

June 16, 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. Chair Slavik gave brief opening comments regarding the current civil unrest due to the recent death of George Floyd during an arrest by the Minneapolis Police Department.

**Audience**

Chair Slavik noted that all public comments can be sent to [CountyAdmin@co.dakota.mn.us](mailto:CountyAdmin@co.dakota.mn.us)  
No comments were received.

**20-275**

**Approval Of Agenda (Additions/Corrections/Deletions)**

Motion: Thomas A. Egan

Second: Kathleen A. Gaylord

Corrected summary and resolution language were requested for Item 8.1 Authorization To Execute Grant Agreement For State Dislocated Worker Services and Related Contracts. Corrected summary changes were requested for Item 8.6 Information On Re-Initiation Of DakotaLink Transportation Pilot And Execution Of Contract With Minnesota Coaches, Incorporated, dba Hastings Bus Company. Changes were noted, and Commissioner Egan motioned for this item with the corrected revisions. The revisions are reflected in these minutes.

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

**CONSENT AGENDA**

Motion: Kathleen A. Gaylord

Second: Joe Atkins

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

**20-276**

**Approval Of Minutes Of Meeting Held On June 2, 2020**

**Items Recommended By Board Committee**

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**20-277**

**Approval To Continue Participation In State Standard Measures Program**

WHEREAS, the Minnesota Legislature created the Council on Local Results and Innovation in 2010, and the Council released a standard set of performance measures for cities and counties in 2011; and

WHEREAS, the Dakota County Board of Commissioners adopted Resolution No. 11-318 (June 21, 2011), to participate in the voluntary performance measurement program and began assembling the necessary data; and

WHEREAS, Dakota County values the use of performance measurement to continually improve program and services for the residents of Dakota County; and

WHEREAS, participation in the standard measures program by a city or county is voluntary, but those who choose to participate in the program must officially adopt the corresponding performance measures developed by the Council, and file a report with the Office of the State Auditor by July 1, 2020, as part of annual reporting requirements; and

WHEREAS, cities and counties who participate in the program must implement a local performance measurement system as defined by the Council on Local Results and Innovation, to include: outcome goals; outcome and output performance measures; and reporting on results of the performance measures to their residents.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the following standard performance measures developed by the Council on Local Results and Innovation and authorized by the Minnesota Legislature:

- Part I and II Crime
- Average County Pavement Condition Rating
- Workforce Participation Rate Among Minnesota Family Investment Program and Diversionary Work Program Participants
- Percentage of Children Where There Is a Recurrence of Maltreatment Within 12 Months Following an Intervention
- Level of Assessment Ratio
- Accuracy of Post-Election Audit
- Dollars Brought into the County for Veterans' Benefits
- Bond Rating
- Citizens' Rating of the Quality of County Park, Recreational Programs, and/or Facilities
- Amount of Hazardous Household Waste and Electronics Collected

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby directs the County Manager to cause the collection, maintenance, and publication of the set of performance measures, as defined by the Council on Local Results and Innovation.

**20-278**

**Authorization To Amend Contracts With Frontier Communications For Local And Long-Distance Telephony And Faxing Services**

WHEREAS, Dakota County entered into two agreements with Frontier Communications in 2015 for local and long-distance telephone and faxing service; and

WHEREAS, the current Session Initiation Protocol (SIP) Contract and Primary Rate Interface (PRI) Contract expire June 30, 2020; and

WHEREAS, there are no immediate plans to replace the need for local and long-distance telephone and faxing

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service; and

WHEREAS, there is a need to continue to provide County business units with the local and long-distance telephone and faxing services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chief Information Officer (CIO) to execute a contract for telephone local and long-distance and faxing service contract amendment from Frontier Communications, for the period July 1, 2020 through June 30, 2021, subject to approval as to form by the County Attorney's office, at a total cost not to exceed \$108,304.80, plus any applicable taxes.

<b>Expense</b>	
2020 IT Annual Budget	(\$108,304.80)
2020 Frontier Communications SIP Contract	\$ 76,228.80
2020 Frontier Communications PRI Contract	<u>\$ 32,706.00</u>
<b>Total Expense</b>	<b>\$0</b>

### **County Board/County Administration**

#### **20-279**

#### **Summary Of Conclusions Of Closed Executive Session To Hold Performance Review Of County Manager**

WHEREAS, the Open Meeting Law, Minn. Stat. § 13D.05, permits a public body to close a meeting to evaluate the performance of an individual subject to its authority; and

WHEREAS, the statute requires that the public body summarize its conclusions regarding the evaluation during a subsequent open meeting; and

WHEREAS, on June 2, 2020, the Dakota County Board of Commissioners held a closed executive session to hold a discussion of the mid-year performance of the County Manager; and

WHEREAS, the mid-year review of the County Manager did not result in a rating and was conducted for performance feedback purposes only.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners hereby reports that the review consisted of a discussion of the County Manager's accomplishments and observations over the past six months and challenges and opportunities he and the Board foresee for the County Manager for the remainder of the year and did not result in any conclusions regarding the County Manager's performance.

#### **20-280**

#### **Scheduling Of Physical Development Committee Of The Whole And Additional General Government And Policy Committee**

WHEREAS, the Dakota County Board of Commissioners gave staff direction to reschedule the June 9, 2020, Physical Development Committee of the Whole to June 23, 2020; and

WHEREAS, many of the items that were to be discussed on the June 9, 2020, Physical Development Committee of the Whole agenda would better be discussed following the commencement of the state legislature's special session on June 12, 2020, as there would be more information available regarding these items; and

WHEREAS, the Board determined that an additional General Government and Policy Committee should be held on June 23, 2020, to provide a legislative update.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedule a General Government and Policy Committee of the Whole on June 23, 2020, at 9:00 a.m. and a Physical Development Committee of the Whole meeting for June 23, 2020, at 9:30 a.m. or following the General

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Government and Policy Committee of the Whole via telephone or other electronic means as necessary due to the ongoing COVID-19 pandemic.

## **Community Services**

### **20-281**

#### **Authorization To Execute Grant Agreement For State Dislocated Worker Services And Related Contracts**

WHEREAS, the Workforce Innovation and Opportunity Act requires Workforce Development Areas (WDA), including Dakota-Scott Workforce Services, to offer employment and training services to program eligible residents of Dakota and Scott Counties; and

WHEREAS, by Resolution No. 18-049 (January 23, 2018), the Dakota County Board of Commissioners authorized the execution of a restated and amended joint powers agreement (JPA) between Dakota County and Scott County for delivery of employment services; and

WHEREAS, by Resolution No. 19-581 (June 18, 2019), the Dakota County Board of Commissioners authorized the execution of a grant agreement with the Minnesota Department of Employment and Economic Development (DEED) for employment and training programs in the Dakota-Scott WDA for the State Dislocated Worker (DW) Program in the amount of \$861,171, and execution of contracts with DEED Job Service and HIRED for the period of July 1, 2019 through June 30, 2020; and

WHEREAS, a Request for Proposal was issued on January 17, 2019, for adult and dislocated worker services and a committee comprised of Dakota-Scott Workforce Development Board (WDB) members and County staff reviewed the proposal and recommended continuing to contract with DEED Job Service and HIRED, the current providers; and

WHEREAS, the funding for the State DW Program services for the period of July 1, 2020 through June 30, 2021, is approximately \$1,360,485; and

WHEREAS, on May 15, 2020, the WDB approved execution of the grant agreement with DEED, and execution of contracts with DEED Job Service and HIRED at the rates outlined in the Resolution for the period of July 1, 2020 through June 30, 2021; and

WHEREAS, staff recommends authorization to execute a grant agreement with DEED for employment and training programs in the amount of the grant awarded and execute contracts with DEED Job Service and HIRED at the rates outlined in the Resolution for the period of July 1, 2020 through June 30, 2021.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a grant agreement with the Minnesota Department of Employment and Economic Development (DEED) for the employment and training programs in the Dakota-Scott Workforce Service Area for the State Dislocated Worker Program in the amount of the grant awarded for the period of July 1, 2020 through June 30, 2021, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute contracts with DEED Job Services and HIRED to provide employment and training services for the State Dislocated Worker Program participants at the following anticipated contract rates for the period of July 1, 2020 through June 30, 2021, subject to approval by the County Attorney's Office as to form:

#### **HIRED**

- \$900 per participant in the State Dislocated Worker Program up to 200 participants. The full amount per participant will be paid at enrollment. \$6,000 for universal customer services, amount to be paid in monthly installments (\$500 per month).

#### **DEED Job Service**

- \$900 per participant in the State Dislocated Worker Program up to 200 participants. The full amount per participant will be paid at enrollment. \$6,000 for universal customer services, amount

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to be paid in monthly installments (\$500 per month).

; and

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

BE IT FURTHER RESOLVED, That unless the grant program requirements change, the Community Services Director is hereby authorized to amend the grant to alter the grant term, accept additional grant funds, and continue grant funded Full Time Equivalents (FTE's), consistent with County contracting policies, and inclusion of grant funds in the future yearly Recommended and Approved Budgets, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That these contracts shall contain a provision that allows the County to immediately terminate the contracts in the event that funds from county, state, or federal sources are not appropriated at a level sufficient to allow payment of the amounts due.

## **20-282**

### **Authorization To Execute Grant Agreement For Workforce Innovation And Opportunity Act Adult Services And Dislocated Worker Services And Related Contracts**

WHEREAS, the Workforce Innovation and Opportunity Act (WIOA) require Workforce Development Area (WDA), including Dakota-Scott Workforce Services, to offer employment and training services to program eligible residents of Dakota and Scott Counties; and

WHEREAS, by Resolution No. 18-049 (January 23, 2018), the Dakota County Board of Commissioners authorized the execution of a restated and amended joint powers agreement (JPA) between Dakota County and Scott County for the delivery of employment services; and

WHEREAS, by Resolution No. 19-582 (June 18, 2019), the Dakota County Board of Commissioners authorized the execution of the grant agreement with DEED for employment and training programs in the Dakota-Scott WDA for the WIOA Adult and WIOA Dislocated Worker programs for \$283,247 and \$524,074 respectively, and execution of contracts with DEED Job Service and HIRED for the period of July 1, 2019 through June 30, 2020; and

WHEREAS, a Request for Proposal was issued on January 17, 2019, for adult and dislocated worker services, and a committee comprised of Dakota-Scott Workforce Development Board (WDB) members and County staff reviewed the proposal and recommended continuing to contract with DEED Job Service and HIRED, the current providers; and

WHEREAS, the funding for WIOA Adult and WIOA Dislocated Worker services for the period of July 1, 2020 through June 30, 2021, is based on an allocation formula used by the Minnesota Department of Employment and Economic Development (DEED); and

WHEREAS, this year's allocation is approximately \$262,953 for WIOA Adult (a decrease of 7.16% from 2019 funding) and \$549,214 (an increase of 4.8% from 2019 funding) for WIOA Dislocated Worker; and

WHEREAS, on May 15, 2020, the WDB approved execution of the grant agreement with DEED and execution of contracts with DEED Job Services and HIRED, at the rates outlined in the Resolution for the period of July 1, 2020 through June 30, 2021.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a grant agreement with the Minnesota Department of Employment and Economic Development (DEED) for employment and training programs in the Dakota-Scott Workforce Service Areas for Workforce Innovation and Opportunity Act Adult and for Workforce Innovation and Opportunity Act Dislocated Worker in the amount of the grant awarded for the period of July 1, 2020 through June 30, 2021,

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

**HIRED**

- \$900 per participant in the Workforce Innovation and Opportunity Act Dislocated Worker program for up to 60 participants. The full amount per participant will be paid at enrollment. \$6,000 for universal customer services, amount to be paid in monthly installments (\$500 per month).
- \$900 per participant in Workforce Innovation and Opportunity Act Adult for up to 25 clients; Dakota County reserves the right to allocate the balance of clients based on the contractor's performance in meeting quarterly enrollments goals. The full amount per participant will be paid at enrollment. \$6,000 for universal customer services, amount to be paid in monthly installments (\$500 per month).

**DEED Job Service**

- \$900 per participant in the Workforce Innovation and Opportunity Act Dislocated Worker program for up to 60 participants. The full amount per participant will be paid at enrollment. \$6,000 for universal customer services, amount to be paid in monthly installments (\$500 per month).
- \$900 per participant in Workforce Innovation and Opportunity Act Adult program for up to 25 clients; Dakota County reserves the right to allocate the balance of clients based on the contractor's performance in meeting quarterly enrollments goals. The full amount per participant will be paid at enrollment. \$6,000 for universal customer services, amount to be paid in monthly installments (\$500 per month).

; and

BE IT FURTHER RESOLVED, That unless the grant program requirements change, the Community Services Director is hereby authorized to amend the grant to alter the grant term, accept additional grant funds, and continue grant funded FTE's, consistent with County contracting policies, and inclusion of grant funds in the future yearly Recommended and Approved Budgets, 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 contracts consistent with the approved work plans and within the amount budgeted, to alter the number of clients served, types of services provided, reporting requirements, unit rates, and contract term consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

BE IT FUTHER RESOLVED, That these contracts shall contain a provision that allows the County to immediately terminate the contracts in the event that funds from county, state, or federal sources are not appropriated at a level sufficient to allow payment of the amounts due.

**20-283**

**Ratification Of Grant Application For Minnesota Youth Program, And Authorization To Accept Minnesota Youth Program Funds And Execute Grant Agreement And Related Contract**

WHEREAS, the federal Workforce Innovation and Opportunity Act (WIOA) of 2014, requires local service areas to provide services to low-income, at-risk youth in order to promote educational and employment success; and

WHEREAS, the Minnesota Department of Employment and Economic Development (DEED) fulfills this requirement through grants to local governments for the Minnesota Youth Program (MYP); and

WHEREAS, the MYP grant is allocated to Dakota County based on the DEED formula; and

WHEREAS, a Request for Proposal (RFP) was issued on December 28, 2015, for MYP services, and RFP's are issued every five years; and

WHEREAS, by Resolution No. 19-583 (June 18, 2019), the County Board authorized execution of a contract with Tree Trust to provide MYP services for the period of July 1, 2019 through June 30, 2020; and

WHEREAS, staff recommends the County Board authorize the ratification of the grant application submitted to

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DEED for the MYP; and

WHEREAS, staff recommends the County Board authorize acceptance of funding in the amount awarded from DEED; and

WHEREAS, staff recommends the County Board authorize the execution of the MYP grant agreement with DEED in the amount of the grant awarded; and

WHEREAS, staff recommends the County Board authorize execution of a contract with Tree Trust to provide MYP services in an amount of \$168,119 less \$10,000 set aside for other youth projects, with 10 percent of the overall MYP grant award retained by Dakota County for administrative expenses, for the period of July 1, 2020 through June 30, 2021; and

WHEREAS, the 2020 Employment and Economic Assistance Adopted Budget includes funding for these programs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the submission of the grant application submitted to the Minnesota Department of Employment and Economic Development for the Minnesota Youth Program fiscal year July 1, 2020 through June 30, 2021; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to accept the Minnesota Youth Program funds in the amount of the grant awarded, and execute the Minnesota Youth Program grant agreement with the Minnesota Department of Employment and Economic Development (DEED); and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute a contract with Tree Trust to provide Minnesota Youth Program services in the amount of the grant awarded with \$10,000 set aside for other youth projects, and with 10 percent of the overall Minnesota Youth Program grant award retained by Dakota County for administrative expenses, for the period of July 1, 2020 through June 30, 2021, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That unless the grant program requirements change, the Community Services Director is hereby authorized to amend the grant to alter the grant term, accept additional grant funds, and continue grant funded FTE's, consistent with County contracting policies, and inclusion of grant funds in future yearly Recommended and Approved Budgets, 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 approved plan year 2020 Minnesota Youth Program and Plan within the amount budgeted, to accept additional funding, alter the numbers and types of clients served, types of services provided, reporting requirements, contract amount and contract term, consistent with County contracting policies, subject to approval of the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That this contract shall contain a provision that allows the County to immediately terminate the contract in the event sufficient funds from county, state, and federal sources are not appropriated at a level sufficient to allow payment of the amounts due.

#### **20-284**

#### **Ratification Of Grant Application To Minnesota Department Of Human Services For Child Protection Opiate Epidemic Response, Authorization To Accept Grant Funds And Amend 2020 Social Services Adopted Budget**

WHEREAS, the 2019 Minnesota Legislature passed a bill related to opiates, which established an Opiate Epidemic Response account (OER), and

WHEREAS, the Minnesota Department of Human Services (DHS) fulfills this requirement through grant allocations to county and tribal social service accounts based on the number of out-of-home placements in each

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jurisdiction due to the primary removal condition of parental drug abuse; and

WHEREAS, the OER funds must not be used to supplant current state or local funding received for child protection services for children and families affected by addiction; and

WHEREAS, the County's 2020 OER allocation of \$219,793 for the period of July 1, 2020 through December 31, 2020, was based on its 110 placement episodes where parental drug abuse is the primary reason for the out-of-home placement, as reported in 2019; and

WHEREAS, funding for calendar years thereafter will be based on an allocation formula as defined in Minn. Stat. § section 256.043, subd. 3; and

WHEREAS, staff recommends the County Board authorize the ratification of the grant application submitted to DHS for the OER; and

WHEREAS, staff recommends the County Board authorize acceptance of funding in the amount awarded from DHS; and

WHEREAS, staff recommends the County Board authorize an amendment to the 2020 Social Services Adopted Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the submission of the grant application to the Minnesota Department of Human Services for the Opiate Epidemic Response; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to accept the Opiate Epidemic Response funds in the amount of the grant awarded for the period of July 1, 2020 to December 31, 2020; and

BE IT FURTHER RESOLVED, That unless the grant program requirements change, the Community Services Director is hereby authorized to amend the grant allocation to alter the grant term, accept additional grant funds, consistent with County contracting policies, and inclusion of grant funds in future yearly Recommended and Adopted Budgets, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2020 Social Services Adopted Budget is hereby amended as follows:

<b>Expense</b>	
DHS Opiate Epidemic Response	<u>\$219,793</u>
<b>Total Expense</b>	<b>\$219,793</b>
<b>Revenue</b>	
DHS Opiate Epidemic Response	<u>\$219,793</u>
<b>Total Revenue</b>	<b>\$219,793</b>

## **20-285**

### **Authorization Of Waiver To Board Policies 2751 And 2002 For The Salvation Army And Ally Supportive Services Emergency Sheltering Contracts**

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, per this guidance, Dakota County has significantly increased emergency sheltering via hotels; and

WHEREAS, by Resolution No. 19-850 (November 26, 2019), Resolution No. 20-186 (April 7, 2020), and Resolution No. 20-239 (May 19, 2020), Dakota County has contracted for emergency hotel sheltering with Matrix

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Housing Services for a not to exceed (NTE) of \$639,000, The Salvation Army for an NTE of \$247,128, and Ally Supportive Services for an NTE \$45,000 (via administrative approvals); and

WHEREAS, in May 2020, Dakota County received \$83,130 from the Minnesota Department of Human Services, Office of Economic Opportunity (DHS OEO) to pay for additional emergency shelter hotel capacity and sanitation services and the hotel funds will be allocated to three agencies: Scott-Carver-Dakota Community Action Partnership Agency (\$11,250), Ally Supportive Services (\$22,000) and The Salvation Army (\$22,444) and

WHEREAS, these specific grant funds are only available in 30-day increments, and due to administrative contracting policies, current increases to The Salvation Army contract and subsequent increases to the Ally Supportive Services contract require board authority for amendments; and

WHEREAS, due to rapidly available funding opportunities requiring quick contracting action and expenditure of funds to assist Dakota County citizens in immediate need, staff recommends that the Board allow waiver of the requirements in County Board Policies 2751 and 2002 to seek board approval for amendments to the contracts and budgets with The Salvation Army and Ally Supportive Services for emergency sheltering up to a total contract value of \$500,000 for each contract; and

WHEREAS, the waiver will allow administrative amendment of the contracts and associated budget based on the specific grant funds available during each 30-day increment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Manager to waive County Board Policies 2751 and 2002 requiring board approval for amendments to contracts and budgets with The Salvation Army and Ally Supportive Services for emergency sheltering services up to a total contract value of \$500,000 for each contract; and

BE IT FURTHER RESOLVED, That the sum of any contract amendments causing the not to exceed amount to surpass \$500,000 for either contract will come to the Board for approval; and

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

**Information On Re-Initiation Of DakotaLink Transportation Pilot And Execution Of Contract With Minnesota Coaches, Incorporated, DBA, Hastings Bus Company**

This item was on the agenda for informational purposes only.

**Operations, Management And Budget**

**20-286**

**Authorization To Amend Contract With Intertech, Inc., For Professional Services For Criminal Justice Network And Rescind County Board Resolution No. 20-248**

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

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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 \$219,000; and

WHEREAS, on May 19, 2020, staff presented an RBA resulting in County Board Resolution No. 20-248 authorizing a contract amendment in the amount of \$139,000 instead of the correct amount of \$219,000; and

WHEREAS, Resolution No. 20-248 should be rescinded upon adoption of this resolution; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners 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 \$219,000, subject to the approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby rescind County Board Resolution No. 20-248 (May 19, 2020).

**20-287**

**Authorization To Renew Commercial Automobile Insurance Contract With Travelers Insurance**

WHEREAS, Dakota County purchases insurance for automobile physical damage and liability coverage; and

WHEREAS, the current policy on automobile insurance will expire on July 1, 2020; and

WHEREAS, an evaluation of the marketplace for competitive pricing was completed; and

WHEREAS, based on the evaluation of the marketplace, staff is recommending renewal of the automobile insurance coverage with Travelers Insurance.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations, Management and Budget Director to purchase the following insurance to be paid at current rates from the Office of Risk Management insurance budget:

Automobile Insurance

Travelers Insurance      July 1, 2020 – July 1, 2021      Premium \$213,631

**20-288**

**Authorization To Renew Commercial Property Insurance Contract With Affiliated FM Insurance**

WHEREAS, Dakota County purchases insurance for property losses; and

WHEREAS, the current policy on commercial property insurance will expire on July 1, 2020; and

WHEREAS, an evaluation of the marketplace for competitive pricing was completed; and

WHEREAS, based on the evaluation of the marketplace, staff is recommending renewal of the commercial property insurance coverage with Affiliated FM Insurance Company.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations, Management, and Budget Director to purchase the following insurance to be paid at current rates from the Office of Risk Management insurance budget:

Property Insurance

Affiliated FM Insurance      July 1, 2020 through July 1, 2021      Premium \$216,799

**Report On Invoices Paid In May 2020**

This item was on the agenda for informational purposes only.

**Physical Development**

**20-289**

**Authorization To Execute Contract With Reiling Construction Co., Inc. For Security Improvements At Law Enforcement Center And Amend 2020 Buildings Capital Improvement Program Budget**

WHEREAS, the Law Enforcement Center (LEC) Security Improvements Project is included in the 2020–2024 Buildings Capital Improvement Program (CIP) Adopted Budget; and

WHEREAS, security improvements to ensure the health and safety of the jail population were determined by the Dakota County Sheriff's Office; and

WHEREAS, these improvements have been implemented in other metro counties and have been approved by the Minnesota Department of Corrections; and

WHEREAS, this project installs a security barrier to the upper walkways and stair which currently have only a high railing at the balcony and handrails at the stairs; and

WHEREAS, bid document and specifications were prepared by Wold Architects and Engineers in consultation with Sheriff's and Capital Projects Management staff; and

WHEREAS, five competitive bids were received on May 28, 2020; and

WHEREAS, Reiling Construction Co., Inc. has submitted the low bid for work including all alternates; and

WHEREAS, staff has reviewed the qualifications of the bidder and recommends award to Reiling Construction Co., Inc. as the lowest responsive and responsible bidder in an amount not to exceed \$902,613 for the 2020 LEC Security Improvements at the LEC project; and

WHEREAS, funding from the 2020 Countywide Office Space Reconfiguration CIP is necessary to fully fund the project for both housing units #2100 and #4100.

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 for the 2020 Law Enforcement Center Security Improvements at the Law Enforcement Center project to Reiling Construction Co., Inc., 867 Pierce Butler Route, Saint Paul, MN 55104 in an amount not to exceed \$902,613, 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 budgets as follows:

**Expense**

Law Enforcement Center Security Improvements (B20018)	\$630,000
2020 Countywide Office Space Reconfiguration (B70056)	<u>(\$630,000)</u>

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**Total Expense**

**\$0**

**20-290**

**Ratification Of Contract With Atlas Foundation Co. For Emergency Repairs To Big Rivers Regional Trail**

WHEREAS, the Big Rivers Regional Trail (BRRT) extends north from I-494 in Eagan through Mendota Heights to Lilydale Regional Park in Saint Paul; and

WHEREAS, the BRRT is part of the overall 17-mile Minnesota River Greenway Regional Trail corridor and received an estimated 158,900 visitors in 2018; and

WHEREAS, the BRRT between Lilydale Regional Park and downtown Mendota is built on a railway tread which was one half of a dual-track railway in the area owned by the Minnesota Department of Transportation (MnDOT); and

WHEREAS, the 15-foot-wide tread is perched in a narrow space between the vertical sandstone bluff and an active Union Pacific Railroad (UP) track along the south side of the Mississippi River; and

WHEREAS, early in April 2020 a section of the BRRT failed due to erosion and sloughed approximately a 20-foot-long by five-foot-wide portion of the trail down the slope toward the active UP rail line; and

WHEREAS, staff quickly engaged an engineering team to determine the extent of the failure, assess site access limitations for construction, and determine potential solutions to repair the trail; and

WHEREAS, these measures included several on-site meetings with staff, the UP, civil and structural engineers, and foundation contractors; and

WHEREAS, the situation was compounded by the very tight space between the vertical bluff face and the active UP rail corridor; and

WHEREAS, the findings concluded that the repairs should commence as soon as possible to protect from further damage and that a retaining system can be installed in the small space between the trail and UP property; and

WHEREAS, the retaining system project was designed to be constructed outside of the UP right of way; and

WHEREAS, staff worked with the County Attorney's Office and determined the BRRT trail repairs fall under the parameters of County Policy 2751 Solicitation for Emergency Authority; and

WHEREAS, Policy 2751 on Emergency Authority recognizes that emergency procurement requires that County staff enter into agreements without complying with contract procedures, and therefore, the County Manager is authorized to enter into contracts for emergency procurement, consistent with the following:

a. In the case of an emergency arising from breakage, damage, or decay to County property that cannot wait for the time required to advertise for bids, the repairs may be made without advertising for bids, provided that the contract(s) for the repairs be presented to the County Board for ratification at the next meeting of the County Board, regardless of the amount of the contract.

b. In the case of an emergency which may put at risk the health or safety of County clients or citizens and that cannot be allowed to wait for the time required to secure County Board approval of a contract to procure services, the County Manager (i) may enter into a contract to make the procurement of services, provided that the contract be presented to the County Board for ratification at the next meeting of the County Board or (ii) may exercise the authority to advance

; and

WHEREAS, staff directly engaged a retaining wall construction firm to work with our engineering team to rapidly

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devise and enact a solution, and, working through the design engineering team, Atlas Foundation Co. presented the County a proposal to complete the repairs in the amount of \$273,430 and completed the work; and

WHEREAS, staff recommends the Dakota County Board of Commissioners ratify the contract executed by the County Manager to resolve the BRRT trail failure in Lilydale.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the contract executed by the County Manager to resolve the BRRT trail failure in Lilydale with Atlas Foundation Co., 11730 Brockton Lane North, Maple Grove, MN 55369 in an amount not to exceed \$273,430.

**20-291**

**Authorization To Execute Contract Amendment With Bolton & Menk Inc. For Minnesota River Greenway Fort Snelling Segment Professional Services**

WHEREAS, by Resolution No. 11-516 (October 18, 2011), the Dakota County Board of Commissioners adopted the Minnesota River Greenway Master Plan; and

WHEREAS, this greenway runs along the south side of the Minnesota River in Eagan and Burnsville, extending from I35-W in Burnsville to Lilydale Regional Park in Saint Paul; and

WHEREAS, the surrounding area has rapidly developed a robust recreational network, and the synergy among these recreational opportunities has created increased demand for completion of the trail connection between the recently constructed Lone Oak Trail Head, the soon-to-be-constructed Cedar Nicols Trailhead, and the MNRGW Black Dog Segment to the west; and

WHEREAS, by Resolution No. 18-487 (October 11, 2018), the Dakota County Board of Commissioners authorized the execution of a contract with Bolton & Menk Inc. for \$269,850 including 30 percent design for the river bottom trail and complete 100 percent design and engineering for the Union Pacific Railroad Bridge; and

WHEREAS, by Resolution No. 20-163 (Mach 24, 2020), the Dakota County Board of Commissioners approved schematic design for the Project including the relocation of several power poles owned by Xcel Energy near the planned railroad bridge; and

WHEREAS, following schematic design approval, the project continued to plan the pedestrian bridge portion of the project and included further negotiations with Xcel Energy to determine the precise scale, scope, and timeline for the power pole relocation; and

WHEREAS, through that work with Xcel Energy, the costs for relocating the poles increased significantly; and

WHEREAS, additional cost items include almost one mile of wetland protection matting required to access the site and protect significant wetland resources and the unpredictable conditions within the floodplain of the Minnesota River and could only have been discovered through additional design and project estimating work by Xcel Energy; and

WHEREAS, given the new information and its impact on the project costs, the consultant and staff quickly reassessed the bridge's location relative to the existing power poles; and

WHEREAS, a design solution was created which shifted the pedestrian bridge to avoid the relocation of the power poles resulting in additional engineering services required to incorporate this new solution; and

WHEREAS, the additional engineering services required to incorporate this new solution are only a fraction of the expected cost to relocate the power poles, and this change decreases the overall estimated project costs by \$530,270; and

WHEREAS, staff recommends authorizing an amendment to the contract with Bolton & Menk Inc. in the amount

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of \$69,730, increasing the total amount to \$339,580.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Director to execute a contract amendment for Bolton & Menk Inc. to perform additional services necessary to deliver the Minnesota River Greenway Fort Snelling Segment in an amount not to exceed \$69,730, resulting in a total amended contract not to exceed \$339,580, subject to approval by the County Attorney's Office as to form.

**20-292**

**Authorization To Execute Contract With Warning Lites Of Minnesota, Inc. For County Project 99-016 Durable Markings At Locations On County Highway System And Amend 2020 Transportation Capital Improvement Program Budget**

WHEREAS, to provide a safe and efficient transportation system, Dakota County (County) utilizes epoxy pavement markings for centerline, edge-line, pavement marking arrows, cross-walks, and messages on higher volume County highways; and

WHEREAS, applying epoxy pavement markings on higher volume highways cost-effectively provides a higher level of marking presence and durability; and

WHEREAS, the County utilizes contract services for specialty epoxy pavement marking application; and

WHEREAS, the estimated quantities for County Project (CP) 99-016 are based on an assessment of the highway system, including a nighttime pavement marking survey completed following roadway sweeping in early May 2020; and

WHEREAS, to provide local agencies flexibility, the contract allows for other political subdivisions that have signed a joint powers agreement with Dakota County by Resolution No. 04-140 (March 23, 2004), to purchase services utilizing pricing from this contract; and

WHEREAS, pursuant to the advertisement, three bids were received on June 2, 2020, for CP 99-016; and

WHEREAS, the bid by Warning Lites of Minnesota, Inc., in the amount of \$212,556.00, is the lowest responsive and responsible bid received based on estimated quantities; and

WHEREAS, depending on the County's specific needs, the County may increase or decrease quantities of any contract item or may choose not to utilize the contract at all, without any fee or penalties, to provide flexibility to utilize markings when and where markings are most advantageous; and

WHEREAS, staff recommends that a contract for CP 99-016 be executed with Warning Lites of Minnesota, Inc., for durable pavement markings in an amount not to exceed \$212,556.00 with County flexibility to determine the highway segments requiring new pavement markings and to address unforeseen needs that arise on the County highway system in 2020; and

WHEREAS, sufficient funds for CP 99-016 are included in the 2020 Transportation Capital Improvement Program Adopted Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with Warning Lites of Minnesota, Inc. for County Project 99-016 for durable pavement markings, in the amount not to exceed \$212,556.00, subject to approval by the County Attorney's Office as to form; and

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

**Expense**

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County Project 99-016	\$212,556
Durable Pavement Markings	<u>(\$212,556)</u>
<b>Total Expense</b>	<b>\$0</b>

**20-293**

**Award Of Bid And Authorization To Execute Contract With McNamara Contracting, Inc., For County Project 9-55 In City Of Lakeville**

WHEREAS, to provide a safe and efficient transportation system, Dakota County (County) is partnering with the City of Lakeville (City) on County Project (CP) 9-55; and

WHEREAS, CP 9-55 is intersection conversion of County State Aid Highway 9 and Icenic Trail/Heritage Drive from a full to a partial-access intersection, including a southbound right-turn lane to westbound Icenic Trail; and

WHEREAS, the County is the lead agency for CP 9-55 with construction scheduled to begin in July 2020; and

WHEREAS, the Transportation Capital Improvement Program (CIP) Adopted Budget contains \$1,058,800 for CP 9-55, including \$530,000 that will be carried over from previous years for design, right of way acquisition, construction, and construction administration; and

WHEREAS, the Transportation CIP Adopted Budgets contains adequate funds to construct CP 9-55; and

WHEREAS, the bid of McNamara Contracting, Inc., in the amount of \$655,711.05 was the lowest responsive and responsible bid received; and

WHEREAS, staff recommends awarding the bid to McNamara Contracting, Inc.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with McNamara Contracting, Inc., for County Project 9-55, in the amount of \$655,711.05 based on their low bid, subject to approval by the County Attorney's Office as to form.

**20-294**

**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:

ROSEWOOD COMMONS

Rosemount

**20-295**

**Approval Of Application Submittal To Midcontinent Independent System Operator For Generator**

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## **Interconnection Request For Power Sales Revenue At Byllesby Dam**

WHEREAS, Dakota County owns the Lake Byllesby Dam and operates its hydroelectric facility under the Federal Energy Regulatory Commission (FERC) safety regulations; and

WHEREAS, since 1987 the County has coordinated dam operations and maintenance with Neshkoro Power Associates (NPA) through a lease agreement; and

WHEREAS, the County Board authorized replacing NPA's lease agreement with an operating agreement to provide hydropower operation services at Byllesby Dam by Resolution No. 11-305 (June 21, 2011) beginning May 1, 2011, and running through March 2021; and

WHEREAS, the March 2021 agreement termination date was selected as it was also the expiration date of the Power Purchase Agreement (PPA) between NPA and Xcel Energy for the Byllesby Dam; and

WHEREAS, the PPA language stipulates that the PPA will expire in March 2021, or the date the facility's existing turbine equipment is shut down as part of a turbine upgrade project, with no option to renew the existing PPA; and

WHEREAS, with the approaching need for a new agreement for power sales, County staff has contracted with a local power sales expert and coordinated with several local utilities, including Xcel Energy and Dakota Electric, to research and assess the County's power sales options once the turbine project upgrade project is completed; and

WHEREAS, a MISO connection would allow the County to sell Byllesby Dam's power to other utilities in the Midwest, or on the one-day-ahead spot energy market; and

WHEREAS, the MISO connection process requires an application to assess the facility and how it relates to the overall MISO market; and

WHEREAS, the application process takes over a year and may not be finalized until sometime in 2022, so submitting an application at this time is required to keep MISO as a viable future option; and

WHEREAS, staff will continue to work with the contracted power sales expert and local utilities on evaluating additional potential sales options and whether, if a better agreement is available, our MISO application can be withdrawn.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Environmental Resources Director to submit an application to the Midcontinent Independent System Operator for the future sales of hydropower energy at the Byllesby Dam.

## **REGULAR AGENDA**

### **County Board/County Administration**

#### **Update On Monitoring And Response To Coronavirus Outbreak**

Director of Public Health Bonnie Brueshoff, Social Services Deputy Director Gil Acevedo, Risk/Homeland Security Manager BJ Battig, 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.

#### **20-296**

#### **Appointments To Dakota-Scott Workforce Development Board**

Motion: Chris Gerlach

Second: Joe Atkins

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints/reappoints the following

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individuals to the Dakota-Scott Workforce Development Board for a two-year term ending June 30, 2022.

<b>Representing</b>	<b>Name</b>
Private	Jack Phillips
Private	Ivan Youssef
Private	Sarah Menke
Private	Rachel Resnick
Private	Anita Drentlaw
Private	Sally Haack
Private	Kristin Oftedahl
Private	VACANT
Private	Michael Forbord
Private	Jennifer Harmening
Private	VACANT
Public-Econ. Development	Jenni Faulkner
Public-Education	Darren Kermes
Public-Education	Michael Berndt
Public-Apprentice	Timothy Grimm
Public-Labor	Barry Davies
Public-Labor	VACANT

Ayes: 7

Nays: 0

#### **20-297**

#### **Designation Of Voting For 2020 National Association Of Counties Annual Business Meeting**

Motion: Kathleen A. Gaylord

Second: Joe Atkins

WHEREAS, due to the coronavirus (COVID-19) pandemic, the NACo Board of Directors has canceled the annual conference for July 2020; and

WHEREAS, a virtual Annual Business Meeting will be held on July 20, 2020 and members must register to participate; and

WHEREAS, Dakota County has paid its membership dues and has at least one registrant for the conference and is, therefore, eligible to participate in the Associations' annual election of officers and policy adoption, according to NACo bylaws.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby designates the following individual(s) as voting delegates for the 2020 NACo Annual Business Meeting:

Designated Delegate - Commissioner Mike Slavik

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the President of the Association of Minnesota Counties to pick up Dakota County's ballot and cast votes in the event that the ballot is not picked up by the County's delegate or alternate.

Ayes: 7

Nays: 0

#### **Community Services**

#### **Report On Current And Projected Employment Needs In Dakota County**

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Deputy Director of Employee and Economic Assistance Mark Jacobs 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.

**Interagency Announcements/Reports**

Interagency announcements and reports were then presented.

**County Manager's Report**

County Manager Matt Smith welcomed and introduced Marti Fischbach as the new Community Services Director. Marti gave brief comments and she looks forward to starting her new position within the County.

**Information**

**See Attachment A - Future Board Meetings And Other Board Activities**

**20-298**

**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 10:32 a.m.

Mike Slavik  
Chair

ATTEST

Matt Smith  
County Manager