

May 5, 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.

Due to the local state of emergency and social distancing, Commissioners participated in this meeting via telephone and the Board meeting was conducted under Minn. Stat. § 13D.021.

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 noted that all public comments can be sent to CountyAdmin@co.dakota.mm.us
Comments were received for the Public Hearing (see below). No other comments were received for any other items.

20-215

Approval Of Agenda (Additions/Corrections/Deletions)

Motion: Kathleen A. Gaylord

Second: Liz Workman

On a motion by Commissioner Kathleen A. Gaylord, seconded by Commissioner Liz Workman, the agenda was unanimously approved.

Public Hearing

Public Hearing To Receive Comments On And Adopt Interim Ordinance Establishing 365-Day Moratorium Prohibiting Construction, Installation, Or Permitting Of Specific Industrial Processing Wells

The time being 9:12 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on an interim ordinance establishing a 365-day moratorium prohibiting construction, installation, or permitting of specific industrial processing wells. Groundwater Protection Supervisor Valerie Grover briefed this item and responded to questions. Multiple comments were received by Environmental Resources staff. The County Commissioners also received comments from constituents. No one asked to speak at the meeting.

It is noted that comments came into the County Administration inbox, these comments were distributed to all seven Commissioners:

- Rhonda Simonson – Mendota Heights, MN
- Jennifer Comeau – Minneapolis, MN
- Mary Gregersen – Lakeville, MN
- Debby Reisinger – Apple Valley, MN

May 5, 2020

- Carole Reid – address unknown
- Edward and Peggy Mays – Hastings, MN
- Dawn Gaetke – Inver Grove Heights, MN
- Shelley O’Neill – address unknown
- Randy Herrild – Lakeville, MN
- Ann Mehlhouse – Lakeville, MN
- Christel Schultz – Lakeville, MN
- Kristy Otte – West St. Paul, MN
- Lisa Eng-Sarne – West St. Paul, MN

20-216

Closing of Public Hearing

Motion: Thomas A. Egan

Second: Chris Gerlach

BE IT RESOLVED, That the public hearing is closed.

Ayes: 7

Nays: 0

20-217

Adoption Of Interim Ordinance Establishing 365-Day Moratorium Prohibiting Construction, Installation, Or Permitting Of Specific Industrial Processing Wells

Motion: Joe Atkins

Second: Chris Gerlach

WHEREAS, a goal of the Dakota County Board of Commissioners is to maintain County ordinance regulatory authority that effectively minimizes potential negative impacts to the public’s health, safety, and welfare and to the environment of Dakota County; and

WHEREAS, Dakota County has administered Ordinance No. 114, Well and Water Supply Management, through a Delegation Agreement with the Minnesota Department of Health to manage and operate a well regulatory program since 1988; and

WHEREAS, the purpose of Ordinance No. 114 is to establish standards for the construction, reconstruction, sealing, maintenance, and regulation of wells to protect groundwater and the environment and to promote the health, safety, and welfare of the public; and

WHEREAS, in 2019, a commercial enterprise proposed to pump 500 million gallons per year of groundwater from Dakota County and ship it by rail to sell in the southwestern United States; and

WHEREAS, exporting millions of gallons of groundwater from Dakota County could deplete the County’s future water supply for human uses and damage its natural ecosystems; and

WHEREAS, current Minnesota Statutes and Rules and Dakota County Ordinance 114 do not adequately address the construction of wells for the purposes of bulk water exportation and/or diversion out of state; and

WHEREAS, the Dakota County Board of Commissioners desires to adopt an interim ordinance establishing a 365-day moratorium prohibiting the construction, installation, or permitting of new wells that will use greater than 10,000 gallons per day or 1,000,000 gallons per year for commercial/institutional water supply, other water supply, and agriculture/food processing, except for replacement of existing wells; and

WHEREAS, a notice of the public hearing for the interim ordinance was published in the official County newspaper on April 16 and 23, 2020; and

WHEREAS, due to the ongoing impacts from the COVID-19 virus, the Board conducted its public meeting, including the public hearing, via telephone or other electronic means pursuant to Minn. Stat. § 13D.021 as it is not

May 5, 2020

practical or prudent to hold in-person meetings because of the COVID-19 health pandemic emergency declared under Minn. Stat. Chapter 12 by the Minnesota Governor Tim Walz and the Dakota County Board of Commissioners pursuant to Res. No. 20-139; and

WHEREAS, updated information on the manner of the public meeting was available on the Dakota County website at www.dakotacounty.us ; and

WHEREAS, the public was able to submit comments for the public hearing via email to CountyAdmin@co.dakota.mn.us ; and

WHEREAS, Dakota County provided the public the ability to participate and hear all discussion and comments during the public hearing by telephone or other electronic means by obtaining meeting information from the Clerk to the Board.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the interim ordinance as presented to the Board on May 5, 2020; and

BE IT FURTHER RESOLVED, That staff shall publish, distribute, and file the interim ordinance pursuant to Minn. Stat. § 375.51.

Ayes: 7

Nays: 0

CONSENT AGENDA

Motion: Kathleen A. Gaylord

Second: Mary Liz Holberg

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

20-218

Approval Of Minutes Of Meeting Held On April 21, 2020 And Special Meeting On April 28, 2020

County Board/County Administration

20-219

Acceptance Of Donation From Dakota County League Of Municipalities For COVID-19 Response

WHEREAS, the Dakota County League of Municipalities served as an organization of local government units to promote collaborative responses to issues affecting communities in Dakota County; and

WHEREAS, the Dakota League of Municipalities has not operated in approximately two decades but has remaining funds in the Dakota League of Municipalities account; and

WHEREAS, the remaining funds in the Dakota County League of Municipalities account have been unused for several decades; and

WHEREAS, as a previous Mayor of South St. Paul and the last President of Dakota County League of Municipalities, Kathleen A. Gaylord, has authorized donation of these funds on behalf of Dakota County League of Municipalities; and

WHEREAS, the donation is for the purchase of personal protective equipment to support efforts to fight the COVID-19 pandemic Countywide.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accept \$1373.39 from Dakota County League of Municipalities for the purpose of meeting Countywide community needs;

May 5, 2020

and

BE IT FURTHER RESOLVED, That the \$1373.39 be deposited and purposed to purchase personal protective equipment during the COVID-19 pandemic to support efforts to fight the COVID-19 pandemic Countywide.

20-220

Acceptance Of Resignation From Member Of Planning Commission

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the resignation received from Mike Greco, District 1 representative on Planning Commission, and authorizes staff to begin the process to fill this vacancy.

County Attorney

20-221

Authorization Of Legal Service Agreement Between Dakota County Attorney's Office And Dakota Broadband Board

WHEREAS, the Dakota County Attorney's Office provides legal representation and advice to Dakota County; and

WHEREAS, the Dakota County Attorney's Office has in the past and assents to continue to provide legal services for the Dakota Broadband Board; and

WHEREAS, Minn. Stat. § 471.59, Subd. 10 authorizes one governmental unit to provided services or functions that is authorized to provide itself to another governmental unit upon approval of the governing body; and

WHEREAS, the County Board desires to continue to provide legal services to the Dakota Broadband Board approves of the representation by the County Attorney.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the legal service agreement between the Dakota County Attorney's Office and the Dakota Broadband Board to represent the Dakota Broadband Board and its employees in accordance with the agreement.

Operations, Management And Budget

20-222

Authorization To Execute An Extension Of Contract With CliftonLarsonAllen, LLP For Auditing Services

WHEREAS, in 2015, the Minnesota State legislature enacted a law, Minn. Stat. § 6.481, allowing all counties to contract with a private accounting firm to perform annual audits, rather than using the Minnesota State Auditor's office; and

WHEREAS, in 2016 Dakota County issued a request for proposal for auditing services; and

WHEREAS, staff recommended, and the County Board authorized, a contract with CliftonLarsonAllen, LLP for three audit years (2017, 2018, 2019) not to exceed \$263,550; and

WHEREAS, CliftonLarsonAllen has provided professional audit services for 2017 and 2018 audits and are expected to for the 2019 audit conducted in spring 2020; and

WHEREAS, the executed contract is in effect until July 31, 2020, and allows for two one-year extensions.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Finance Director to exercise the option to extend the contract with CliftonLarsonAllen, LLP, for financial audit services for two additional audit years 2020 and 2021, not to exceed the amount of \$181,272, subject to approval as to form by the County Attorney's Office.

May 5, 2020

Physical Development

20-223

Authorization To Allow Exception To Policy 4020 Facility Use And Security, Allowing Fooda, Inc., To Provide Food Service At County Facilities

WHEREAS, Dakota County has historically provided on-site food service to County staff and visitors to County facilities to provide convenient food options during work hours; and

WHEREAS, the only food service currently provided at County Service Centers is intermittent food truck services in staff parking lot areas; and

WHEREAS, providing regular food services within the County Service Centers addresses staff needs for easy access, on-site food options for staff with limited time for lunch; and

WHEREAS, Fooda, Inc., provides a food service that allows for a variety of food options by local food establishments to provide food options to staff and visitors at County facilities with little or no cost to County taxpayers; and

WHEREAS, with the COVID-19 pandemic currently impacting our staff and visitors, the contract execution and the start date for these food services will not commence until staff have returned to the workplace and business operations return to a normal status for a considerable period.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Fleet and Facilities Management Director to enter into a contract with Fooda, Inc., for the provision of food services in County Service Center atriums subject to terms and conditions approval by the County Attorney's Office.

20-224

Award Of Bid And Authorization To Execute Construction Contract With Versacon, Inc., And Amend Project Budget For Law Enforcement Center First Floor Office Renovation Project

WHEREAS, the Building Capital Improvement Program (CIP) Adopted Budgeted included three renovation and improvement projects in the Law Enforcement Center (LEC); and

WHEREAS, by Resolution No. 19-416 (March 12, 2019), the Dakota County Board of Commissioners approved to combine the three previously approved project budgets into a single budget with a revised project description for an office renovation project on the first floor of the LEC; and

WHEREAS, the combined resulting project scope was refined to renovate existing space to improve space usage and efficiency to better meet the needs of the LEC staff; and

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

WHEREAS, the Project was formally advertised from March 19, 2020, to April 9, 2020; and

WHEREAS, 15 competitive bids were received on April 9, 2020; and

WHEREAS, Versacon, Inc., has submitted the lowest responsive and responsible bid of \$555,000, which includes the base bid and Alternate No. 1 work; and

WHEREAS, staff and the design consultant have reviewed the qualifications of the low bidder and recommend award to Versacon, Inc., as the lowest responsive and responsible bidder in an amount not to exceed \$555,000

May 5, 2020

for the LEC First Floor Office Renovation Project; and

WHEREAS, funds in the amount of \$608,000 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 Versacon, Inc., 9443 Science Center Drive, Minneapolis, MN, for the Law Enforcement Center First Floor Office Renovation Project, in an amount not to exceed \$555,000, subject to approval by the County Attorney’s Office as to form; and

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

Expense	
Heritage Library and License Center Renovation (B30029)	(\$200,000)
Law Enforcement Center First Floor Renovation (B20019)	<u>\$200,000</u>
Total Expense	\$0

**20-225
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:

LAKEVILLE RIDGE	Inver Grove Heights
LAUNCH PARK SECOND ADDITION	Lakeville
TIMBERCREST AT LAKEVILLE 9TH ADDITION	Lakeville
RIVER RIDGE APARTMENTS ADDITION	Burnsville
BURNSVILLE LUXURY APARTMENTS	Burnsville

**20-226
Authorization To Execute Contract With Stonebrooke Engineering For Design Engineering Services For County Project 9-56**

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 9-56; and

WHEREAS, CP 9-56 is the preliminary and final design engineering and public engagement process required to reconstruct County State Aid Highway (CSAH) 9 in the City of Lakeville (City); and

WHEREAS, staff sent a request for proposal to four qualified professional consultants; and

May 5, 2020

WHEREAS, the proposals received were evaluated by staff; and

WHEREAS, the 2020–2024 County Manager’s Recommended Transportation Capital Improvement Program Budget includes sufficient funding for CP 9-56; and

WHEREAS, staff recommends execution of a contract with Stonebrooke Engineering for design engineering consulting services for CP 9-56 for actual costs not to exceed \$593,605.65.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Transportation Director/County Engineer to execute a contract with Stonebrooke Engineering to perform design engineering consulting services for County Project 9-56 in an amount not to exceed \$593,605.65 subject to approval by the County Attorney’s Office as to form.

20-227

Award Of Bid And Authorization To Execute Contract With LHB, Inc., For Design Engineering Services For County State Aid Highway 42 Trail And North Creek Greenway Underpass

WHEREAS, to provide a safe and efficient transportation system, Dakota County and the City of Apple Valley are proceeding with the North Creek Greenway Underpass and adjacent trails (Project); and

WHEREAS, the Project entails construction of a segment of the North Creek Greenway, a pedestrian underpass of Count State Aid Highway (CSAH) 42, and multiuse trail on the south side of CSAH 42 between Flagstaff Avenue and Johnny Cake Ridge Road; 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 LHB, 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 Parks Capital Improvement Program Budget includes \$400,000 for engineering consulting services with a local contribution of \$55,000; and

WHEREAS, the County Engineer recommends execution of a contract with LHB, Inc., for engineering consulting services for the North Creek Greenway Underpass and adjacent trails with actual costs not to exceed \$311,516.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with LHB, Inc., to perform engineering consulting services for the Project in an amount not to exceed \$311,516, subject to approval by the County Attorney’s Office as to form.

20-228

Authorization For Revocation Of County State Aid Highway CSAH 78 And Designation Of CSAH 78 In Eureka And Castle Rock Townships

WHEREAS, to promote a safe and efficient transportation system throughout the County, Dakota County will construct County Project (CP) 78-10 “East alignment” in Castle Rock Township; and

WHEREAS, the “East alignment” improves safety by providing an alignment that meets applicable design criteria, improves sight lines, and minimizes access to the reconstructed highway, provides for nitrate removal opportunities while impacting wetlands or floodplains at the lowest amount in terms or acreage, and

May 5, 2020

WHEREAS, construction of CP 78-10 "East alignment" obliterates the north/south alignment of Alverno Ave, the new County State Aid Highway (CSAH) 78 (Alverno Ave) roadway will not be located along the west section line of Section 15, T113N, R19W in Castle Rock Township; and

WHEREAS, in order to maintain CSAH status on the new alignment, the County must revoke Commissioner's Order No. 93921 for CSAH 78 designation/renumbering and then request designation of the new CSAH 78 alignment; and

WHEREAS, Minn. Stat. § 162.02, subd. 7 states that the County Board of any county may establish and locate a CSAH in a new location where there is no existing road or that it may establish and locate the highway upon or over any establish road or street or a specified portion thereof within its limits; and

WHEREAS, the Transportation Director/County Engineer recommends revoking Commissioner's Order No. 93921 for CSAH 78 designation/renumbering and then requests designation of the new CSAH 78 alignment for changes in alignment due to planned roadway reconstruction.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby revokes/designates County State Aid Status, subject to the approval of the Commissioner of Transportation of the State of Minnesota for the segments of roadway as follows:

REVOCATION OF COUNTY STATE AID HIGHWAY NO. 78 Beginning at the intersection of County State Aid Highway No. 23 (Cedar Avenue) and 235th Street West in Section 10, Township 113 North, Range 20 West, thence easterly through Sections 10, 11, and 12 of said township and range to the intersection of 235th Street West and County Road No. 31 (Denmark Avenue), thence southerly along the west section line of Section 7, Township 113 North, Range 19 West to the intersection of Denmark Avenue and 240th Street West, thence easterly along the south section lines of Sections 7,8, and 9 to the intersection of 240th Street West and Alverno Avenue, thence southerly along the west section line of Section 15 of said township and range to the intersection of Alverno Avenue and 245th Street West, and there terminating.

REVOCATION OF COUNTY STATE AID HIGHWAY NO. 78 Beginning at the intersection of Alverno Avenue and 245th Street West midpoint on the west section line of Section 15, Township 113 North, Range 19 West, thence easterly and northeasterly through Sections 15, 14, and 13 of said township and range, thence easterly along the south section line of Sections 7 and 8, Township 113 North, Range 18 West to a point at the intersection of 240th Street East and Trunk Highway No. 50 in the City of Hampton and there terminating.

DESIGNATION OF COUNTY STATE AID HIGHWAY NO. 78 Beginning at the intersection of County State Aid Highway No. 23 (Cedar Avenue) and 235th Street West in Section 10, Township 113 North, Range 20 West, thence easterly through Sections 10, 11, and 12 of said township and range to the intersection of 235th Street West and County Road No. 31 (Denmark Avenue), thence southerly along the section line of Section 12, Township 113 North, Range 20 West and Section 7, Township 113 North, Range 19 West to the intersection of Denmark Avenue and 240th Street West, thence easterly along the section line of Sections 7, 8, 9, 18, 17, and 16, Township 113 North, Range 19 West, thence southeasterly through Sections 16 and 15 to the intersection of Akron Avenue and 245th Street West at the center of Section 15, Township 113 North, Range 19 West, thence easterly through Sections 15 and 14 to the intersection of County State Aid Highway No. 79 (Blaine Avenue) and 245th Street East, thence easterly and northeasterly through Section 13 to the intersection of Conrad Avenue and 240th Street, thence easterly along the section line of Sections 7, 8, 18, and 17, Township 113 North, Range 18 West to a point at the intersection of 240th Street East and Trunk Highway No. 50 in the City of Hampton and there terminating

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Transportation Director/County Engineer to forward two certified copies of this resolution to the Minnesota Commissioner of Transportation for approval.

May 5, 2020

20-229

Authorization To Execute Joint Powers Agreement With City Of Lakeville For County Projects 9-55, 9-56, 9-60, 46-54, And 97-203

WHEREAS, under Minn. Stat. § 162.17, subd. 1 and 471.59, subd. 1, two governmental units may enter into an agreement to cooperatively exercise any power common to the contracting parties, and one of the participating governmental units may exercise one of its powers on behalf of the other governmental units; and

WHEREAS, to provide a safe and efficient transportation system, Dakota County and the City of Lakeville are partnering on five County Projects, 9-55, 9-56, 9-60, 46-54 and 97-203, for design, right of way, construction, jurisdictional transfer, and cost participation; and

WHEREAS, County Project 9-55 and 9-60 are small safety access management projects along County State Aid Highway (CSAH) 9 (Dodd Boulevard) at the intersections of Icenic Trail/Heritage Drive (CP 9-55) and 194th Street (CP 9-60); and

WHEREAS, County Project 9-55 and 9-60 improvements include a directional access median to movements onto and across CSAH 9 to reduce the risk of accidents, improve the overall safety for all motorists, pedestrians, and bicyclists and provide for increasing traffic levels; and safety improvements; and

WHEREAS, Federal funding in the amount of \$388,800 has been programmed which will cover a portion of the County Project 9-55 Project's construction costs; and

WHEREAS, the Lakeville City Council adopted Resolution No. 03-60 (April 7, 2003), in support of the Dakota County East-West Corridor Preservation Study; and

WHEREAS, by Resolution No. 03-285 (May 20, 2003), the Dakota County Board of Commissioners adopted the Dakota County East West Corridor Preservation Study; and

WHEREAS, the adopted Dakota County East West Corridor Preservation Study Alignment B between Highview Avenue and Trunk Highway 3 follows the proposed transition between 179th Street alignment and 175th Street alignment; and

WHEREAS, the Dakota County East West Corridor Preservation Study identification of preferred system plan included functional and jurisdictional recommendations including turnback of CSAH 9 (Dodd Boulevard) from Dakota County to the City of Lakeville; and

WHEREAS, recommendations included turnback of CSAH 9 (Dodd Boulevard) with a western terminus at the intersection with Alignment B at Hayes Avenue and an eastern terminus at CSAH 31 (Pilot Knob Road); and

WHEREAS, CP 9-56 and CP 97-203 proposed improvements will serve as a basis for the jurisdictional transfer of CSAH 9 (Dodd Boulevard) and 179th Street between Highview Avenue and CSAH 31 (Pilot Knob Road), consistent with the adopted Dakota County 2030 Transportation Plan; and

WHEREAS, CP 9-56 project include improvements to and jurisdictional changes of Alignment A (Dodd Boulevard) between Hayes Avenue to CSAH 31 (Pilot Knob Road) including access modifications to the intersection of CSAH 9 (Dodd Boulevard) and CSAH 23 (Cedar Avenue) and Alignment B (179th Street) between Hayes Avenue and CSAH 23 (Cedar Avenue) of adopted Dakota County East-West Corridor Preservation Study; and

WHEREAS, Dodd Boulevard will be designed as a future City of Lakeville Municipal Stated Aid local roadway between Gerdine Path and CASH 31 (Pilot Knob Road); and

WHEREAS, CP 97-203 is improvements along 179th Street from CSAH 23 (Cedar Avenue) to Flagstaff Avenue, including rehabilitating the roadway surface, geometric modifications to County Standards, and adding a median, dedicated turn lanes at intersections, and a roundabout at Flagstaff Avenue intersection; and

May 5, 2020

WHEREAS, County Project 46-54 will fill a trail gap on the County system identified in the 2040 Comprehensive Plan along the south side of CSAH 46 (160th Street) between CSAH 31 (Pilot Knob Road) and CSAH 33 (Diamond Path); and

WHEREAS, it is considered mutually desirable to construct bituminous bikeway trail on the south side of CSAH 46 (160th Street) between CSAH 31 (Pilot Knob Road) and CSAH 33 (Diamond Path) in Lakeville, Dakota County; and

WHEREAS, staff recommends a joint powers agreement with the City to define the design, right of way acquisition, construction and maintenance responsibilities, project cost participation including Federal funding and jurisdiction transfer; and

WHEREAS, the City will reimburse the County for the City's share of the project costs, in accordance with adopted cost share policies, to the extent funds are budgeted by the City; and

WHEREAS, the County will reimburse the City of Lakeville for the County's share of the project costs, in accordance with adopted cost share policies, to the extent funds are budgeted by the County Board; and

WHEREAS, the County and the City have included these projects in their Capital Improvement Programs to share project responsibilities.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute joint power agreements with the City of Lakeville to define project cost shares, roles and responsibilities for the design, right of way dedication, construction, and maintenance for County Projects, 9-55, 9-56, 9-60, 46-54 and 97-203, in accordance with County policy, to the extent funds are budgeted by the County Board and subject to approval by the County Attorney's Office as to form.

Update On Priority Transportation Projects Planned For Construction In Future Years

This item was on the agenda for informational purposes only.

20-230

Authorization To Amend Resolution No. 17-598 To Acquire Conservation Easement And Include Access Easement On Rose Augustine Revocable Trust And Jaqueline R. Schluesner Property And Amend 2020 Environmental Resources Capital Improvement Program Budget

WHEREAS, the Rose Augustine Revocable Trust and Jaqueline R. Schluesner (collectively the "Trust) own 140.8 acres in Randolph and Sciota Townships in Dakota County; and

WHEREAS, the Trust expressed interest in selling their property to the County; and

WHEREAS, by Resolution No. 17-390 (July 11, 2017), the County Board conducted a closed executive session in Conference Room 3A, Administrative Service Center in Hastings, to discuss County acquisition options for the Trust property and provide guidance for staff negotiations; and

WHEREAS, County staff provided a contingent acquisition offer based on the \$418,000 appraised value for 110.3 acres as an addition to Lake Byllesby Regional Park (LBRP) and an associated offer of \$6,300 to acquire 4.2 acres south of the Cannon River as a new County Park Conservation Area, and the Trust agreed to accept the County's contingent offer to acquire their property; and

WHEREAS, by Resolution 17-598 (November 14, 2017), the County Board authorized acquisition of 110.3 acres of the Trust property to be included within LBRP and to acquire 4.2 acres as a new County Park Conservation Area; and

WHEREAS, County and Trust worked with landowners of property adjacent to the Trust property along Cannon River Boulevard to acquire the property to improve public access to the future County-acquired property and

May 5, 2020

ensure access by the Trust to their retained property; and

WHEREAS, after extensive effort and delays, the adjoining landowners are not willing to sell their property and have decided to no longer allow the Trust to use their property to access the retained Trust property; and

WHEREAS, the Trust now requires permanent access through a portion of the property being acquired by the County to access the retained Trust property, and such access will not interfere with public access to the acquired County property; and

WHEREAS, the adjoining landowner south of the Cannon River previously sold an agricultural easement to the County in 2005 and is now willing to own the 4.2-acre parcel owned by the Trust that was not included in the revised LBRP boundary; and

WHEREAS, the Trust is willing to sell a 4.2-acre permanent natural area conservation easement (Easement) along the Cannon River to the County for \$6,300 prior to conveying the property to the adjoining landowner; and

WHEREAS, a Natural Resource Management Plan will include natural area portions of the existing agricultural easement and the new natural area easement to determine future restoration activities on the property; and

WHEREAS, the \$6,800 Easement acquisition cost, including closing costs, will be derived from unexpended County match to the Minnesota Law 2014 (ML14) Outdoor Heritage (OH) funding appropriation included in the 2020 Environmental Resources (ER) Capital Improvement Program (CIP) budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners amends Resolution No. 17-598 (November 14, 2017) to replace fee title acquisition of 4.2 acres with acquisition of a 4.2-acre Easement on Trust property south of the Cannon River and allow a 30-foot wide permanent access easement on Trust property being acquired by the County to allow the Trust to access the retained Trust property; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the Physical Development Division Director to execute a purchase agreement with the Trust to acquire a 4.2-acre Easement at a cost not to exceed \$6,800, subject to approval by the County Attorney's Office (CAO) as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board hereby authorizes the County Board Chair to execute the Easement, subject to approval by the County Attorney's Office (CAO) as to form; and

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

Expense

County Match – ML 14 OH Expense (LC00003)	(\$6,800)
Acquisition of Trust property (LC10042)	<u>\$6,800</u>
Total Expense	\$0

Revenue

County Matching Funds – ML 14 OH (LC00003)	(\$6,800)
Trust Property (LC10042)	<u>\$6,800</u>
Total Revenue	\$0

20-231

Approval Of Dakota County Fiscal Year 2020–2024 Consolidated Plan And 2020 One-Year Annual Action Plan For Community Development Block Grant, HOME Investment Partnerships, And Emergency Solutions Grant Programs

WHEREAS, Dakota County is an Entitlement County for funds through the Community Development Block Grant (CDBG) Program and Emergency Solutions Grant (ESG) Program and a Participating Jurisdiction for the HOME Investment Partnerships (HOME) Program; and

May 5, 2020

WHEREAS, Dakota County's Participating Jurisdiction status under the HOME Program pertains to a multi-jurisdiction consortium created in 1992 that includes Anoka, Washington, and suburban Ramsey Counties and the City of Woodbury (HOME Consortium); and

WHEREAS, Dakota County is designated as the "Lead Agency" for the HOME Consortium, responsible for certain administrative and reporting functions of the HOME Program; and

WHEREAS, the Dakota County Community Development Agency (CDA) administers the CDBG, ESG, and HOME programs on behalf of Dakota County, thereby requiring agreements between U.S. Department of Housing and Urban Development (HUD) and Dakota County for the CDBG, ESG, and HOME funds and between Dakota County and the Dakota County CDA for CDBG, ESG, and HOME program administration; and

WHEREAS, HUD requires the development and submission of the Dakota County 2020–2024 Consolidated Plan and Fiscal Year (FY) 2020 Annual Action Plan that proposes allocation of the annual CDBG, HOME, and ESG funds to local governments and housing providers in Dakota County; and

WHEREAS, CDA staff has worked with participating communities to identify CDBG, HOME, and ESG activities for FY 2020; and

WHEREAS, the proposed activities for the HUD funds meet the housing and community development priorities identified in the approved Five-Year Consolidated Plan (2020–2024); and

WHEREAS, HUD released the grant amounts for the three entitlement programs for FY 2020 on February 19, 2020; and

WHEREAS, the Dakota County CDBG allocation is \$1,928,343, the Dakota County HOME allocation is \$993,665 (Consortium total of \$2,956,300) including program income, and the Dakota County ESG allocation is \$165,857 for FY 2020; and

WHEREAS, CDA staff recommends allocating FY 2020 CDBG funds to 27 eligible activities for the 12 cities with populations more than 10,000 with direct allocation funding, three eligible activities with competitive pool funds for cities and townships with populations less than 10,000, and five Countywide activities; and

WHEREAS, CDA staff recommends allocating FY 2020 HOME funds to four activities as follows: future CDA affordable housing development at a site in the City of Eagan (58%), future affordable housing activities to be determined (13%), Community Housing Development Organization (CHDO) activities (15%), and grant administration (14%); and

WHEREAS, CDA staff recommends allocating FY 2020 ESG funds to four activities as follows: rapid re-housing activities (76.4%), emergency shelter operations (15.7%), data collection (0.4%), and grant administration (7.5%); and

WHEREAS, Dakota County is required to submit the 2020 Action Plan to HUD by June 8, 2020; and

WHEREAS, HUD requires the designation of a certifying officer for environmental reviews associated with the CDBG, HOME, and ESG activities, and HUD also requires that environmental reviews associated with Capital Fund activities be signed by the highest-ranking County official or designee for CDBG, HOME, and ESG; and

WHEREAS, HUD requires a public notice be published and a public hearing be held to receive comments and inform the public on the 2020–2024 Consolidated Plan and FY 2020 Action Plan that outlines the strategies and objectives for the proposed allocation of FY 2020 CDBG, HOME, and ESG funds; and

WHEREAS, the Dakota County Board of Commissioners conducted a public hearing on April 21, 2020, to receive comments on the 2020–2024 Consolidated Plan and FY 2020 Action Plan, and no comments were received at the hearing nor were comments submitted to the CDA.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the Dakota County Fiscal Year 2020–2024 Consolidated Plan and Fiscal Year 2020 Annual Action Plan for

May 5, 2020

submission to the Department of Housing and Urban Development and hereby approves the 2020 Residential Anti-Displacement and Relocation Assistance Plan and the 2020 Citizen Participation Plan; and
BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to sign the application to the Department of Housing and Urban Development for Fiscal Year 2020 Community Development Block Grant, HOME Investment Partnerships, and Emergency Solutions Grant Programs and the Local Government and Specific Community Development Block Grant, HOME Investment Partnerships, and Emergency Solutions Grant Certifications; and

BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to execute Fiscal Year 2020 Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships agreements with the Department of Housing and Urban Development for the acceptance of Community Development Block Grant funds of \$1,928,343, HOME Investment Partnership funds of \$2,956,300 for the Consortium and \$993,665 to Dakota County including program income, and Emergency Solutions Grant funds of \$165,857 and a subrecipient agreement with the Dakota County CDA for the administration of the Community Development Block Grant, HOME Investment Partnerships, and Emergency Solutions Grant Programs, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Community Development Agency Director of Community and Economic Development is hereby designated as the certifying officer for environmental reviews for the Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grant, and Capital Fund Programs.

REGULAR AGENDA

County Board/County Administration

Update On Monitoring And Response To Coronavirus Outbreak

Public Health Director Bonnie Brueshoff, Public Health Epidemiologist/Informatics Specialist Melanie Countryman, and Deputy County Manager Jean Erickson briefed this item and responded to questions. This item was on the agenda for informational purposes. No staff direction was given by Board members.

Physical Development

Update On 2020 Transportation Capital Improvement Construction Projects

Construction Engineer Jeannine Briol briefed this item and responded to questions. This item was on the agenda for informational purposes only. No staff direction was given by Board members.

Public Services And Revenue

20-232

Acceptance Of Gift To Dakota County Library

Library Director Margaret Stone briefed this item and responded to questions.

Motion: Joe Atkins

Second: Kathleen A. Gaylord

WHEREAS, the Dakota County Board of Commissioners, by Resolution No. 14-400 (August 12, 2014), delegated to the Dakota County Library Advisory Committee the authority to accept gifts of personal property of not more than \$500 for public library purposes; and

WHEREAS, the Dakota County Board of Commissioners must approve and accept gifts to County libraries with a value greater than \$500; and

May 5, 2020

WHEREAS, the Dakota County Library Foundation donated \$5,000 for the digital collection; and

WHEREAS, this donation will greatly enrich the capacity of Dakota County Library to offer valuable materials and programs to customers; and

WHEREAS, the Dakota County Library Advisory Committee supports acceptance of this gift.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts from the Dakota County Library Foundation \$5,000 for the digital collection; and

BE IT FURTHER RESOLVED, That the adopted 2020 budget be amended as follows:

Revenue	
Library Foundation Gifts	<u>\$5,000</u>
Total Revenue	\$5,000

Expense	
Library Foundation Gifts	<u>\$5,000</u>
Total Expense	\$5,000

Ayes: 7

Nays: 0

Interagency Announcements/Reports

Interagency announcements and reports were then presented.

County Manager's Report

County Manager Matt Smith gave an update on the following items:

- Brief overview of reintroducing in-person services.
- Physical Development Director Steve Mielke gave a brief overview of current park services.

Information

See Attachment A - Future Board Meetings And Other Board Activities

Closed Executive Session

20-233

Closed Executive Session: Recommendation On Condemnation Commissioner Award For Parcel 31 In City Of Lakeville For County Project 50-23

Motion: Thomas A. Egan

Second: Joe Atkins

WHEREAS, to provide a safe and efficient transportation system, Dakota County and the City of Lakeville (City) are partnering on County Project (CP) 50-23; and

WHEREAS, CP 50-23 is the reconstruction of County State Aid Highway (CSAH) 50 (202nd Street West) to a divided two-lane roadway from Holyoke Avenue to CSAH 23 (Cedar Avenue) and the construction of a grade-separated crossing of CSAH 50 near Quigley-Sime and Aronson Parks; and

WHEREAS, Dakota County is the lead agency for CP 50-23; and

WHEREAS, to construct the recommended improvements, Dakota County acquired property from Christine

May 5, 2020

Zweber and Gervase Langer identified as Parcel 31 and legally described as:

A temporary easement for highway purposes over, under, and across that part of the north 525.00 feet of the west 290.40 feet of the Southwest Quarter of the Northeast Quarter of Section 28, Township 114 North, Range 20 West, Dakota County, Minnesota described as follows:

Commencing at the northwest corner of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 24 minutes 10 seconds West, assumed bearing along the west line of said Southwest Quarter of the Northeast Quarter a distance of 321.58 feet; thence South 89 degrees 35 minutes 50 seconds East a distance of 40.00 feet to the east line of the west 40.00 feet of said Southwest Quarter of the Northeast Quarter and the point of beginning of the easement to be described; thence continuing South 89 degrees 35 minutes 50 seconds East a distance of 25.00 feet; thence North 00 degrees 24 minutes 10 seconds East a distance of 15.00 feet; thence South 89 degrees 35 minutes 50 seconds East a distance of 40.00 feet; thence North 00 degrees 24 minutes 10 seconds East a distance of 101.50 feet; thence North 89 degrees 35 minutes 50 seconds West a distance of 35.00 feet; thence North 00 degrees 24 minutes 10 seconds East a distance of 110.63 feet; thence North 89 degrees 56 minutes 55 seconds East a distance of 153.28 feet; thence South 00 degrees 03 minutes 05 seconds East a distance of 30.00 feet; thence North 89 degrees 56 minutes 55 seconds East a distance of 66.88 feet to the east line of said west 290.40 feet; thence North 00 degrees 24 minutes 10 seconds East along said east line a distance of 50.00 feet to the south line of the north 75.00 feet of said north 525.00 feet; thence South 89 degrees 56 minutes 55 seconds West a distance of 250.41 feet to said east line of the west 40.00 feet; thence South 00 degrees 24 minutes 10 seconds West along said east line of the west 40.00 feet a distance of 246.90 feet to the point of beginning.

AND

A permanent easement for highway purposes over, under, and across the north 75.00 feet of the west 290.40 feet of the Southwest Quarter of the Northeast Quarter of Section 28, Township 114 North, Range 20 West, Dakota County, Minnesota.

EXCEPT that part of the above described easement area encumbered by Highway Easement to Dakota County per Book 279 of Deeds, Page 89.

Also EXCEPT that part of the above described easement area encumbered by Public Roadway, Drainage and Utility Easement to the City of Lakeville per Document Number 2094168.

; and

WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to the litigation strategy for Parcel 31, CP 50-23, the public disclosure of which would benefit the landowners to the detriment of Dakota County's position in 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 May 5, 2020 and recesses to a confidential conference call to discuss with the County Attorney the litigation strategy for the acquisition of the land identified above for County Project 50-23.

Ayes: 7

Nays: 0

The time being 10:20 a.m. and pursuant to public notice, the County Board joined via a confidential telephone conference conducted in accordance with Minnesota Statutes sections 13D.021 and 13D.03. to hold a Closed Executive Session to discuss with the County Attorney the litigation strategy for the acquisition of the land identified above for County Project 50-23.

The following were present:

May 5, 2020

Commissioner Mike Slavik, District 1
Commissioner Kathleen A. Gaylord, District 2
Commissioner Thomas A. Egan, District 3
Commissioner Joe Atkins, District 4
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
Greta Bjerkness, Assistant County Attorney
Peggy Horsch, Division Head-Civil/Attorney's Office
Mark Krebsbach, County Engineer
Steve Mielke, Physical Development Division Director

The Closed Executive Session continued until 10:33 a.m., at which time the Board reconvened to close the County Board meeting with all members present.

20-234

Adjournment

Motion: Kathleen A. Gaylord

Second: Thomas A. Egan

On a motion by Commissioner Kathleen A. Gaylord, seconded by Commissioner Thomas A. Egan, the meeting was adjourned at 10:34 a.m.

Mike Slavik
Chair

ATTEST

Matt Smith
County Manager