will be reported back to the County Board in September 2020 for consideration and approval.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to continue the DakotaLink Transportation Pilot for another twelve-months, allowing the general public to ride the loop services, beginning April 1, 2020 through March 31, 2021; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Minnesota Coaches, Incorporated, dba, Hastings Bus Company, in a contract not to exceed amount of \$121,740 for the period of April 1, 2020 through March 31, 2021; and

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BE IT FURTHER RESOLVED, That \$60,870 of the contract expense will be funded with Community Services Budget Incentive Program funds and the remaining \$60,870 of the contract expense will be funded with the Transportation Sales and Use Tax; and

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

20-087

Approval Of Public Art Citizen Advisory Committee And Library Advisory Committee 2020 Work Plans

WHEREAS, County Policy states that citizen advisory committees are required to consult annually with the County Board to seek concurrence regarding the topics they will study or which they advise the County Board; and

WHEREAS, the Public Art Citizen Advisory Committee and the Library Advisory Committee have discussed and drafted potential directions for their efforts in 2020; and

WHEREAS, staff recommends that the Public Art Citizen Advisory Committee and the Library Advisory Committee 2020 work plans be approved.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the Public Art Citizen Advisory Committee and the Library Advisory Committee 2020 work plans.

20-088

Authorization To Execute Master Services Agreement With Elavon Inc., For Electronic Payment Processing And Professional Services

WHEREAS, credit card acceptance is a universally recognized and accepted method of payment in public and private sectors; and

WHEREAS, Minn. Stat. § 471.381 authorizes counties to accept credit card, debit card, or other electronic payments; and

WHEREAS, the Dakota County Board of Commissioners adopted Policy 2255 Credit Card & Electronic Payment Acceptance; and

WHEREAS, pursuant to Minn. Stat. § 276.02, the County Board of Commissioners authorized the acceptance of electronic payments of real property taxes by Resolution No. 01-228 and the Public Services and Revenue Division currently accepts electronic payments for real property taxes and assesses a convenience fee commensurate with the costs of providing the service; and

WHEREAS, pursuant to Minn. Stat. § 16A.626, the Public Services and Revenue Division currently accepts electronic payment as a State of Minnesota Deputy Registrar through the State contract and assesses a convenience fee as determined by the State; and

WHEREAS, pursuant to Minn. Stat. § 16A.626, the County must request a waiver by the Commissioner of Management and Budget to allow the County to negotiate its own contract for deputy registrar transactions, which must be approved by the Commissioner of Management and Budget; and

WHEREAS, Public Services and Revenue Division seeks to contract with a single electronic payment provider

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with services that integrate with the Division's current receipting system and Real Estate Management System;
and

WHEREAS, the Public Services and Revenue Division recommends expanding the acceptance of credit card and other electronic payment methods for all Public Services and Revenue transactions through the master services agreement with Elavon, Inc.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chief Information Officer to execute a contract with Elavon, Inc. for electronic payment processing and professional services for an initial five-year term at a monthly cost of \$35 and a one-time purchase price of \$14,580 for equipment, subject to approval by the County Attorney's Office as to form.

20-089

Approval Of Employee Relations Policy Modification - Addition Of Paid Parental Leave To County Policy 3242

WHEREAS, the Employee Relations Department periodically reviews and recommends revisions to policies and procedures in order to maintain and enhance the effective and responsive provision of human resource management functions in the County; and

WHEREAS, the last revisions to Policy No. 3242 Leaves of Absence were in December 2011 and October 2013; and

WHEREAS, Dakota County wishes to maintain competitive benefits and promote a healthy work/life balance for staff; and

WHEREAS, implementation of Paid Parental Leave for eligible County staff would be effective upon Board approval of changes to Policy 3242.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the proposed modifications to Policy No. 3242 Leaves of Absence as presented at the General Government and Policy committee on February 4, 2020; and

BE IT FURTHER RESOLVED, That the Employee Relations Director is hereby authorized to modify said policies accordingly.

20-090

Legislative Update And Approval Of Legislative Priorities

WHEREAS, the Minnesota Legislature will convene its 2020 session on February 11, 2020; and

WHEREAS, the interests of Dakota County and its citizens will be directly affected by the decisions of the 2020 Legislature; and

WHEREAS, at its meeting on January 7, 2020, the Legislative Advisory Workgroup reviewed and recommended the approval of two legislative positions related to groundwater exportation and county land ownership for conservation and/or environmental purposes.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby requests that the Minnesota State Legislature strengthen the regulatory oversight of groundwater appropriations to be exported out of Minnesota; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby requests that the Minnesota State Legislature authorize metro-area counties to acquire land for conservation and/or environmental purposes.

20-091

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Authorization To Execute Joint Powers Agreement With City Of Hastings To Operate Residential Organics Drop-Off Site

WHEREAS, Minn. Stat. § 471.59 authorizes local governmental units to jointly or cooperatively exercise any power common to the contracting parties; and

WHEREAS, Dakota County and the Municipality are governmental units as that term is defined in Minn. Stat. § 471.59; and

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 adopted the 2018–2036 Solid Waste Master Plan (Master Plan); and

WHEREAS, the Master Plan includes a strategy to expand opportunities for residential organics recovery; and

WHEREAS, the Master Plan includes a tactic to co-develop and provide assistance for residential organics drop-off sites with priority municipalities and/or partners until curbside organics collection is widely available; and

WHEREAS, the City of Hastings (City) has requested to provide a residential organics drop-off site in collaboration with the County; and

WHEREAS, Dakota County receives Select Committee on Recycling and the Environment (SCORE) funds from the state to implement landfill abatement programs; and

WHEREAS, Minn. Stat. § 115A.557 requires Dakota County to expend a portion of the state-allocated SCORE funds on organics programming; and

WHEREAS, allocated SCORE funds were used for residential organics drop-off sites at Thompson County Park (2016), Holland Lake (2017), Lakeville Water Treatment Facility (2019), and The Mulch Store (2019); and

WHEREAS, the City responsibilities include promotion and communications collaboration, compostable bag purchases, daily site monitoring and maintenance, and administration for invoicing and reimbursement; and

WHEREAS, County responsibilities include drop-off site construction and infrastructure installation; hauler service retention and management; maintaining a list of acceptable organic materials and guidelines; developing and providing promotion, communications materials, and training; reimbursing the City for recurring operational expenses; and administering participant recruitment, registration, and ongoing communication; and

WHEREAS, staff recommends executing a joint powers agreement with the City to operate a residential organics drop-off site for Dakota County residents for the period of March 1, 2020, to December 31, 2026, or until curbside collection of residential organics is widely available.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Manager, or designee, to execute a joint powers agreement with the City of Hastings to operate a residential organics drop-off site located at the Dakota County Highway Shop, 900 Highway 47 in the City of Hastings for the period of March 1, 2020, to December 31, 2025, or until curbside residential organics collection is offered in the City of Hastings and not to exceed \$25,396 for the six-year term as substantially presented on February 11, 2020, to the Physical Development Committee of the Whole, subject to approval by the County Attorney's Office as to form.

20-092

Authorization To Execute Joint Powers Agreements With Cities For Household Hazardous Waste Drop-Off Day Events

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WHEREAS, by Resolution No.18-493 (September 18, 2018) the Dakota County Solid Waste Master Plan (Master Plan) was adopted; and

WHEREAS, the Master Plan supports the Dakota County Board of Commissioner's desire to remove household hazardous waste (HHW) from the solid waste stream because of health, safety, and environmental concerns; and

WHEREAS, the Master Plan includes a strategy for proper HHW management opportunities in communities located in the County; and

WHEREAS, each year Dakota County requests feedback on community interest and ability to host a one-day HHW drop-off day event (HHW event) to promote ease of collection in each part of the County; and

WHEREAS, Dakota County has collaborated with cities for two to four HHW events each year since 1985 through approved joint powers agreements (JPA); and

WHEREAS, HHW events in 2020 have been requested by the Cities of Burnsville, Farmington, Hastings, and Lakeville; and

WHEREAS, the Cities of Burnsville, Farmington, Hastings, and Lakeville have identified the ability to provide the necessary facilities and resources to serve the vehicle-participants.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Environmental Resources Department Director to execute separate joint powers agreements with the Cities of Burnsville, Farmington, Hastings, and Lakeville to conduct household hazardous waste drop-off day events in 2020, subject to the availability of adequate funds, subject to review by the County Risk Manager, and subject to approval by the County Attorney's Office as to form.

20-093

Authorization To Execute Contract With Info-Tech Research Group, Inc. For Enterprise Resource Planning Software Selection Support

WHEREAS, Dakota County is looking for a reliable, efficient and cost-effective Enterprise Resource Planning (ERP) solution; and

WHEREAS, the County is looking for a business partner that specializes in ERP software solution research, selection and procurement processes; and

WHEREAS, Info-Tech Research Group has the proven ability to provide the expert ERP software solution research, selection and procurement processes required by the County; and

WHEREAS, the funds are available in the Information Technology Department budget; and

WHEREAS, Finance, Employee Relations, and Information Technology staff jointly recommend the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorize the Director of Operations, Management and Budget Division to execute a contract with Info-Tech Research Group, Inc. in an amount not to exceed \$111,000 for Enterprise Resource Planning software selection support, subject to approval by the County Attorney's Office as to form.

20-094

Authorization To Purchase Replacement Network Equipment For County Network

WHEREAS, network equipment are crucial components which connect County locations, computers and telephones to the core data network and Internet; and

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WHEREAS, replacing networking equipment proactively prevents the need to replace large sections of Dakota County's networking environment simultaneously; and

WHEREAS, Insight Public Sector quoted \$342,760.74, ConvergeOne quoted \$343,962.24, Computer Discount Warehouse - Government (CDW-G) quoted \$346,985.99, for 22 switches and 4 firewalls; and

WHEREAS, staff recommends purchasing the network hardware to upgrade aging network equipment from Insight Public Sector, which has provided the lowest quote of \$342,760.74.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chief Information Officer to contract with Insight Public Sector for purchase of network equipment for a total amount not to exceed \$342,760.74, subject to approval by the County Attorney's Office as to form.

County Board/County Administration

20-095

Delegation Of Authority For County Manager To Sign Waivers Of Conflict Of Interest And Consents For Representation

WHEREAS, the Dakota County Attorney's Office provides legal representation and advice to Dakota County and in accordance with County Policy 3440 in certain defined circumstances to County employees in connection with the employee's performance of the duties of their position with the County; and

WHEREAS, to ensure efficient determinations about legal representation are made in what are often time sensitive matters, a process is needed to have a timely review of the Waiver of Conflict of Interest and Consent to Representation; and

WHEREAS, the County Board desires to delegate to the County Manager the authority to sign a Waiver of Conflict of Interest and Consent for Representation with approval of the representation by the County Attorney pursuant to County Policy 3440.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby delegates to the County Manager the authority to sign a Waiver of Conflict of Interest and Consent For Representation, at such times as these shall become necessary for the Dakota County Attorney's Office to represent Dakota County and its employees in accordance with County Policy 3440, until such time as the County Board may rescind this delegation.

Operations, Management And Budget

Report On Invoices Paid In January 2020

This item was on the agenda for informational purposes only.

20-096

Authorization To Upgrade To Enterprise Licensing Model For OnBase

WHEREAS, OnBase has been the County's electronic document management system since 2005; and

WHEREAS, Information Technology staff have evaluated enterprise licensing model for OnBase as an alternative to the current licensing model; and

WHEREAS, additional modules included in the enterprise licensing for OnBase bring valuable efficiencies and capabilities for County business areas; and

WHEREAS, upgrading to an enterprise license model for OnBase will eliminate detailed license management

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saving staff time; and

WHEREAS, upgrading to an enterprise license model for OnBase will increase the scalability of our electronic content management system.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board hereby authorizes the Chief Information Officer to enter into a contract with DataBank IMX LLC for OnBase licensing for a term beginning March 1, 2020 through February 29, 2024 for an enterprise subscription-based licensing model for the County's electronic content management system, the license fee for year one is \$380,317.15 and \$461,388.40 for the three subsequent years of the contract.

20-097

Authorization To Amend Contract With Intertech Inc., For Professional Services For Criminal Justice Network

WHEREAS, the Dakota County Criminal Justice Network (CJN) provides applications and services to integrate select state and local criminal justice information through collaboration with local and state agencies; and

WHEREAS, the Dakota County CJN requires technical/professional services in the areas of development and implementation of applications software and systems for CJN applications and the Integration Hub; and

WHEREAS, Dakota County has contracted with Intertech, Inc., to provide technical/professional services focused on the upgrade of CJN's eForms application to meet state and federal National Incident Based Reporting System (NIBRS) requirements through the upgrade of eBriefing and Scheduling; and

WHEREAS, Dakota County desires to contract with Intertech, Inc., to continue the work relating to the development and implementation of applications software and systems for CJN applications for an additional \$80,000, resulting in a total contract amount not to exceed \$179,000; and

WHEREAS, there are funds included in the 2020 CJN Operating Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioner hereby authorizes the Operations, Management and Budget Director to execute an amendment to the contract with RBA, Inc., to extend the term of the contract to provide for additional professional services to the Criminal Justice Network and to provide additional compensation to Intertech, Inc., in the amount of \$80,000 for a total contract amount not to exceed \$179,000, subject to the approval by the County Attorney's Office as to form.

Physical Development

20-098

Authorization To Distribute Negative Declaration On Need For Environmental Impact Statement For County Project 70-23 In Lakeville

WHEREAS, the County of Dakota is the Responsible Governmental Unit for environmental review of County Project (CP) 70-23, the County State Aid Highway (CSAH) 70 Expansion project; and

WHEREAS, preparation of an Environmental Assessment Worksheet (EAW) is mandatory pursuant to Minnesota Rules 4410.4300, Subpart 22(B); and

WHEREAS, the County undertook an environmental review process to determine if CP 70-23 has the potential for significant environmental effects and prepared an Environmental Assessment and Environmental Assessment Worksheet (EA/EAW) pursuant to federal and state requirements; and

WHEREAS, the availability of the combined EA and EAW was officially noticed on January 13, 2020, in the EQB Monitor; and

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WHEREAS, a public hearing on the contents of the environmental document was held on February 4, 2020 at the County Board meeting; and

WHEREAS, comments on the EAW were received through February 13, 2020; and

WHEREAS, staff has reviewed all of the comments made at the public hearing and received during the comment period; and

WHEREAS, no federal or state or local agencies that submitted comments requested that an Environmental Impact Statement be prepared for CP 70-23.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby makes the following specific findings of fact based upon the Environmental Assessment Worksheet (EAW):

1. Dakota County is proposing to reconstruct approximately four miles of existing two-lane rural roadway to a four-lane divided roadway with pedestrian and bicycle facilities and extension of 220th Street in the City of Lakeville.
2. The project falls within the mandatory EAW category of Minnesota Rules part 4410.4300, Subp. 22-Highway Projects (B) for construction of additional travel lanes on an existing road for a length of one or more miles.
3. The County of Dakota is the Responsible Governmental Unit (RGU) and the project proposer.
4. The EAW was prepared using the form approved by the Minnesota Environmental Quality Board in accordance with Minnesota Rules Part 4410.1300.
5. The EAW is incorporated by reference in the Record of Decision.
6. The EAW was published in the Environmental Quality Board (EQB) Monitor on January 13, 2020. A copy of the EAW was sent to all persons on the EQB Distribution List. Hard copies of the EAW were also available for public viewing at the Heritage Library in the City of Lakeville, the Dakota County Western Service Center, and were made available upon request.
7. The 30-day public review and comment period opened on January 13, 2020 and ended on February 13, 2020. Three written comments were received from the following agencies: United States Environmental Protection Agency, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency. No other comments were received. Responses to comments are attached. No significant impacts have been identified.
8. A public hearing was held on February 4, 2020, during the 30-day comment period. No comments were made at the hearing. Notice of the public hearing was published in the Star Tribune on January 31, 2020 and on the public notice section of the Dakota County website.

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby concludes that, based upon the information gathered during the environmental review process and all comments received, the project does not have the potential for significant environmental effects and an Environmental Impact Statement is not needed for CP 70-23, as currently proposed; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the distribution of a negative declaration on the need for an Environmental Impact Statement to all parties included in the EAW distribution list and to all persons that commented in writing during the 30-day review period.

20-099

Authorization To Execute Joint Powers Agreements With Cities Of West St. Paul And Inver Grove Heights For City Utility Repairs In 2020 County Pavement Preservation Projects

WHEREAS, Dakota County is the lead agency for 2020 pavement preservation (mill & overlay) projects, which includes work on County State Aid Highway (CSAH) 14 (Mendota Road) in Inver Grove Heights and West St. Paul, CSAH 26 (70th Street) in Inver Grove Heights, CSAH 28 (80th Street) in Inver Grove Heights, and CSAH 73 (Babcock Trail) in Inver Grove Heights and West St. Paul, identified as County Projects 14-33, 26-61, 28-61, and

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73-33; and

WHEREAS, the City of West St. Paul has reviewed their utilities on these roadways and have determined that repairs are needed to drainage structures and sanitary sewer manholes in County Project 14-33; and

WHEREAS, the City of Inver Grove Heights has reviewed their utilities on these roadways and have determined that repairs are needed to drainage structures, sanitary sewer manholes, and gate valves in County Projects 14-33, 26-61, 28-61, and 73-33; and

WHEREAS, the Cities have requested that city utility repairs on these roadways be included with the County's overlay program; and

WHEREAS, by Resolution No. 13-445 (August 27, 2013), the County and the City of West St. Paul and the County and the City of Inver Grove Heights entered into separate agreements for storm sewer (drainage) system repairs in County overlay projects in their respective Cities; and

WHEREAS, a separate joint powers agreement with the City of West St. Paul is necessary to define the roles and responsibilities of each agency for sanitary sewer repairs in County Project 14-33; and

WHEREAS, a separate joint powers agreement with the City of Inver Grove Heights is necessary to define the roles and responsibilities of each agency for sanitary sewer and water system repairs in County Projects 14-33, 26-61, 28-61, and 73-33; and

WHEREAS, the Cities will reimburse the County for all costs associated with sanitary sewer and water system repairs in accordance with 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 West St. Paul for engineering, construction, and maintenance responsibilities for sanitary sewer repairs in County Project 14-33 and the reimbursement of costs by the City of West St. Paul to Dakota County, 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 Inver Grove Heights for engineering, construction, and maintenance responsibilities for sanitary sewer and water system repairs in County Projects 14-33, 26-61, 28-61, and 73-33 and the reimbursement of costs by the City of Inver Grove Heights to Dakota County, subject to approval by the County Attorney's Office as to form.

20-100

Award Of Bid And Authorization To Execute Contract With Fitzgerald Excavating And Trucking Inc. For Bridge Replacement Project In Vermillion Township, County Project 97-25

WHEREAS, to promote safe and efficient transportation, the County is assisting Vermillion Township with the replacement of deficient bridge L3234 with new bridge 19J56 located on Lewiston Boulevard just south of 205th Street, County Project (CP) 97-25; and

WHEREAS, the 2020 Transportation Capital Improvement Program Adopted Budget includes \$200,000 (\$180,000 Town Bridge and \$20,000 Vermillion Township) for a new bridge in CP 97-25; and

WHEREAS, the bid of Fitzgerald Excavating & Trucking Inc. in the amount of \$159,033.00 was the lowest responsive and responsible bid received; and

WHEREAS, the Minnesota Department of Transportation has notified the County that \$149,033.00 in Town Bridge Account funds are available for this project; and

WHEREAS, Dakota County will have no cost responsibility in this project, and Vermillion Township's share will be

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\$20,000 (\$10,000 construction and \$10,000 engineering) in accordance with the joint powers agreement for the project; and

WHEREAS, staff recommends awarding the bid to Fitzgerald Excavating & Trucking Inc.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with Fitzgerald Excavating & Trucking Inc. for County Project 97-25 in the amount of \$159,033.00 based on their low bid, subject to approval by the County Attorney's Office as to form.

20-101

Approval Of Final Plats Recommended By Plat Commission

WHEREAS, new subdivisions adjoining County highways are reviewed under the Dakota County Contiguous Plat Ordinance No. 108; and

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

WHEREAS, the Plat Commission has reviewed and recommends approval of the final plats by the County Board; and

WHEREAS, the final plat approval by the County Board is subject to the conditions established by the Plat Commission review; and

WHEREAS, the following plats below require approval by their respective City Council prior to the recording of the plats.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following final plats:

BENNETT BLUFFS

Lakeville

20-102

Award Of Bid And Authorization To Execute Contract With SEH, Incorporated For Design Engineering Services For County State Aid Highway 23 Pedestrian Overpass, County Project 99-012

WHEREAS, to provide a safe and efficient transportation system, Dakota County and the City of Apple Valley are proceeding with County Project (CP) 99-012; and

WHEREAS, CP 99-012 is the County State Aid Highway (CSAH) 23 Pedestrian Overpass at 140th Street in Apple Valley; and

WHEREAS, the Transportation Department sent a Request for Proposals to four qualified professional consultants; and

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

WHEREAS, the proposal from SEH, Inc., was the most responsive to the proposal, with the best value costs for the Study; and

WHEREAS, staff representing the City of Apple Valley concur with this recommendation; and

WHEREAS, the 2020 Transportation Sales and Use Tax Capital Improvement Program Budget includes \$315,000 for CP 99-012 engineering consulting services with a local contribution of \$55,000; and

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WHEREAS, the County Engineer recommends execution of a contract with SEH, Inc., for engineering consulting services for CP 99-012 for actual costs not to exceed \$332,468.

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 99-012 in an amount not to exceed \$332,468, subject to approval by the County Attorney's Office as to form.

20-103

Award Of Bid And Authorization To Execute Contract With TMG Construction, Inc. For Construction Of Community Services Division Space Needs Project

WHEREAS, the systemwide office space study that was completed in 2018 identified adequate space to meet the County's long-term space needs; and

WHEREAS, the existing office space is not being used as efficiently as possible; and

WHEREAS, the Community Services Division Core Team identified and prioritized areas to be improved within various departments; and

WHEREAS, this Project will renovate existing space to improve space usage and efficiency while maintaining staff's ability to deliver services to the public; and

WHEREAS, bid documents were prepared by Gensler; and

WHEREAS, the Project was formally advertised from January 9, 2020, to January 30, 2020; and

WHEREAS, ten competitive bids were received on January 30, 2020; and

WHEREAS, TMG Construction, Inc. has submitted the low bid of \$296,500; and

WHEREAS, staff and the design consultant have reviewed the qualifications of the low bidder and recommend award to TMG Construction, Inc. as the lowest responsive and responsible bidder in an amount not to exceed \$296,500 for the Community Services Division Space Needs Project; and

WHEREAS, sufficient funds are available within the 2020 Building Capital Improvement Program 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 TMG Construction, Inc., 576 Front Ave., St. Paul, MN for the Community Services Division Space Needs Project, in an amount not to exceed \$296,500, subject to approval by the County Attorney's Office as to form.

20-104

Ratification Of Quarterly Entitlement Funding Requests To U.S. Department Of Housing And Urban Development

WHEREAS, the Dakota County Community Development Agency (CDA) administers the Community Development Block Grant (CDBG) program, HOME Investment Partnerships (HOME) program, and Emergency Solutions Grant (ESG) program for Dakota County; and

WHEREAS, funds expended from previously approved projects for Fiscal Years 2016–2019 of the CDBG, HOME, and ESG programs must be ratified by the Dakota County Board of Commissioners; and

WHEREAS, the CDBG Entitlement expenses during the timeframe of October 1, 2019–December 31, 2019

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totaled \$587,256.81; and

WHEREAS, the HOME Entitlement expenses during the timeframe of October 1, 2019–December 31, 2019 totaled \$346,986.40; and

WHEREAS, the ESG Entitlement expenses during the timeframe of October 1, 2019–December 31, 2019 totaled \$18,428.40; and

WHEREAS, the CDA has paid the requests for payment associated with the CDBG, HOME, and ESG programs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the requisitions to the U.S. Department of Housing and Urban Development for \$952,671.61 for October 1, 2019–December 31, 2019 as presented.

REGULAR AGENDA

County Board/County Administration

20-105

Appointment To Extension Committee

Motion: Thomas A. Egan

Second: Joe Atkins

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individual to the Extension Committee for a two-year term ending December 31, 2021.

District	Name
3	Alison Johnson

Ayes: 7

Nays: 0

20-106

Appointment To Personnel Board Of Appeals

Motion: Thomas A. Egan

Second: Kathleen A. Gaylord

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individual to the Personnel Board of Appeals for a three-year term ending December 31, 2022:

District	Name
At-large	Randall Kins

Ayes: 7

Nays: 0

20-107

Recognition Of Employee Service Award Recipients

The time being 10:00 a.m., the annual Employee Service Award Recognition Ceremony was held. Current employees with 20 or more years of service were recognized.

A reception honoring all recipients was held in the Third Floor Atrium following the ceremony.

Motion: Thomas A. Egan

Second: Liz Workman

WHEREAS, Dakota County has designated one County Board meeting of each year for a Countywide Employee Recognition Day; and

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WHEREAS, Dakota County recognizes employees for 10 or more years of continuous service.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recognizes the following employees for their years of service to Dakota County:

WHEREAS, Dakota County has designated one County Board meeting of each year for a Countywide Employee Recognition Day; and

WHEREAS, Dakota County recognizes employees for 10 or more years of continuous service.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recognizes the following employees for their years of service to Dakota County:

50 Years of Service

MANKOWSKI, MARGARET

45 Years of Service

CHRISTENSEN, BRIAN S

40 Years of Service

CHAFFEE, WARREN D
CYSIEWSKI, THERESA M
MILLER, MAUREEN M
SCHUTZ, PAUL S

35 Years of Service

ALLERY, JOAN M
FAHEY, MARIANNE L
GROVE, MEG C
HUNEKE, LARRY C
LARSON, JANICE L
MAGUIRE, CATHY J
MAYER, JANELLE
ROSENSTEIN, ANN A
SEMO, SUSAN M
SEXTON, GREGORY M

30 Years of Service

ANDREWS, CAROL C
BENSEN, SCOTT J
BENSON, LEE ANNE
BERGSTROM, TOM D
BRUESHOFF, BONNIE
BURNS, RUTH B
CHATFIELD, KURT D
CZLAPINSKI, RICK A
ENDRES, DANIEL J
GIBBS, SANDRA L
GODDARD, DELRAY
GRAINER-ILLIES, KRISTIN M
HUOTARI, KAREN J
LARSON, CHRISTINE D

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MAGNUSON, DAVID J
MALISZEWSKI, GREGORY J
MITCHELL, TERESA A
MOLITOR, PATRICIA M
NORBY, PAMELA C
ROCHEL, JAMES A
SAILER, SHANNON H
SCHLANGEN, KEVIN L
SERACKI, JEAN M
STOERZINGER, DALE B
TRUMAN, STEVE M
WEST, LISA M

25 Years of Service

ALME, JONELL K
BAILEY, SHANNON M
BARTON, JAMES L
BORELAND, SUSAN M
CANEFF, NANCY A
COLLINS, CINDY M
ETZIG, ARLENE
FARNHAM, RICHARD J
FODNESS, COLLEEN K
FRENZ, KATHRYN J
GROSS, DOUGLAS M
HICKS, LISA M
HINRICHS, DUSTIN B
HUGHES, STACY M
ISAACSON, JANET
LAATSCH, LINDA
MISCHKE, LINDA J
NYGAARD, VIRGINIA K
PETERSON, CURT R
ROUNDTREE, ELMORE
SIRBASKU, GLORIA
ULRICH, JODI R
VIEBURG, MICHAEL J
WALLRAFF, DARLA L
WILCOX, JOHN

20 Years of Service

ALLEN, SUSAN K
BAILEY, RACHEL A
BARANICK, SANDRA
BERG, DIANA D
BESONG, JILL C
BOTHUN, LISA A
BROSNAHAN, HELEN R
BURKHART, SCOTT ALLEN
CATER, DAN

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CAUSTON, AMY H
CHENEVERT, CORY
CHERNE, MARK
CHEYNE, TIMOTHY
CHRISTENSEN, NATALIE K
CONSTANTINE, CHRISTINE M
DALLAVALLE, LINDA
DAVIS, JACQUELINE R
DOHENY, RHONDA LEE
EGBUJOR, CAJETAN C
EMERSON, LINDA L
ENDERLEIN, PATRICK E
ENGLIN, VICKI L
ERICKSON, JEAN M
GABRIEL, JAMES B
GODFREDSON, NICOLE K
GRAUSNICK, JENNIFER
GRUEBELE, MICHELLE J
HANSEN, LINDA KW
HANSON, ANGELLA L
HEIN, MARGARET D
HENCHAL, JOYCE A
HUPP, PATRICK J
JENSEN, MONICA L
KEENA, KATHRYN M
KOLLASCH, KAREN A
LARSON, MELISSA A
LEE, BARBARA J
LIGHTSEY, OPAL E
LISKA, TANYA L
LIVINGSTON, GERALD W
LUSK, TODD J
MCGREGOR, TONYA M
MCLOONE, ERIN E
MCNAMARA, THOMAS R
MILLER, RYAN
MOZEY, TIMOTHY J
MUESKE, PAULA J
MUNGER, CHANCE D
NAPPER, JONATHON R
NIEBUR, JAMES A
O'CONNELL, BRENDA ANN
PATRICK, KATHERINE K
P'SIMER, CHRISTOPHER M
QUALY, SEAN M
REILLY, STACY ANN
ROBERTS, THERESA
RODRIGUEZ, WANDA D
SADOWSKI, TRACY
SANFORD, PAMELA J

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SCHNEIDER, MIKI
SMITH, TAMARA J
STEFFEL, NICOLE M
THOMAS, LISA M
THOMPSON, ROCHELLE I
TUPY SCHIPRETT, SANDRA
URBACH, JASON R
WELTER, DONNA L
WOHNOUTKA, JUDITH

15 Years of Service

ANDERSON, JILL A
BISCIGLIA, ELIZABETH
BOGENSCHULTZ, BARBARA
BRITT, KEVIN L
DANTOFT, BETSY L
DAS, MAHUYA
DICKENS, LAWRENCE C
DOCKTER, JENNIFER L
ERICKSON, SUSAN S
FRANK-CARACOFÉ, SHERRY L
GIFFORD, TAMMY J
GILES, DAMION I
HAYES JR, JOSEPH ALLEN
HENRY, ADAM G
HOLMES, GREGORY R
HUETTL, CAMI N
JILK, KEITH F
JOHNSON, WASANA
KELLEY, KEVIN E
KNUTSON, NICOLE S
KROMMINGA, TAMARA
KRUGER, EMMY L
KUKULKA, TAMMI R
LEVASSEUR, DENISE G
MABRY, MITZI K
MICKUS, RACHEL A
MOLINA, ANA
MUNSON, JENNIFER J
NEMEC, THOMAS R
NGUYEN, HA-VI
OLSON, NANCY I
OTTOSON, NANETTE C
SEARLES, MONICA R
SENN, DAVID G
THAO, DAVID
THIELEN, CHAD C
WATTERS, LISA E
WAYNE, MATTHEW L
WILLIAMS, STACY R

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WILSON, GABRIELLE T
WORDEN, MARGUEDY

10 Years of Service

AMENUVOR, EMMANUEL
BOLAR, JUDY A
CRISSMAN, RUSSELL J
FISHER, SUSANNAH O
HANNAH, KELVIN B
HEALD, KATHERINE J
HOLM, ABBIE R
HOOVER, DANIEL J
HUBBELL, AUTUMN S
JOHNSON, KRYSTAL M
JOHNSTONE, KATELYN L
JONES, BLAIR E
LESLIE, TIMOTHY J
MCCARTY, PATRICIA A
MORNEAU, JOSEPH P
NAPIER, BARBARA J
NOBLE, SARAH M
PAQUETTE, STACIE M
RADTKE, STEPHANIE E
REINERS, JONATHAN D
REYNOLDS, JENNIFER L
ROBERTS, AMALIA E
ROELLER, DUSTIN D
SALMON, JENNIFER R
THAO, XEE
TON, HOANG T
WELIN, ANTHONY P

Ayes: 7

Nays: 0

Operations, Management And Budget

20-108

Authorization To Execute Contract With Minnesota Department Of Public Safety For 2019 Urban Area Security Initiative Homeland Security Grant

Risk-Homeland Security Manager BJ Battig briefed this item and responded to questions.

Motion: Joe Atkins

Second: Mary Liz Holberg

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; and

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

WHEREAS, the State of Minnesota, acting through the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, has awarded a 2019 Homeland Security Grant in the amount

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of \$450,000 to Dakota County for the period of January 1, 2020 through June 30, 2021.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Board Chair to execute a contract with the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, for the 2019 Urban Area Security Initiative (UASI) Homeland Security Grant in the amount of \$450,000 for the period of January 1, 2020 through June 30, 2021, 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 Office of Risk Management 2020 budget as follows:

Expense	
2019 UASI Homeland Security Grant CEP	\$236,000
2019 UASI Homeland Security Grant Operational	<u>\$214,000</u>
Total Expense	<u>\$450,000</u>
Revenue	
2019 UASI Homeland Security Grant	<u>\$450,000</u>
Total Revenue	<u>\$450,000</u>

Ayes: 7

Nays: 0

Physical Development

20-109

Award Of Bid And Authorization To Execute Contract With The Mathiowetz Construction Co. For County Project 62-26 In Vermillion Township

Assistant Design Engineer Jake Rezac briefed this item and responded to questions.

Motion: Kathleen A. Gaylord

Second: Mary Liz Holberg

WHEREAS, Dakota County is proposing County Project (CP) 62-26 to improve safety and mobility on County State Aid Highway (CSAH) 62 and CSAH 47 in Vermillion; and

WHEREAS, to improve safety and mobility, CP 62-26 will reconstruct the CSAH 62/CSAH 47 intersection, improve drainage, and provide turn lanes; and

WHEREAS, CP 62-26 also includes the resurfacing of CSAH 62 from 180' east of Riverview Avenue in the City of Vermillion to CSAH 47; and

WHEREAS, pursuant to advertisement, six bids were received for CP 62-26 on January 28, 2020; and

WHEREAS, the bid of The Mathiowetz Construction Co., in the amount of \$1,888,197.63 was the lowest total responsive and responsible bid received; and

WHEREAS, in accordance with the contract documents, the contractor will be eligible for up to \$60,000 in incentives for constructing quality pavements that maximize pavement life; and

WHEREAS, staff recommends awarding the bid to The Mathiowetz Construction Co. in the amount of \$1,888,197.63.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute a contract with The Mathiowetz Construction Co., for construction of County Project 62-26 for a total contract amount of \$1,888,197.63 based on their low bid,

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subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the contract amount may be increased by up to \$60,000 for additional costs of incentives met by The Mathiowetz Construction Co., as specified in the contract documents.

Ayes: 7

Nays: 0

20-110

Award Of Bid And Authorization To Execute Contract With Northland Grading & Excavating LLC For County Project 73-19

Assistant Design Engineer Jake Rezac briefed this item and responded to questions.

Motion: Joe Atkins

Second: Thomas A. Egan

WHEREAS, Dakota County and the City of Rosemount (City) are partnering on County Project (CP) 73-19 to improve safety and reduce maintenance on County Road (CR) 73 in the City; and

WHEREAS, to improve safety and reduce maintenance, CP 73-19 will reconstruct and pave CR 73, improve drainage, provide turn lanes, and construct trails and a pedestrian underpass; and

WHEREAS, CP 73-19 also includes the resurfacing of 121st Street W. and 124th Court W.; and

WHEREAS, pursuant to advertisement, eight bids were received for CP 73-19 on February 5, 2020; and

WHEREAS, the bid of Northland Grading & Excavating LLC in the amount of \$5,823,077.07 was the lowest total responsive and responsible bid received; and

WHEREAS, in accordance with the contract documents, the contractor will be eligible for up to \$70,000 in incentives for constructing quality pavements that maximize pavement life; and

WHEREAS, staff recommends awarding the bid to Northland Grading & Excavating LLC in the amount of \$5,823,077.07.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute a contract with Northland Grading & Excavating LLC for construction of County Project 73-19 for a total contract amount of \$5,823,077.07 based on their low bid, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the contract amount may be increased by up to \$70,000 for additional costs of incentives met by Northland Grading & Excavating LLC as specified in the contract documents.

Ayes: 7

Nays: 0

Closed Executive Session

20-111

Authorization To Approve Acquisition Settlements From James N. Gergen And Ann M. Gergen As Trustees For Parcel 23 (475) For County Project 78-10

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Mary Liz Holberg

WHEREAS, Dakota County is proceeding with County Project (CP) 78-10, which is the reconstruction of County

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State Aid Highway (CSAH) 78 from State Highway 3 to County Road 79 (Blaine Avenue); and

WHEREAS, the County is the lead agency for the design and right of way acquisition for CP 78-10; and

WHEREAS, to construct the recommended improvements, Dakota County must acquire property from James N. Gergen and Ann M. Gergen, trustees under the James N. Gergen Living Trust dated June 11, 2008, and Ann M. Gergen and James N. Gergen, as trustees under the Ann M. Gergen living trust dated June 11, 2008 (“Landowner”) identified in Dakota County Right of Way Map 475 as Parcel 23; and

WHEREAS, the County offered the Landowners compensation based on the County’s approved appraised values for the parcel; and

WHEREAS, the Landowners rejected the offer seeking additional damages for costs related to the acquisition; and

WHEREAS, the parties in this action have agreed to settle all damages caused by the taking whereby the County will pay Landowners \$61,450.00; and

WHEREAS, the County Attorney and Transportation Department staff recommend approval of the settlement agreement as being a fair and equitable settlement of the claims in view of the impacts to the property, real estate market data, the time, additional expense and risk involved in continued litigation and belief 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 acquisition of property from James N. Gergen and Ann M. Gergen, trustees under the James N. Gergen Living Trust dated June 11, 2008, and Ann M. Gergen and James N. Gergen, as trustees under the Ann M. Gergen living trust dated June 11, 2008 , (“Landowner”) identified in Dakota County Right of Way Map 475 as Parcel 23 for \$61,450.00 as being in the best interest of the County, and authorizes the County Attorney to arrange for final payment of the acquisition amount and to effectuate final settlement of the acquisition.

Ayes: 7

Nays: 0

20-112

Authorization To Approve Acquisition Settlements From Janet E. Oistad And Darryld L. Oistad For Parcel 33 (475) For County Project 78-10

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Joe Atkins

WHEREAS, Dakota County is proceeding with County Project (CP) 78-10, which is the reconstruction of County State Aid Highway (CSAH) 78 from State Highway 3 to County Road 79 (Blaine Avenue); and

WHEREAS, the County is the lead agency for the design and right of way acquisition for CP 78-10; and

WHEREAS, to construct the recommended improvements, Dakota County must acquire property from Janet and Darryld Oistad, (“Landowner”) identified in Dakota County Right of Way Map 475 as Parcel 33; and

WHEREAS, the County offered the Landowners compensation based on the County’s approved appraised values for the parcel; and

WHEREAS, the Landowners rejected the offer seeking additional damages for costs related to the acquisition; and

WHEREAS, the parties in this action have agreed to settle all damages caused by the taking whereby the County

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will pay Landowners \$74,900.00; and

WHEREAS, the County Attorney and Transportation Department staff recommend approval of the settlement agreement as being a fair and equitable settlement of the claims in view of the impacts to the property, real estate market data, the time, additional expense and risk involved in continued litigation and belief 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 acquisition of property from Janet and Darryld Oistad, ("Landowner") identified in Dakota County Right of Way Map 475 as Parcel 33 for \$74,900.00 as being in the best interest of the County and authorizes the County Attorney to arrange for final payment of the acquisition amount and to effectuate final settlement of the acquisition.

Ayes: 7

Nays: 0

20-113

Authorization To Approve Acquisition Settlements From James I. Nielsen And Nancy Nielsen For Parcel 49 (475) For County Project 78-10

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Joe Atkins

WHEREAS, Dakota County is proceeding with County Project (CP) 78-10, which is the reconstruction of County State Aid Highway (CSAH) 78 from State Highway 3 to County Road 79 (Blaine Avenue); and

WHEREAS, the County is the lead agency for the design and right of way acquisition for CP 78-10; and

WHEREAS, to construct the recommended improvements, Dakota County must acquire property from James Nielsen and Nancy Nielsen, ("Landowner") identified in Dakota County Right of Way Map 475 as Parcel 49; and

WHEREAS, the County offered the Landowners compensation based on the County's approved appraised values for the parcel; and

WHEREAS, the Landowners rejected the offer seeking additional damages for costs related to the acquisition; and

WHEREAS, the parties in this action have agreed to settle all damages caused by the taking whereby the County will pay Landowners \$23,000.00; and

WHEREAS, the County Attorney and Transportation Department staff recommend approval of the settlement agreement as being a fair and equitable settlement of the claims in view of the impacts to the property, real estate market data, the time, additional expense and risk involved in continued litigation and belief 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 acquisition of property from James Nielsen and Nancy Nielsen, ("Landowner") identified in Dakota County Right of Way Map 475 as Parcel 49 for \$23,000.00 as being in the best interest of the County and authorizes the County Attorney to arrange for final payment of the acquisition amount and to effectuate final settlement of the acquisition.

Ayes: 7

Nays: 0

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20-114

Authorization To Approve Acquisition Settlements From Bernard Weber, Sandra Weber And Nichole Lee Weber For Parcel 34 (475) For County Project 78-10

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Kathleen A. Gaylord

WHEREAS, Dakota County is proceeding with County Project (CP) 78-10, which is the reconstruction of County State Aid Highway (CSAH) 78 from State Highway 3 to County Road 79 (Blaine Avenue); and

WHEREAS, the County is the lead agency for the design and right of way acquisition for CP 78-10; and

WHEREAS, to construct the recommended improvements, Dakota County must acquire property from Bernard Weber, Sandra Weber, and Nichole Weber, ("Landowner") identified in Dakota County Right of Way Map 475 as Parcel 34; and

WHEREAS, the County offered the Landowners compensation based on the County's approved appraised values for the parcel; and

WHEREAS, the Landowners rejected the offer seeking additional damages for costs related to the acquisition; and

WHEREAS, the parties in this action have agreed to settle all damages caused by the taking whereby the County will pay Landowners \$19,000 and

WHEREAS, the County Attorney and Transportation Department staff recommend approval of the settlement agreement as being a fair and equitable settlement of the claims in view of the impacts to the property, real estate market data, the time, additional expense and risk involved in continued litigation and belief 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 acquisition of property from Bernard Weber, Sandra Weber, and Nichole Weber ("Landowner") identified in Dakota County Right of Way Map 475 as Parcel 34 for \$19,000 as being in the best interest of the County and authorizes the County Attorney to arrange for final payment of the acquisition amount and to effectuate final settlement of the acquisition.

Ayes: 7

Nays: 0

20-115

Authorization of Settlement In Matter Of Bryant Lutgens

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Mary Liz Holberg

WHEREAS, Bryant Lutgens has filed a lawsuit in Federal Court alleging violation of his constitutional rights pursuant to the First and Fourteenth Amendment – specifically the Establishment Clause; and

WHEREAS, the litigation is currently pending in Federal Court; and

WHEREAS, Dakota County has denied and continues to deny the allegations and any liability to Bryant Lutgens whatsoever; and

WHEREAS, Dakota County and Bryant Lutgens have negotiated a proposed settlement of all claims with respect to the litigation; and

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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 any and all claims against the County, the County will pay Bryant Lutgens \$5,000 in damages and \$30,937.50 to his attorney for attorneys' fees and costs, for a total settlement amount of \$35,937.50; 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 the full and final settlement with Bryant Lutgens, inclusive of all costs and attorney fees, the payment of \$35,937.50 and authorizes the County Attorney and County Sheriff to execute all of the necessary documents to settle the matter on behalf of Dakota County.

Ayes: 7

Nays: 0

Interagency Announcements/Reports

Interagency announcements and reports were then presented.

County Manager's Report

County Manager Matt Smith mentioned that the HEROES Awards Ceremony will take place at 1:30 today in the Boardroom.

Information

See Attachment A - Future Board Meetings And Other Board Activities

20-116

Adjournment

Motion: Kathleen A. Gaylord

Second: Chris Gerlach

On a motion by Commissioner Kathleen A. Gaylord, seconded by Commissioner Chris Gerlach, the meeting was adjourned at 10:53 p.m.

Mike Slavik
Chair

ATTEST

Matt Smith
County Manager

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