

May 19, 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 in the form of petitions sent in by companies in the City of Lakeville. The petitions are in regard to Controlled Westbound Access For Airlake Industrial Park Neighborhood in the City of Lakeville. The petitions will be carried over to a future meeting with the related agenda item. The petitions/comments were forwarded to all seven Commissioners. The following companies sent in comments/petitions:

- Midstate Reclamation
- Kambum, Inc.
- Creekside Lawn and Landscape
- Kiehm Construction Inc.
- Custom Stud Inc.
- MOR Golf and Utility
- Uponor, Inc.
- Proturf Inc.
- Wausau Supply
- Genpak
- General Transport, Inc.
- Styer Transportation
- Performance Office Papers
- Consulting Engineers Group
- GEEK Real Estate, LLC
- Menasha
- Designed Cabinets, Inc.
- Stampings of Minnesota, Inc.
- Polyethylene Technology
- Airlake Truck Body and Paint
- Granse/Trio Sales, LLC
- Grain Handler
- American Cast Iron Pipe Co.

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- Dayton Freight Lines
- Overbye Transport Inc.

No other comments were received for any other items.

20-235

Approval Of Agenda (Additions/Corrections/Deletions)

Motion: Kathleen A. Gaylord

Second: Thomas A. Egan

On a motion by Commissioner Kathleen A. Gaylord, seconded by Commissioner Thomas A. Egan, the agenda was unanimously approved with the following changes:

- Removal of Item 8.2 – This item will be placed on a future County Board agenda. The petitions/comments that were received pertained to this item and will be forwarded to a future meeting.
Transportation - Rescission Of Resolution No. 93-481, Award Of Bid And Authorization To Execute Contract With Hoffman Construction Company For County Project 70-23 In City Of Lakeville, And Amend Transportation Sales And Use Tax Program Budget
- An item was added to the regular agenda. Item 9.2.
County Administration – Appointment To Special Board Of Appeals And Equalization

CONSENT AGENDA

Motion: Liz Workman

Second: Mary Liz Holberg

On a motion by Commissioner Liz Workman, seconded by Commissioner Mary Liz Holberg, the consent agenda was unanimously approved as follows:

20-236

Approval Of Minutes Of Meeting Held On May 5, 2020

Items Recommended By Board Committee

20-237

Proclamation Of May As Mental Health Month

WHEREAS, May is National Mental Health Month; and

WHEREAS, mental health and well-being are important for people across Dakota County; and

WHEREAS, mental health is an important determinant of overall health and well-being; and

WHEREAS, there are practical tools that all people can use to improve their mental health and increase resiliency; and

WHEREAS, mental health consistently emerges as a top priority in community health needs assessments; and

WHEREAS, prevention is an effective strategy to reduce the burden of mental health conditions; and

WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, Dakota County has a network of mental health services and initiatives that provide mental health

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services and promote mental health awareness and education; and

WHEREAS, Dakota County staff, in partnership with other key organizations, is committed to building public awareness and addressing stigma as important steps in supporting people to access treatment and support; and

WHEREAS, promoting mental health and awareness of resources and support is especially important during the COVID-19 period; and

WHEREAS, staff recommends the Dakota County Board of Commissioners proclaim May as Mental Health Month.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby proclaims May 2020 as Mental Health Month in Dakota County, and supports efforts to promote mental health awareness, training, education, and access to information, services, and supports to serve the mental health needs of the citizens of Dakota County.

20-238

Authorization To Execute Contracts With Hearth Connection For Rental Assistance Administration

WHEREAS, Dakota County issued a Request for Proposals (RFP) for rental assistance administration services on July 2, 2018, to secure a vendor to provide rental assistance administration program services on behalf of Dakota County Social Services, Housing Section, and Hearth Connection was selected as the provider for this service; and

WHEREAS, by Resolution No. 18-425 (August 21, 2018), the Board authorized the Community Services Director to contract with Hearth Connection for rental assistance administration and by Resolution No. 19-850 (November 26, 2019), the Dakota County Board of Commissioners authorized the Community Services Director to execute a renewal contract with Hearth Connection to provide rental assistance; and

WHEREAS, rental assistance resources included in the RFP are U.S. Department of Housing and Urban Development (HUD) Continuum of Care Rapid Re-Housing (CoC RRH) and HUD Emergency Solutions Grant Rapid Re-Housing (ESG RRH); and

WHEREAS, the HUD CoC RRH funds are secured annually through a competitive grant process and the grant year runs from June 1 through May 31 of each year and is anticipated to renew, and total rental assistance, application fee, security deposit and administration funds currently available are \$649,338 for the grant year; and

WHEREAS, the HUD ESG RRH funds are secured annually through a formula allocation and the grant year runs from July 1 through June 30 of each year and is anticipated to renew, and total rental assistance, application fee, security deposit and administrative funds available are \$165,000 for the grant year; and

WHEREAS, rental assistance administration includes: management of RRH rental assistance budgets and rent payments to landlords, management of program participant file and documentation requirements per program regulations, connection of participants to required case management services, and provision of all data entry.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Hearth Connection for HUD CoC rental assistance administration services in a not-to-exceed amount of \$649,338 for the period of June 1, 2020 through May 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 Hearth Connection for HUD ESG rental assistance administration services in a not-to-exceed amount of \$165,000 for the period of July 1, 2020 through June 30, 2021; and

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

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

BE IT FURTHER RESOLVED, That the contracts shall contain a provision that allows the County to immediately terminate the contracts 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.

20-239

Authorization To Amend Contract With The Salvation Army To Add Funds And Extend End Date

WHEREAS, the Center for Disease Control and Prevention (CDC) continues to recommend that people socially distance from one another in order to reduce and prevent the spread of COVID-19, and the homeless population is among one of the most vulnerable populations in the current pandemic; and

WHEREAS, on October 28, 2019, staff issued a Request for Proposal (RFP) for Emergency Shelter Funding, and there were three respondents, with a review committee comprised of Dakota County staff recommending The Salvation Army for funding; and

WHEREAS, by Resolution No. 19-850 (November 26, 2019), the County Board of Commissioners authorized the Community Services Director to execute a contract with The Salvation Army for emergency shelter services through the Minnesota Department of Human Services Emergency Shelter Grant in an amount not to exceed \$200,000 for the period of December 1, 2019 through April 30, 2020; and

WHEREAS, The Salvation Army has proven they are capable and have experienced positive results in their hotel sheltering thus far, housing eleven people in hotels and spending \$45,127.52 through the end of the first quarter of 2020; and

WHEREAS, the additional funding of \$47,128 and extension of the contract term will allow The Salvation Army to continue housing people through the end of December; and

WHEREAS, by Resolution No. 20-186 (April 7, 2020), the County Board of Commissioners authorized the Community Services Director to amend a contract with Matrix Housing Services to house 42 people experiencing homelessness in hotels in an amount not to exceed \$639,000 from the date of execution through December 31, 2020; and

WHEREAS, the contracts with Matrix Housing Services and The Salvation Army allow Dakota County to continue to keep people experiencing homelessness safe in hotels and socially distant from one another for the remainder of this year; and

WHEREAS, staff recommends executing a contract amendment with The Salvation Army for a total not to exceed contract amount of \$247,128 and extending the contract term through December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to amend the contract with The Salvation Army to add an additional \$47,128 in grant funding for a total not to exceed contract amount of \$247,128, and to extend the contract term 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, consistent with the amount budgeted, to alter the number and types of clients served, types of services provided, contract amount and the 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.

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20-240

Authorization To Execute 2020 Federal Transit Administration Annual List Of Certifications And Assurances

WHEREAS, by Resolution No. 19-614 (July 23, 2019), the Dakota County Board of Commissioners authorized the County Manager to execute a Section 5310 Elderly and Disabled Assistance grant with the Minnesota Department of Transportation to improve access to transportation service and public transportation alternatives to seniors, persons with disabilities, and individuals who are system involved and transportation dependent; and

WHEREAS, before the Federal Transit Administration (FTA) may award federal assistance for public transportation in the form of a federal grant, cooperative agreement, loan, line of credit, or loan guarantee, certain pre-award Certifications and Assurances are required; and

WHEREAS, by Resolution No. 19-530 (May 21, 2019), the Dakota County Board of Commissioners authorized the Community Services Director to execute the 2019 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements in connection with federally funded projects and grants; and

WHEREAS, these Certifications and Assurances are required annually and encompass a wide range of funding programs overseen by the FTA; and

WHEREAS, all categories have been reviewed by staff in the Dakota County Attorney's Office and the Community Services Division Contracts Unit; and

WHEREAS, it has been determined as a result of that review that Dakota County complies with the applicable terms set forth in the Certifications and Assurances; and

WHEREAS, staff recommends authorization to execute the 2020 FTA Annual List of Certifications and Assurances.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute the 2020 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements in connection with federally funded projects and grants, upon the advice of the Community Services Director and the County Attorney, subject to approval by the County Attorney's Office as to form.

20-241

Authorization To Execute License Agreement With Independent School District 200 For Space For Emergency Public Health Activities

WHEREAS, the Dakota County Board of Commissioners, acting as the Dakota County Community Health Board, has responsibility to support efforts to prevent disease and disability, and to promote and protect the health and safety of County residents; and

WHEREAS, in the event of a public health emergency, the Dakota County Public Health Department is responsible for establishing Point of Dispensing (POD) sites where County residents pick up medications; and

WHEREAS, Independent School District 200 (ISD 200) has space that could be utilized by Public Health to set up a POD in the event of a public health emergency and training events; and

WHEREAS, representatives from ISD 200 have agreed to the terms presented and will recommend execution of the new license agreement.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute the license agreement with Independent School District 200 for use of space for public health emergency activities from the date of execution through December 31, 2024, substantially

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as presented to the Community Service Committee of the Whole on May 12, 2020, subject to approval by the County Attorney's Office as to form.

20-242

Authorization To Execute Amendment To 2020 Natural Resources Temporary Staff Budget

WHEREAS, by Resolution 18-106 (February 27, 2018), the County Board approved the Conservation Partners Legacy (CPL) Grant and executed a contract with the State for Dakota Lake Phase II Oak Woodland Enhancement within Lebanon Hills Regional Park; and

WHEREAS, the grant agreement allows funding in the amount of \$9,920 for reimbursement of seasonal technicians; and

WHEREAS, by Resolution 17-213 (April 18, 2017), the County Board approved the CPL Grant and executed a contract with the State for Jensen Lake Phase II Oak Woodland and Savanna Enhancement within Lebanon Hills Regional Park; and

WHEREAS, the grant agreement allows funding in the amount of \$3,000 for reimbursement of seasonal technicians; and

WHEREAS, at the time of grant approval, the funding was anticipated to be used for direct program expenses but was used for temporary staff salary; and

WHEREAS, staff would like to reallocate the associated grant funding to the natural resources temporary staff line item in the 2020 Parks operations budget; and

WHEREAS, these funds are reimbursement for previously completed work; and

WHEREAS, an amendment to the 2020 Natural Resources temporary staff budget is being sought to include the \$12,920 from the two previously accepted CPL grants; and

WHEREAS, the current 2020 Natural Resource temporary staff budget is \$104,644; and

WHEREAS, the amended budget, which would include the \$12,920 from the two CPL grants, would be \$117,564.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes a budget amendment to the adopted 2020 Natural Resources temporary staff budget to include \$12,920 from two previously accepted Conservation Partners Legacy grants, bringing the adopted budget for this line item from \$104,644 to \$117,654; and

BE IT FURTHER RESOLVED, That the 2020 Parks Operating Budget be amended as follows:

Expense	
NR Temp Salary	\$12,920
Salary Chargeback	<u>(\$12,920)</u>
Total Expense	\$0

20-243

Authorization Of Joint Powers Agreement With City Of Burnsville For Construction And Construction Administration Of Lake Marion Greenway-Sunset Park To Murphy Hanrehan Regional Park

WHEREAS, by Resolution No. 19-036 (January 22, 2019), the County Board authorized execution of a joint powers agreement (JPA) for final design and land acquisition for the Lake Marion Greenway – Sunset Park to Murphy Hanrehan Regional Park Reserve; and

WHEREAS, final design and land acquisition is nearing completion and project bidding is scheduled for upcoming

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construction season; and

WHEREAS, project construction estimate is \$4,110,047 including \$400,000 construction administration; and

WHEREAS, the City of Burnsville received a \$1,598,400 Federal Grant to be applied towards project construction; and

WHEREAS, the City of Burnsville will contribute an additional \$615,500 towards overall construction and administration costs; and

WHEREAS, Dakota County will provide the balance of funding estimated at \$1,837,360 or based on actual project construction costs; and

WHEREAS, the JPA for construction and construction administration will be based on actual project construction costs; and

WHEREAS, Dakota County and the City of Burnsville will advance fund the federal share of the project equally to be reimbursed at the time federal funding is available in 2021; and

WHEREAS, upon project completion Dakota County will assume ongoing maintenance responsibilities identified in a future supplemental maintenance agreement.

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 Burnsville for the Lake Marion Regional Greenway – Sunset Park to Murphy Hanrehan Regional Park Reserve final construction and construction administration estimated at \$1,837,360, subject to approval by the County Attorney's Office as to form.

20-244

Approval Of Schematic Design For Judicial Building Weatherproof Vestibule And Amendment Of 2020 Buildings Capital Improvement Program Budget

WHEREAS, the Judicial Center Weatherproof Waiting Area is included in the 2020 Buildings Capital Improvement Program (CIP) Adopted Budget; and

WHEREAS, two primary needs are identified within this project; and

WHEREAS, the first need is a vestibule for visitors to use when the Judicial Center (JDC) entrance is closed; and

WHEREAS, the second need is the revolving door at the JDC main entrance which has reached the end of its useful life and is in need of replacement; and

WHEREAS, Wold Architects and Engineers have worked with County staff to design a unified solution to these two issues; and

WHEREAS, this design adds a weatherproof vestibule, replaces the revolving door, and improves accessibility to the building with a currently compliant new ramp; and

WHEREAS, the project as designed is estimated as a total project cost of \$330,000; and

WHEREAS, the 2020 Buildings CIP Adopted Budget includes funding of \$165,000; and

WHEREAS, the difference of \$165,000 is proposed to be funded by savings from the previously completed Heritage Library project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the schematic design as presented on May 12, 2020, to the Physical Development Committee of the Whole; and

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

Expense	
Heritage Library (B30029)	(\$165,000)
Judicial Center Weatherproof Waiting Area Project (B10066)	<u>\$165,000</u>
Total Expense	\$0

20-245

Approval Of Grant Application Submittals For Highway Safety Improvement Program 2020 Federal Funding Solicitation Process

WHEREAS, in conjunction with the Transportation Advisory Board (TAB), Minnesota Department of Transportation is requesting project submittals for federal funding under the Metro Highway Safety Improvement Program through the Fixing America's Surface Transportation Act; and

WHEREAS, these federal programs fund up to 90 percent of project construction costs; and

WHEREAS, federal funding of projects reduces the burden on local taxpayers for regional improvements; and

WHEREAS, non-federal funds must be at least 10 percent of the project costs; and

WHEREAS, project submittals are due on July 1, 2020; and

WHEREAS, all projects proposed are consistent with the adopted Dakota County Comprehensive Plan; and

WHEREAS, subject to federal funding award, the Dakota County Board of Commissioners would be asked to consider authorization to execute a grant agreement at a future meeting.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following County-led projects for submittal to the Transportation Advisory Board for federal funding: County State Aid Highway 73 (Oakdale Avenue) at its intersection with County Road 6 (Thompson Avenue) in West St. Paul County State Aid Highway 54 (Ravenna Trail) at its intersection with County State Aid Highway 68 (200th Street East) in Ravenna Township

20-246

Approval Of Release Of Draft Dakota County Groundwater Plan For Public Review And Scheduling Of Public Hearing To Receive Comments On Draft Plan

WHEREAS, updating the County Groundwater Plan is a 2020 Board Priority, continuing its priority status from 2019; and

WHEREAS, an update on the Groundwater Plan, processes, quality and quantity concerns, and planned stakeholder engagement was presented to the Physical Development Committee of the Whole on February 12, 2019; and

WHEREAS, the Dakota County Board of Commissioners (Board) discussed the proposed goals and possible new program opportunities with staff during the October 8, 2019, County Board Workshop; and

WHEREAS, the purpose of the Groundwater Plan is to provide strategic direction for the County's involvement in groundwater issues and provide access to funding opportunities to support these efforts; and

WHEREAS, the completed draft Groundwater Plan was developed through research on groundwater quality, groundwater quantity, existing and potential strategies, stakeholder response to potential new strategies, and

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guidance provided by the Board during the County Workshop; and

WHEREAS, two rounds of public engagement were conducted during the process to identify issues, concerns, and potential opportunities and to prioritize potential new strategies; and

WHEREAS, the technical advisory group convened five times throughout the plan development process to review and comment on researched issues, public concerns, and potential strategies; and

WHEREAS, the Dakota County Planning Commission reviewed the draft Plan at its April 23, 2020 meeting with a recommendation to the Physical Development Committee of the Whole to release the draft Plan for a 60-day public review period; and

WHEREAS, a public hearing is requested for September 1, 2020, at 9:00 a.m. to receive comments on the draft Plan; and

WHEREAS, meetings of the County Board are held in the Boardroom, Administration Center, 1590 Highway 55, Hastings, MN, except due to the ongoing impacts from the COVID-19 virus, the Board is conducting public meetings via telephone or other electronic means pursuant to Minn. Stat. § 13D.021 and will continue to do so long as it is not 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 can be found on the Dakota County website at www.dakotacounty.us; and

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

WHEREAS, if the September 1, 2020, County Board meeting is conducted via telephone or other electronic means, Dakota County will provide the public the ability to participate and hear all discussion and comments during the public hearing by telephone or other electronic means; and

WHEREAS, Dakota County continues to work to improve the technology and process for remote participation for public meetings during this local emergency and will provide notice of any change in the process.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves release of the draft Groundwater Plan for a 60-day public review period from May 20 to July 20, 2020; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing for September 1, 2020, at 9:00 a.m. in the Boardroom, Administration Center, 1590 Highway 55, Hastings, Minnesota or via telephone or other electronic means to receive public comments on the draft Plan in accordance with Minn. Stat. § 103B.255.

Operations, Management And Budget

Report On Invoices Paid In April 2020

This item was on the agenda for informational purposes only.

20-247

Authorization To Amend Contract With RBA, 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

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implementation of applications software and systems for CJN applications and the Integration Hub; and

WHEREAS, Dakota County has contracted with RBA, 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 and through the upgrade of eBriefing and Scheduling applications; and

WHEREAS, Dakota County desires to contract with RBA, Inc., to continue the work relating to the development and implementation of applications software and systems for CJN applications for an additional \$115,000, resulting in a total contract amount not to exceed \$355,000; 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 RBA, Inc., in the amount of \$115,000 for a total contract amount not to exceed \$355,000, subject to the approval by the County Attorney's Office as to form.

20-248

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 and through the upgrade of eBriefing and Scheduling applications; 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 \$40,000, resulting in a total contract amount not to exceed \$139,000; 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 Intertech, 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 \$40,000 for a total contract amount not to exceed \$139,000, subject to the approval by the County Attorney's Office as to form.

Physical Development

20-249

Authorization To Execute Second Contract Amendment With Bolton & Menk, Inc., For Construction Support For County Project 70-23 In Lakeville

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

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

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

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

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

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

WHEREAS, by Resolution No. 20-041 (January 21, 2020), the County Board authorized the execution of a contract amendment with Bolton & Menk, Inc., for \$429,257 to design a noise wall, a realigned trail with bridges, and additional storm water treatment; and

WHEREAS, Bolton & Menk, Inc., satisfactorily completed requirements of the contract, except for the trail segment with bridges and minor construction support activities; and

WHEREAS, the contract documents require the contractor to complete the construction of four lanes of traffic by the end 2021; and

WHEREAS, concerns have been raised about the feasibility of achieving this schedule given the current pandemic; and

WHEREAS, to ensure better schedule management and reduce the potential for delay claims, County staff is proposing the use of critical path method (CPM) scheduling; and

WHEREAS, Bolton & Menk, Inc., has the software and expertise available to provide this service to the County; and

WHEREAS, County staff has negotiated with Bolton & Menk, Inc., for an amount of \$28,800 to provide construction scheduling services during the duration of the project; and

WHEREAS, the City is supportive of this proposed amendment and scheduling technique; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to amend the contract with Bolton & Menk, Inc., to perform additional engineering services for County Project 70-23 in an amount not to exceed \$28,800, resulting in a total amended contract amount not to exceed \$1,824,554, including reimbursable items, subject to approval by the County Attorney's Office as to form.

Rescission Of Resolution No. 93-481, Award Of Bid And Authorization To Execute Contract With Hoffman Construction Company For County Project 70-23 In City Of Lakeville, And Amend Transportation Sales And Use Tax Program Budget

This item was pulled from the agenda and it will be moved to a future meeting.

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20-250

Authorization To Amend Cooperative Agreement No. 1027097 And To Accept Funds From Minnesota Department Of Transportation For County Project 26-47 In City Of Inver Grove Heights

WHEREAS, the County reconstructed an all-way stop intersection of County State Aid Highway 26 (70th Street) and Trunk Highway 3 (South Robert Trail) to an urban roundabout with pedestrian/bike accommodations; and

WHEREAS, construction of the project was completed in October 2019; and

WHEREAS, the project incurred several contract changes increasing the costs, some of which were determined to be the responsibility of the Minnesota Department of Transportation (MnDOT); and

WHEREAS, MnDOT has revised Cooperative Agreement No. 1027097 to allow for reimbursement to the County \$89,216.90; and

WHEREAS, staff recommends Dakota County enter into the amended agreement 1027097 with MnDOT allowing for the reimbursement to the County for changes to the project; and

WHEREAS, authorization is needed to accept these monies.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the amendment to Minnesota Department of Transportation Cooperative Agreement No. 1027097 for County Project 26-47 to receive an additional \$89,216.90 of funds for eligible cost increases, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2020 Dakota County adopted budget is amended as follows:

Expense	
County Project 26-47	<u>\$89,217</u>
Total Expense	\$89,217
Revenue	
Minnesota Department of Transportation	<u>\$89,217</u>
Total Revenue	\$89,217

20-251

Authorization To Execute Second Contract Amendment With HDR, Inc., For Professional Services On County Project 86-34 In Castle Rock, Eureka, Greenvale, And Waterford Townships

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

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

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

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

WHEREAS, by Resolution No. 18-231 (April 24, 2018), the County Board authorized the Physical Development Director to execute a contract with HDR, Inc., in the amount of \$466,919 for preliminary design services of the CSAH 86 railroad bridge as part of CP 86-34; and

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WHEREAS, by Resolution No. 19-535 (May 21, 2019), the County Board authorized the Physical Development Director to execute a contract amendment with HDR, Inc., in the amount of \$222,150 for final design engineering services of the CSAH 86 railroad bridge for a new contract value not to exceed \$689,069; and

WHEREAS, an amendment of the current professional engineering services contract with HDR, Inc., for floodplain analysis to produce a Letter of Map Revision (LOMR) is necessary to complete the final design engineering and prepare CP 86-34 for construction; and

WHEREAS, HDR, Inc., has a project team that possesses the expertise required to analyze the floodplain and revise as required by the LOMR process; and

WHEREAS, the 2020 Transportation Capital Improvement Program Budget includes sufficient funds for the Project; and

WHEREAS, the County Engineer recommends execution of a contract amendment with HDR, Inc., for professional consulting services for County Project 86-34 in the amount of \$40,574 for a new total cost not to exceed \$729,643 including reimbursable items.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to amend the contract with HDR, Inc., to perform Letter of Map Revision professional services for County Project 86-34 in the amount of \$40,574 resulting in an amended total contract amount of \$729,643 including reimbursable items, subject to approval by the County Attorney's Office as to form.

20-252

Authorization To Execute Contract Amendment With Meyer Contracting, Inc., For County Project 26-47 In City Of Inver Grove Heights

WHEREAS, to promote a safe and efficient transportation system throughout the County, Dakota County, in cooperation with the Minnesota Department of Transportation (MnDOT) and the City of Inver Grove Heights, constructed a roundabout at the intersection of County State Aid Highway (CSAH) 26 and Trunk Highway (TH) 3; and

WHEREAS, By Resolution 19-034 (January 22, 2019), the County Board approved a construction contract with Meyer Contracting, Inc., in the amount of \$4,571,995.88 based on their low bid of \$4,506,995.88 and \$65,000 in potential incentives; and

WHEREAS, the project began in the spring of 2019 and was completed in the fall 2019; and

WHEREAS, contract costs have increased by \$284,100, or 6.3 percent, above the low bid amount; and

WHEREAS, three major items contributing to the cost increase are the removal of contaminated soil, the redesign of the Holiday Station Store's east driveway, and extra work on the infiltration basin; and

WHEREAS, MnDOT has agreed to amend the Cooperative Agreement with the County to share in the cost overruns in the amount of \$89,216 for Trunk Highway related costs and the City of Inver Grove Heights and Dakota County will share the balance of the cost increase, approximately 45 percent and 55 percent respectively in accordance with County policy; and

WHEREAS, staff recommends authorizing a contract amendment with Meyer Contracting, Inc., in the amount of \$284,100.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioner hereby approves the contract amendment and authorizes the Physical Development Director to execute a contract amendment with Meyer Contracting, Inc., in the amount of \$284,100 for additional contract costs on County Project 26-47 for a revised contract amount of \$4,791,096 plus \$65,000 in potential incentives, subject to approval by the County Attorney's Office as to form.

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20-253

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 January 1, 2020–March 31, 2020 totaled \$454,535.61; and

WHEREAS, the HOME Entitlement expenses during the timeframe of January 1, 2020–March 31, 2020 totaled \$327,189.03; and

WHEREAS, the ESG Entitlement expenses during the timeframe of January 1, 2020–March 31, 2020 totaled \$44,692.79; 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 \$826,417.43 for January 1, 2020–March 31, 2020 as presented.

REGULAR AGENDA

County Board/County Administration

Update On Monitoring And Response To Coronavirus Outbreak

Director of Public Health Bonnie Brueshoff, Director of Social Services Evan Henspeter, and Deputy County Manager Jean Erickson 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.

20-254

Appointment To Special Board Of Appeals And Equalization

Motion: Mary Liz Holberg

Second: Thomas A. Egan

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints/reappoints the following individual to the Special Board of Appeal and Equalization for a two-year term ending December 31, 2021:

District Name

6 Patricia Zuzek

Ayes: 7

Nays: 0

May 19, 2020

Closed Executive Session

20-255

Closed Executive Session: Legal Strategy For Acquisition Of Property In City Of Miesville And Marshan Township For County Project 91-25

Motion: Thomas A. Egan

Second: Kathleen A. Gaylord

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 91-25; and

WHEREAS, CP 91-25 is the reconstruction of County Road (CR) 91 from Trunk Highway (TH) 61 in the City of Miesville to 210th Street in Marshan Township; and

WHEREAS, the reconstruction includes pavement replacement, turn lane construction, and drainage improvements and is scheduled to begin in 2021; and

WHEREAS, Dakota County utilized public engagement for this project, including public open houses on June 25, 2018, and August 29, 2019, at the Miesville Fire Station, and various individual and group meetings with landowners; and

WHEREAS, by Resolution Nos., 19-820 (November 12, 2019), and 20-148 (March 24, 2020), the Dakota County Board of Commissioners authorized the acquisition of certain properties identified in the resolutions and Dakota County Right of Way Map No. 485 and initiation of quick-take eminent domain pursuant to Minn. Stat. § 117.042, if necessary, to construct the recommended improvements; and

WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to the strategy of accomplishing the acquisition of property rights for CP 91-25, 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 19, 2020, and recesses to a confidential conference call to discuss with the County Attorney the legal strategy of accomplishing Dakota County's acquisition the property rights identified in Dakota County Right of Way Map No. 485 for County Project 91-25.

Ayes: 7

Nays: 0

The time being 10:13 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 legal strategy of accomplishing Dakota County's acquisition the property rights identified in Dakota County Right of Way Map No. 485 for County Project 91-25.

The following were present:

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
James Backstrom, County Attorney
Jeni Reynolds, Sr. Administrative Coordinator to the Board

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Greta Bjerkness, Assistant County Attorney
Peggy Horsch, Division Head-Civil/Attorney's Office
Mark Krebsbach, County Engineer
Jacob Rezac, Assistant Design Engineer
Steve Mielke, Physical Development Division Director

The Closed Executive Session continued until 10:20 a.m., at which time the Board reconvened to vote on the matter and close the County Board meeting with all members present.

20-256

Settlement Authority For Acquisition Of Certain Property Rights Necessary For County Project 91-25

Motion: Thomas A. Egan

Second: Joe Atkins

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 91-25; and

WHEREAS, CP 91-25 is the reconstruction of County Road (CR) 91 from Trunk Highway (TH) 61 in the City of Miesville to 210th Street in Marshan Township; and

WHEREAS, the reconstruction includes pavement replacement, turn lane construction, and drainage improvements and is scheduled to begin in 2021; and

WHEREAS, the County utilized public engagement for this project, including public open houses on June 25, 2018, and August 29, 2019, at the Miesville Fire Station, and various individual and group meetings with landowners; and

WHEREAS, by Resolution Nos., 19-820 and 20-148, the County Board of Commissioners authorized the acquisition of certain properties identified in the resolutions and Dakota County Right of Way Map No. 485 and initiation of quick-take eminent domain pursuant to Minn. Stat. 117.042, if necessary, to construct the recommended improvements; and

WHEREAS, on May 19, 2020, the Dakota County Attorney's Office provided a confidential memorandum to the Dakota County Board of Commissioners explaining the legal strategy accomplishing Dakota County's acquisition of the property rights identified in Dakota County Right of Way Map 485 as Parcels 6, 7 and 12; and

WHEREAS, after review of the information contained in the confidential memorandum, the County Board determined a closed session discussion with the County Attorney's Office was not required prior to providing settlement direction.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to proceed with settlement negotiations on the acquisition of property rights for County Project 91-25 consistent with the settlement authority requested in the confidential memorandum to the County Board.

Ayes: 7

Nays: 0

20-257

Authorization To Approve Settlement With Margot G. Kruse (Parcel 3 (485)) For County Project 91-25 Acquisition

Motion: Thomas A. Egan

Second: Joe Atkins

WHEREAS, Dakota County (County) is proceeding with County Project (CP) 91-25; and

WHEREAS, CP 91-25 involves the reconstruction of County State Aid Highway (CSAH) 91 to from Trunk Highway 61 in the City of Miesville to 210th Street in Douglas Township; and

WHEREAS, to construct the recommended improvements, the County must acquire Parcel 3, identified in Dakota

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County Right of Way Map 485 from Margot G. Kruse ("owner"); and

WHEREAS, the acquisition from owner is a total acquisition of the property, including the residence; and

WHEREAS, owner is entitled to minimum compensation pursuant to Minnesota Statutes Section 117.187; and

WHEREAS, the County offered the owner a total of \$225,000 in compensation plus relocation expenses and closing costs; and

WHEREAS, the owner rejected the offer seeking additional compensation related to the property; and

WHEREAS, the parties in this action have agreed to settle all damages caused by the taking whereby the County will pay the owner \$260,000, plus relocation expenses and closing costs, subject to approval by the County Board; and

WHEREAS, the County Attorney and Transportation Department staff recommend approval of the settlement agreement as being a fair and equitable settlement of the action 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 Margot G. Kruse identified in Dakota County Right of Way Map 485 as Parcel 3 and in the amount of \$260,000, plus relocation expenses and closing costs, 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 between the parties.

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:

- The next County Board meeting will be held on June 2, 2020.
- Future discussion will be had regarding holding in-person meetings and what the transition of that looks like.

Information

See Attachment A - Future Board Meetings And Other Board Activities

20-258

Adjournment

Motion: Chris Gerlach

Second: Kathleen A. Gaylord

On a motion by Commissioner Chris Gerlach, seconded by Commissioner Kathleen A. Gaylord, the meeting was adjourned at 10:22 a.m.

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Mike Slavik
Chair

ATTEST

Matt Smith
County Manager