

July 14, 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.mn.us
No comments were received.

20-310

Approval Of Agenda (Additions/Corrections/Deletions)

Motion: Joe Atkins

Second: Mary Liz Holberg

A revision was made to the title and the language for Item 14.2 Authorization To Implement Eviction Prevention Program, Submittal Of Application For State Grant Funds For Eviction Prevention Program, And Authorization To Accept Funds, Execute Grant Agreement, Amend 2020 Non-Departmental Budget And Amend 2020 Social Services Budget

An additional Request For Board Action (RBA) was added to the Consent Agenda. The item is requesting the County Board to schedule a special County Board meeting for July 28, 2020.

On a motion by Commissioner Joe Atkins, seconded by Commissioner Mary Liz Holberg, the agenda was unanimously approved and includes the revision and additional RBA.

Public Hearing

Public Hearing To Receive Comments On And Adopt Proposed Amendments To Ordinance 50 - Shoreland And Floodplain Management

The time being 9:08 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on and adoption of proposed amendments to Ordinance 50 – Shoreland and Floodplain Management. Environmental Resources Supervisor Brad Becker briefed this item and responded to questions. No one requested to speak to this item.

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20-311
Closing of Public Hearing

Motion: Liz Workman

Second: Chris Gerlach

BE IT RESOLVED, That the public hearing is closed.

Ayes: 7

Nays: 0

20-312
Adoption Of Proposed Amendments To Ordinance 50 - Shoreland And Floodplain Management

Motion: Thomas A. Egan

Second: Liz Workman

WHEREAS, Dakota County Ordinance 50 regulates the use and orderly development of designated shoreland and floodplain zones within the unincorporated areas of Dakota County; and

WHEREAS, the purpose of the ordinance is to promote public health, safety, and welfare; protect, preserve, and enhance natural resources; and reduce the private and public economic loss caused by flooding; and

WHEREAS, the proposed amendments to Ordinance 50 were prompted by new rules adopted by the Minnesota Department of Natural Resources (MNDNR) guiding development for the Mississippi River Corridor Critical Area (MRCCA); and

WHEREAS, the MRCCA is a state, regional, and local program to provide coordinated land planning and regulation for the 72-mile stretch of the Mississippi River through the seven-county metropolitan area; and

WHEREAS, in Dakota County, the MRCCA boundary extends from the I-494 bridge on the Eagan/Mendota Heights border to the eastern boundary of Ravenna Township; and

WHEREAS, the MRCCA rules establish minimum guidelines and standards local governments must include in their comprehensive plans and zoning ordinances; and

WHEREAS, Dakota County included these MRCCA rules in the 2040 Comprehensive Plan, and now Ordinance 50 must be amended to include the rules; and

WHEREAS, staff is also using this opportunity to propose additional updates to improve the formatting and clarity of some existing ordinance requirements; and

WHEREAS, the full text of the amendments, with the proposed revisions labeled in blue and red, is available on the Dakota County website; and

WHEREAS, the proposed amendments have been reviewed by MNDNR staff for compliance with State requirements and were sent to Dakota County Townships for their review; and

WHEREAS, notice of the public hearing was published in the newspaper of record for Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the amendments to Dakota County Ordinance 50 – Shoreland and Floodplain Management, as presented on July 14, 2020.

Ayes: 7

Nays: 0

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CONSENT AGENDA

Motion: Chris Gerlach

Second: Thomas A. Egan

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

20-313

Approval Of Minutes Of Meeting Held June 16, 2020 And Special Meeting Held June 30, 2020

Items Recommended By Board Committee

20-314

Authorization To Release For Public Review Final Draft Of Natural Resource Management Plan For Whitetail Woods Regional Park

WHEREAS, by Resolution No. 12-107 (February 28, 2012), the Dakota County Board (the Board) adopted a Master Plan for Whitetail Woods Regional Park (WWRP) in which was identified a conceptual vision for general vegetative cover type within WWRP; and

WHEREAS, alternatively, the approved Natural Resource Management System Plan (NRMSP) (2017) recommended that a Natural Resource Management Plan (NRMP) be developed for each County Park and Greenway unit, in which NRMPs would establish goals, priorities, prioritized work plans, and associated costs for the management of the vegetation, water resources, and wildlife within each unit; and

WHEREAS, Dakota County Parks staff is currently preparing a NRMP for WWRP; and

WHEREAS, on October 16, 2018, an informational update on Phase 1 regarding research and findings of the NRMP for WWRP was received by the Board; and

WHEREAS, on December 3, 2019, another informational update on Phase 2 of the NRMP was received by the Board that included vision, goals, and preliminary recommendations; and

WHEREAS, the project has advanced with the preparation of a final draft that includes a Work Plan for both 5 and 20 years, of which includes key natural resource management tasks and their associated estimated costs; and

WHEREAS, the work plan includes key natural resource management tasks and their associated estimated costs, a summary of the key points of which includes the following:

- The park was divided into Work Units
- Each Work Unit was evaluated for natural resource management needs
- Each Work Unit was assigned management tasks to be performed and a projected schedule
- Work Plans included estimated costs for each task; costs were based on recent quotes and bids for similar tasks from other County natural resource projects

; and

WHEREAS, primary tasks include enhancements and maintenance such as tree removal and thinning, prescribed burning; establishing prairie and savanna; regenerating oak woodlands, restoring wetlands, diversifying Empire Lake vegetation, over-seeding uplands to enhance species diversity, continuing to control exotic and invasive plant species, increasing diversity of woodland and forest understories, diversifying conifer stands, performing wildlife conservation projects, assessing, monitoring, and evaluating; and

WHEREAS, on May 28, 2020, the Planning Commission reviewed the final draft plan of the NRMP for WWRP and, although they had several questions, they supported it and approved its content and direction. They also

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unanimously recommended that the Board release it for a 30-day public review period.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota Board of Commissioners authorizes the final draft Natural Resources Management Plan for Whitetail Woods Regional Park be released to public review for a period of 30 days.

20-315

Authorization To Execute Joint Powers Agreement With City Of West St. Paul For Final Design Of River To River Greenway: Garlough And Marthaler Parks Segment

WHEREAS, by Resolution No. 15-431 (August 25, 2015), the County Board adopted the River to River Greenway Master Plan; and

WHEREAS, by Resolution No. 16-177 (March 22, 2016), the County Board authorized a Joint Powers Agreement with the City of West St. Paul for a feasibility study of the River to River Greenway: Garlough and Marthaler Parks Segment; and

WHEREAS, the River to River Greenway: Garlough and Marthaler Parks Segment does not currently meet regional design standards; and

WHEREAS, final design is required to complete the realignment and reconstruction of the River to River Greenway through Garlough and Marthaler Parks; and

WHEREAS, the final design is estimated at \$75,000; and

WHEREAS, Dakota County will contribute up to \$60,000 towards the final design; and

WHEREAS, the City of West St. Paul will lead the design and provide up to \$15,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement for an amount not to exceed \$60,000 with the City of West St. Paul for the River to River Greenway: Garlough and Marthaler Parks Segment final design, subject to approval by the County Attorney's Office as to form.

20-316

Authorization To Execute Cost Share Agreement With Xcel Energy For Construction Of Caisson Retaining Wall At Byllesby Dam And Xcel Energy Substation

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

WHEREAS, by Resolution No. 15-532 (October 20, 2015), the Dakota County Board of Commissioners authorized staff to execute a contract for preliminary design tasks on a turbine upgrade project to replace the existing century-old equipment in the dam; and

WHEREAS, by Resolution No. 17-421 (September 1, 2017), Dakota County accepted \$6,000,000 in State bonding dollars to supplement the County's approved 2018–2022 Byllesby Dam Capital Improvement Program (CIP) budget which currently has a total project budget of \$14,000,000; and

WHEREAS, to complete this project, County staff developed a team including an engineering consultant to provide project design, a turbine manufacturer to provide turbine and generation equipment in a complete package (e.g., water-to-wire equipment), and a general contractor for redevelopment of the site with installation of the equipment and modification to the powerhouse structure; and

WHEREAS, by Resolution. No. 15-532 (October 20, 2015), the Dakota County Board of Commissioners authorized execution of a contract with Ayres Associates, Inc., for engineering design services to complete turbine

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and powerhouse upgrades for the Byllesby Dam Water-to-Wire Redevelopment Project; and

WHEREAS, by Resolution No. 19-773 (October 29, 2019), the Dakota County Board of Commissioners authorized execution of a contract with Boldt Construction, LLC, to perform Construction Manager/General Contractor Services related to the redevelopment of the site for the project; and

WHEREAS, Ayres Associates has prepared final design documents, and Boldt Construction is in the process of providing detailed pricing and scheduling for construction; and

WHEREAS, as a component of the Project, staff and Ayres Associates, Inc., have developed plans and specifications to construct a caisson retaining wall to support a portion of the Byllesby Dam powerhouse and the adjacent Xcel Energy substation; and

WHEREAS, staff has negotiated a cost-share agreement with Xcel Energy for the construction of the shared caisson retaining wall which has been calculated based on the engineer's construction estimate and benefits to the County and Xcel Energy; and

WHEREAS, the costs for the caisson retaining wall are estimated to be \$936,000; and

WHEREAS, under the proposed cost-share agreement, Xcel Energy's share of the project's costs is \$350,000 and Dakota County's share is \$586,000; and

WHEREAS, staff has evaluated the proposed cost-share agreement and found it to be sound and justified; and

WHEREAS, the current balance of the Byllesby Dam CIP Budget is sufficient to cover the cost of the temporary easement agreement; and

WHEREAS, the project budget will be updated to include the additional amount of contribution from Xcel Energy toward the project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a cost-share agreement with Xcel Energy for the purpose of constructing a caisson retaining wall at the Byllesby Dam and Xcel Energy substation as a component of the Byllesby Dam Water-to-Wire Redevelopment Project, subject to the County Attorney's Office as to form.

20-317

Authorization To Execute Temporary Access Easement Agreement With Xcel Energy For Byllesby Substation

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

WHEREAS, by Resolution No. 15-532 (October 20, 2015), the Dakota County Board of Commissioners authorized staff to execute a contract for preliminary design tasks on a turbine upgrade project to replace the existing century-old equipment in the dam; and

WHEREAS, by Resolution No. 17-421 (September 1, 2017), Dakota County accepted \$6,000,000 in State bonding dollars to supplement the County's approved 2018–2022 Byllesby Dam Capital Improvement Program (CIP) budget which currently has a total project budget of \$14,000,000; and

WHEREAS, staff and consultants have finalized the engineering design documents and had begun work to enter initial phases of construction for the project; and

WHEREAS, by Resolution No. 19-773 (October 29, 2019), the Dakota County Board of Commissioners authorized execution of a contract with Boldt Construction, LLC, to perform Construction Manager/General

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Contractor Services related to the redevelopment of the site for the project; and

WHEREAS, during construction, access for the necessary crane and other large equipment has become constrained by the adjacent Xcel Energy substation; and

WHEREAS, staff has negotiated with Xcel Energy for the conveyance of a temporary access agreement to accommodate the construction project; and

WHEREAS, the costs associated with the temporary access easement agreement are \$24,000; and

WHEREAS, staff has evaluated the costs identified by Xcel Energy for the access easement and temporary relocation of facilities to be sound and justified; and

WHEREAS, sufficient funding for the temporary access easement agreement has been identified in the Byllesby Dam CIP budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with Xcel Energy to provide for the temporary access to the Xcel Energy properties necessary to accommodate the Byllesby Dam Water to Wire Redevelopment Project.

20-318

Authorization To Release Draft Of River To River Greenway Natural Resource Management Plan For Public Comment

WHEREAS, the County Board adopted the Natural Resources Management System Plan, which determined that Natural Resource Management Plans (NRMPs) would be developed for all County Parks, Greenways, and Easements; and

WHEREAS, the River to River Greenway NRMP is the first of these Greenway NRMPs to be developed, and it addresses natural resource management on non-County lands in proximity to the Greenway; and

WHEREAS, a Technical Advisory Committee consisting of staff from host communities, other agencies, and major landowners convened on July 25, 2019, to discuss future development and natural resource management on these lands; and

WHEREAS, the cost-share guidelines were presented to the County's City Administrators and Managers during a meeting on June 26, 2020; and

WHEREAS, the Dakota County Planning Commission reviewed the River to River Greenway NRMP Study Area and initial findings on October 24, 2019, then reviewed the recommendations, restoration work plan, and proposed cost-share structure on February 27, 2020, and recommended the Draft be released to the public.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the release of the draft River to River Greenway Natural Resources Management Plan for a 30-day public review and comment period commencing July 14, 2020.

20-319

Authorization To Execute Contract With Boldt Company, LLC, For Construction Manager/General Contractor Services For Byllesby Dam Water-To-Wire Development Project

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

WHEREAS, by Resolution. No. 15-532 (October 20, 2015), the Dakota County Board of Commissioners authorized execution of a contract with Ayres Associates, Inc., for engineering design services to complete turbine

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and powerhouse upgrades for the Byllesby Dam Water-to-Wire Redevelopment Project; and

WHEREAS, by Resolution No. 17-421 (September 1, 2017), Dakota County accepted \$6,000,000 in State bonding dollars to supplement the County's approved 2018–2022 Byllesby Dam Capital Improvement Program (CIP) budget which currently has a total project budget of \$14,000,000; and

WHEREAS, to complete this project, County staff developed a team including an engineering consultant to provide project design, a turbine manufacturer to provide turbine and generation equipment in a complete package (e.g., water-to-wire equipment), and a general contractor for redevelopment of the site with installation of the equipment and modification to the powerhouse structure; and

WHEREAS, due to the many complexities in the design, construction, and installation of the water-to-wire facilities, including new turbines and generators to maximize the electric power output of the dam in the future, the County Board, by Resolution No. 18-538 (October 23, 2018), approved utilizing a special type of contractor relationship that can provide both construction management and general contractor services on the project and allowed staff to develop and solicit a request for qualification for services for the redevelopment of the hydropower site in accordance Minnesota Statute section 103G.535; and

WHEREAS, by Resolution No. 19-773 (October 29, 2019), the Dakota County Board of Commissioners authorized execution of a contract with Boldt Construction, LLC, to perform Construction Manager/General Contractor Services related to the redevelopment of the site for the project; and

WHEREAS, Boldt Construction, LLC, is a competent construction company that has several years of similar project experience to complete the project, has finalized detailed pricing and scheduling for construction, and is requesting to complete the construction project in two phases; and

WHEREAS, the award of this contract is for the initial phase of work including mobilization, site preparation, concrete mass fill for dam structure stability, and procurement of items with long lead times; and

WHEREAS, staff and the consultant have reviewed their estimate and found it to be sound and within 10 percent of the engineer's estimate.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Boldt Company, LLC, to provide Construction Manager /General Contractor services for the Byllesby Dam Water-to-Wire Redevelopment Project in the amount not to exceed \$6,058,368.06, subject to the County Attorney's Office as to form.

20-320

Authorization To Execute Agreement No. 1036814 With MnDot For Cooperative Construction Agreement For River To River Greenway – Robert Street Crossing (County Project 98-13) In City Of West St. Paul

WHEREAS, Dakota County (County) and the City of West St. Paul are partnering on the River to River Greenway – Robert Street Crossing (Project); and

WHEREAS, the contract is for preliminary and final design engineering and public engagement process for developing a pedestrian underpass and trail connections of Trunk Highway 3 (Robert Street) in the City of West St. Paul; and

WHEREAS, the County is the lead agency for the Project with construction scheduled for summer 2020; and

WHEREAS, an agreement for construction activities to take place within the Minnesota Department of Transportation (MnDOT) right of way is necessary for the County to complete the Project; and

WHEREAS, the agreement provides for the use of MnDOT right of way for construction of the project and identifies project construction cost, ownership, and maintenance as the responsibility of the County; and

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WHEREAS, staff recommends execution of Agreement No. 1036814 with MnDOT for construction of the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute Agreement No. 1036814 with the Minnesota Department of Transportation for construction and resulting maintenance of CP 98-13 subject to approval by the County Attorney's Office as to form.

County Board/County Administration

20-321

Scheduling Of County Board Workshop For Discussion On Broadband

WHEREAS, Dakota County is committed to be a high-performing organization for the citizens of the County; and

WHEREAS, the Workshop will be an opportunity for the County Board to discuss Broadband; and

WHEREAS, staff recommends holding a workshop to allow staff to receive direction from the County Board on Broadband.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a County Board Workshop for Tuesday, August 4, 2020, following the General Government and Policy Committee, in the Boardroom, Administration Center, 1590 Highway 55, Hastings, MN, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic to receive comments on staff direction for Broadband.

20-322

Designation Of Deputy County Manager To Perform Duties Of County Manager During Absence Or Disability

WHEREAS, the County Manager is the chief executive officer for Dakota County and has all of the powers and duties described in Minn. Stat. § 375A.03, subds. 2 and 3; and

WHEREAS, Minn. Stat. § 375A.03, subd. 1 authorizes the County Board to designate some properly qualified person to perform the duties of the County Manager during absence or disability; and

WHEREAS, the Dakota County Board of Commissioners desires to make such a designation in order to provide for the orderly administration of county government; and

WHEREAS, Jean Erickson is properly qualified to perform the duties of the County Manager during absence or disability; and

WHEREAS, Steve Mielke is properly qualified to perform the duties of the County Manager during absence or disability.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby designates Jean Erickson, Deputy County Manager, as the person to perform the duties of County Manager during any time when the County Manager is absent or disabled, effective immediately and until further action by the Dakota County Board of Commissioners; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby designates Steve Mielke, Physical Development Director, as the person to perform the duties of County Manager during any time when the County Manager and Deputy County Manager are absent or disabled, effective immediately and until further action by the Dakota County Board of Commissioners.

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Operations, Management And Budget

Report On Invoices Paid In June 2020

This item was on the agenda for informational purposes only.

20-323

Authorization To Execute Contract Extensions For Investment Management And Advisory Services

WHEREAS, Dakota County's objective is to provide for the prudent management of public funds on behalf of its citizens; and

WHEREAS, Dakota County investments are directed as under Minn. Stat. § 118A and County Policy No. 2254 to ensure safety through the preservation of principal, provide for daily liquidity, and yield an acceptable rate of return; and

WHEREAS, Dakota County issued a Request for Proposal in 2017 and selected external investment management and advisory firms to manage a portion of the County's investment portfolio; and

WHEREAS, staff recommends extending contracts with PFM Asset Management LLC, Chandler Asset Management, and RBC Global Asset Management Inc. based on their experience with local governments similar to Dakota County, proposed value added and costs of services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations, Management and Budget Director to extend the existing contract with PFM Asset Management LLC, for investment management and advisory services for two additional years with a maximum amount of \$105,000.00, subject to approval as to form by the County Attorney's Office; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations, Management and Budget Director to extend the existing contract with Chandler Asset Management, for investment management and advisory services for two additional years with a maximum amount of \$100,000.00, subject to approval as to form by the County Attorney's Office; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations, Management and Budget Director to extend the existing contract with RBC Global Asset Management Inc., for investment management and advisory services for two additional years with a maximum amount of \$165,000.00, subject to approval as to form by the County Attorney's Office.

20-324

Authorization To Amend Contract With OnDemand Services Group For Metro Alliance For Healthy Families Web Site Development

WHEREAS, Dakota County Information Technology (IT) is the administrative agent for the Metro Alliance for Healthy Families (MAHF) joint powers organization; and

WHEREAS, the MAHF joint powers organization (JPO) comprised of Dakota County, Anoka County, Carver County, Chisago County, the City of Bloomington, Hennepin County, Isanti County, Ramsey County, Scott County, and Washington County allocated grant funding to Dakota County IT to fund the costs to create interoperability between the public health documentation system, PH-Doc, and the MAHF web site; and

WHEREAS, Dakota County IT has contracted with OnDemand Services Group for web site development professional services; and

WHEREAS Dakota County IT intends to amend the contract with OnDemand Services Group to include the interoperability capabilities requested by the MAHF JPO.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Chief Information Officer to amend the contract with OnDemand Services Group for the development of interoperability capabilities allowing for the transmission of data from the public health case management system, PH-Doc, to the Metro Alliance for Healthy Families web site, in the amount of \$75,000 upon execution of the amendment by the parties and ending on December 31, 2020, 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 Information Technology budget as follows:

Expense	
IT Contracted Expenses	<u>\$157,800</u>
Total Expense	\$157,800

Revenue	
MAHF Revenue	<u>\$157,800</u>
Total Revenue	\$157,800

20-325

Authorization To Accept CARES Act Funding, Amend 2020 Non-Departmental Budget, And Amend 2020 Social Services Budget

WHEREAS, the State of Minnesota has made Federal CARES Act funding available for Dakota County in the amount of \$52,259,026.61; and

WHEREAS, COVID-19 has disproportionately impacted Long-Term Care (LTC) and Congregate Care Settings in Minnesota and across the nation; and

WHEREAS, according to public health officials, the most effective method of containment in these settings is systemic testing of all residents and staff, with appropriate isolation and co-horting for positive cases; and

WHEREAS, Dakota County Board of Commissioners decided it a priority to conduct COVID-19 Community Systemic Testing (CST), laboratory analysis of the specimens and Personal Protective Equipment (PPE) training for the 160 LTC and 380 Congregate Care Settings located in Dakota County by utilizing Federal CARES Act funding; and

WHEREAS, Social Services entered into a contract to provide COVID-19 testing at residential sites in Dakota County by Resolution No. 20-308 (June 30, 2020), to be funded with CARES Act funding when available; and

WHEREAS, the County Board has determined the COVID19 testing at residential sites is a necessary and a reasonable response to the COVID-19 Pandemic, therefore eligible for use of CARES Act funds.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the CARES Act funds in the amount of \$52,259,026.61; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2020 Non-Departmental budget as follows:

Expense	
CARES Act Expenses	\$52,259,027
Residential Site Testing	<u>(\$1,000,000)</u>
Total Expense	\$51,259,027

Revenue	
CARES Act	\$52,259,029
CARES Act-Residential Site Testing	<u>(\$1,000,000)</u>
Total Revenue	\$51,259,029

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; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2020 Social Services budget as follows:

Expense	
CARES Act Residential Site Testing	<u>\$1,000,000</u>
Total Expense	\$1,000,000

Revenue	
CARES Act	<u>\$1,000,000</u>
Total Revenue	\$1,000,000

Physical Development

20-326

Approval Of Right Of Way Acquisition And Authorization To Initial Quick Take Condemnation For Right Of Way For County Project 42-156 And Authorization Of Budget Amendment

WHEREAS, Dakota County and the City of Rosemount are partnering on County Project (CP) 42-156 (the "Project"); and

WHEREAS, the Project includes the intersection of County State Aid Highway (CSAH) 42 and Akron / CR 73, approximately 1100' of roadway reconstruction along Akron, south of CSAH 42 and median changes along CSAH 42 from CR 72 to 3700' east; and

WHEREAS, staff assessed the intersection and determined a traffic signal is justified and the appropriate action to improve operations and capacity along the Project corridor; and

WHEREAS, to address the purpose and need for the Project, the county is proposing to install a traffic signal, widen the city roadway along Akron Avenue to the south of County State Aid Highway (CSAH) 42, and modify the median along CSAH 42, west of (CR) County Road 73, Akron Avenue. County Project (CP) 42-156; and

WHEREAS, Dakota County is the lead agency for the project; and

WHEREAS, the County utilized public engagement for this project, including a virtual public open house available from May 5-June 9, 2020 with nearly 300 visits; and

WHEREAS, right of way acquisition is needed to allow for construction to begin in spring 2021 as scheduled; and

WHEREAS, the acquisition of the following three parcels as identified in Dakota County Road Right of Way as noted below is necessary to move forward with the Project:

Parcel No	Owners	Permanent Easement	Temporary Easement	Drainage and Utility
34-02700-50-010	REGENTS OF THE UNIVERSITY OF MINNESOTA	19,584 sf	7,540 sf	N/A
34-02700-85-011	STATE OF MINNESOTA	16,544 sf	18,061 sf	40,492 sf
34-02700-09-010	MARY J. & GUY D. COURTEAU; MARGARET M. & RONALD F. EUSTICE; ANN MARIE & CURTIS DAY; BETTY J. MCANDREWS &		8,338 sf	25,000 sf

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	JOSEPH P. MCANDREWS RLT			
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; and

WHEREAS, appraisals have been completed for three parcels by Insight Realty Advisors Inc. dba Valbridge Property Advisors value of \$254,000; and

WHEREAS, the 2020 Transportation Capital Improvement Program budget included design costs with right of way and construction in 2021; and

WHEREAS, a budget amendment is requested for CP 42-156 for right of way acquisition and associated project management costs in 2020; and

WHEREAS, if timely acquisition by direct negotiation of the required private-property parcels does not appear possible, it is necessary for the County Board to authorize the County Attorney’s Office to initiate “quick take” condemnation of the remaining parcels to allow for a spring 2021 start date; and

WHEREAS, with regards to the State of Minnesota and U-More properties, condemnation is not being planned based on guidance from the attorney’s office that the County cannot condemn parcels owned by the state or university.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised values prepared by Insight Realty Advisors Inc. dba Valbridge Property Advisors for the acquisition of the right of way for the identified property interests from the three parcels for County Project 42-156 and authorizes County staff, in its discretion, to share the appraisal data with the respective landowners, including all or portions of the completed parcels; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of right of way associated with the three parcels for County Project 42-156, at the approved appraised values and authorizes payment from the 2020 Transportation Capital Improvement Program budget; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney’s Office to initiate quick take condemnation on the properties identified in the event that timely acquisition by direct negotiations of all properties does not appear possible; and

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

Expense	
ROW setaside	(\$300,000)
CP 42-156	<u>(\$300,000)</u>
Total Expense	\$0

20-327

Award Of Bid And Authorization To Execute Contract With Eureka Construction, Inc. And Amend The Adopted 2020–2024 Parks Capital Improvement Program For River To River Greenway Robert Street Crossing In City Of West St. Paul

WHEREAS, Dakota County (County) and the City of West St. Paul are partnering on the River to River Greenway: Robert Street Crossing (Project); and

WHEREAS, to improve safety and mobility, the Project will construct a grade-separated pedestrian crossing and trail connections of Robert Street; and

WHEREAS, pursuant to advertisement, five bids were received for the Project on June 16, 2020; and

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WHEREAS, the bid of Eureka Construction, Inc., in the amount of \$4,654,633.96 was the lowest total responsive and responsible bid received; and

WHEREAS, staff recommends awarding the bid to Eureka Construction, Inc. in the amount of \$4,654,633.96; and

WHEREAS, the 2020 Parks Capital Improvement Program Adopted Budget needs to be increased by \$813,651.78 to construct the project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes award of the bid and authorizes the Physical Development Director to execute a contract with Eureka Construction, Inc. for construction of the River to River Greenway – Robert Street Crossing project for a total contract amount of \$4,654,633.96 based on their low bid, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2020 Parks Capital Improvement Program Adopted Budget is hereby amended as follows:

Expense	
R2RGW – Robert Street (P00081)	\$813,652
MRG – Rosemount East (P00109)	<u>(\$813,652)</u>
Total Expense	\$0
Revenue	
Transportation Sales & Use Tax - Robert Street (P00081)	\$600,000
Parks Fund Balance – Robert Street (P00081)	\$213,652
Transportation Sales & Use Tax – Rosemount East (P00109)	<u>(\$600,000)</u>
Parks Fund Balance – Rosemount East (P00109)	<u>(\$213,652)</u>
Total Revenue	\$0

20-328

Authorization To Distribute Negative Declaration On Need For Environmental Impact Statement For County Projects 26-54 And 63-27 In City Of Inver Grove Heights And City Of Eagan

WHEREAS, Dakota County (County) is proposing County Projects (CP) 26-54 and 63-27 in the City of Inver Grove Heights and City Of Eagan (Cities); and

WHEREAS, to provide a safe and efficient transportation system, the County and the Cities are proceeding with CP 26-54 and CP 63-27; and

WHEREAS, CP 26-54 will expand approximately two miles of County State Aid Highway (CSAH) 26 (Lone Oak Road in Eagan, 70th Street in Inver Grove Heights) from Trunk Highway (TH) 55 to TH 3 from an existing two-lane roadway rural section to a four-lane divided urban roadway; and

WHEREAS, CP 63-27 will construct on a new alignment CSAH 63 (Argenta Trail) from CSAH 28 (Amana Trail) north to 65th Street and from 65th Street to old Argenta Trail (CSAH 63) to the north of CSAH 26; and

WHEREAS, the purpose of the project is to improve safety, multi-modal mobility, and traffic operations on CSAH 26 and CSAH 63 and provide additional capacity on CSAH 26; and

WHEREAS, safety will be improved along the corridor by managing the number of conflict points (access management), adding turn lanes, realigning intersections to improve spacing, providing paved shoulders, and adding multi-use trails to both sides of the road; and

WHEREAS, the County is the Responsible Governmental Unit for environmental review of CPs 26-54 and 63-27 in the Cities; and

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

WHEREAS, the County undertook an environmental review process to determine if CPs 26-54 and 63-27 have the potential for significant environmental effects and prepared an EAW for the project, pursuant to Minn. Stat. Ch. 116D; and

WHEREAS, the availability of the EAW was officially noticed on May 4, 2020, in the Environmental Quality Board Monitor; and

WHEREAS, comments on the EAW were received through June 03, 2020; and

WHEREAS, a Virtual Open House meeting was held May 14 to May 21 where the public could learn more about the environmental review of the project and preliminary construction phasing and send the project team questions and comments; and

WHEREAS, in 2018, CP 26-54 was awarded \$7,000,000 in federal aid programs through the Metropolitan Council's Regional Solicitation; and

WHEREAS, because the project is utilizing federal funds, federal requirements apply; and

WHEREAS, a Federal Aid Project Memorandum (PM) that documents the need for the proposed improvement, environmental impacts, and mitigation, and schedule, funding, and design information was prepared; and

WHEREAS, the Federal-Aid Project Memorandum is used to demonstrate that the project does not have a significant environmental effect and is excluded from the requirement to prepare an EA or EIS in accordance with 23 CFR 771.115; and

WHEREAS, based on the information gathered during the Virtual Open House and EAW process, comments received on the EAW, and criteria in Minn. Rules Chapter 4410, County staff determined that the project does not have the potential for significant environmental impacts, an EIS is not required, and a Negative Declaration Decision should be issued.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby makes the following specific findings of fact:

1. Dakota County is the Responsible Governmental Unit for preparation of an environmental review of the project and determining the need for an environmental impact statement on this project
2. A State Environmental Assessment Worksheet was prepared and distributed to the State of Minnesota Environmental Quality Board Environmental Review Program Distribution List on May 4, 2020
3. All requirements for environmental review of the proposed project have been met
4. The Environmental Assessment Worksheet and permit development process related to the project have generated information that is adequate to determine whether the project has the potential for significant environmental effects
5. Areas where potential environmental effects have been identified will be addressed in the design of the project
6. County staff has reviewed the comments received
7. In considering the type, extent, and reversibility of the environmental effects of the project, there will be no significant environmental effects resulting from the proposed County Project 26-54 and 63-27 construction project, as proposed

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby concludes, based upon the information gathered during the environmental review process and all of the comments received with respect to the Environmental Assessment Worksheet, that an Environmental Impact Statement is not needed for County

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Projects 26-54 and 63-27, the County State Aid Highway 26 and 63 construction project, as currently proposed; and

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

20-329

Authorization To Execute Agreements With Xcel Energy For Preliminary Engineering And Design Of Relocation Of Utilities Along County State Aid Highway 63 In City Of Inver Grove Heights For County Projects 26-54 And 63-27

WHEREAS, to provide a safe and efficient transportation system, the County and the Cities are proceeding with County Projects (CP) 26-54 and CP 63-27; and

WHEREAS, Dakota County is the lead agency for CP 26-54 and CP 63-27 with construction scheduled to begin in Fall 2021; and

WHEREAS, CP 26-54 consists of expanding County State Aid Highway (CSAH) 26 to a four-lane divided highway with turn lanes, pedestrian accommodations, sufficient shoulders, newly constructed roundabout, and access management; and

WHEREAS, CP 63-27 consists of realigning and expanding CSAH 63 to a two-lane divided highway with turn lanes, pedestrian accommodations, sufficient shoulders, and access spacing consistent with the guidelines for a principal arterial; and

WHEREAS, the purpose of the projects is to improve safety, multi-modal mobility, and traffic operations on CSAH 26 and CSAH 63 and to provide additional capacity on CSAH 26; and

WHEREAS, safety will be improved along the corridor by managing the number of conflict points (access management), adding turn lanes, realigning intersections to improve spacing, providing paved shoulders, and adding multi-use trails to both sides of the road; and

WHEREAS, CP 63-27 includes construction that requires relocation of Xcel Energy's (Xcel) electric transmission line; and

WHEREAS, Xcel transmission lines and poles are located within its own easement between CSAH 63 on new alignment and old Argenta Trail on the west; and

WHEREAS, Xcel estimates that the cost of relocating its facilities, including engineering, materials, and construction, is \$662,000; and

WHEREAS, in order to proceed with project development, Xcel is requesting that Dakota County execute a scoping agreement to reimburse Xcel \$107,000 for actual costs incurred for the cost of the preliminary engineering and design; and

WHEREAS, Xcel will send the County a relocation agreement for authorization with revised detailed estimate which will include updated cost estimates for materials and construction of the transmission line relocation; and

WHEREAS, CP 26-54 and CP 63-27 are included in the 2020 Transportation Capital Improvement Program (CIP) Adopted Budget for CP 26-54, which includes \$11,846,974, and for CP 63-27, which includes \$8,180,700, for a current total budget of \$20,027,674, carried over from previous years; and

WHEREAS, the Staff recommends execution of a scoping agreement with Xcel for preliminary engineering of

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relocation of utilities for CP 63-27 in a total amount of \$107,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a scoping agreement with Xcel Energy to reimburse Xcel Energy for \$107,000 for the cost of the preliminary engineering and design for the relocation of transmission lines and poles in the amount of the actual cost, subject to approval by the County Attorney's Office as to form.

20-330

Approval Of Right Of Way Acquisition, Relocation Assistance And Authorization To Initiate Quick Take Condemnation For County Projects 26-54 And 63-27 In City Of Inver Grove Heights And City Of Eagan

WHEREAS, Dakota County (County) is proposing County Projects 26-54 and County Project 63-27 in the City of Inver Grove Heights and City Of Eagan (Cities); and

WHEREAS, to provide a safe and efficient transportation system, the County and the Cities are proceeding with County Project 26-54 and County Project 63-27; and

WHEREAS, County Project 26-54 will expand approximately two miles of County State Aid Highway (CSAH) 26 (Lone Oak Road in Eagan, 70th Street in Inver Grove Heights) from Trunk Highway (TH) 55 to TH 3 from an existing two-lane roadway rural section to a four-lane divided urban roadway; and

WHEREAS, County Project 63-27 will construct on a new alignment CSAH 63 (Argenta Trail) from CSAH 28 (Amana Trail) north to 65th Street and from 65th Street to old Argenta Trail (CSAH 63) to the north of CSAH 26; and

WHEREAS, the purpose and need for the project is to improve safety, multi-modal mobility, and traffic operations on CSAH 26 and CSAH 63 and provide additional capacity on CSAH 26; and

WHEREAS, to address the purpose and need for this Project, safety will be improved along the corridor by managing the number of conflict points (access management), adding turn lanes, realigning intersections to improve spacing, providing paved shoulders, and adding multi-use trails to both sides of the road; and

WHEREAS, Dakota County is the lead agency for County Project 26-54 and County Project 63-27 with right of way acquisition necessary in 2020 for construction to begin in 2021; and

WHEREAS, the County utilized public engagement for this project, including a public open house on December 18, 2019 at the Veterans Memorial Community Center in Inver Grove Heights and a presentation at the Inver Grove Heights City Council meeting on May 26, 2020; and

WHEREAS, the 2020 Transportation Capital Improvement Program (CIP) Adopted Budget for CP 26-54 includes \$11,846,974 and for County Project 63-27 includes \$8,180,700 for a current total budget of \$20,027,674, carried over from previous years; and

WHEREAS, the acquisition of right of way is needed to move forward with County Project 26-54 and County Project 63-27 for the construction to begin in 2021 as scheduled; and

WHEREAS, to move forward with County Project 26-54 and County Project 63-27, the total acquisition of the following nine properties with applicable relocations is necessary:

Right of Way

Map No. 471

Parcel

<u>Map No. 471 Parcel</u>	<u>PID</u>	<u>Owner</u>	<u>Site Address</u>
18	20-27700-00-120	Joseph J. Vogel & Colleen A. Vogel	6963 Arkansas Ave W

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20	20-27700-00-110	William John Carlson, and Jennifer Elizabeth Poyorena, Trustees, or Successors In Trust	1629 70th St W
22	20-00600-55-050	Pamela K. Brust	6970 Argenta Trl W
28	20-00700-01-010	Timothy M. and Suzanne C. Grundhoffer (Owners), Joe Heiden (Tenant)	1090 70th St W
29	20-00700-01-040	Timothy B. McInerny, Todd J. McInerny, Thomas McInerny, Michael P. McInerny (Owners), Tenants	1120 70th St W
35	20-00700-05-016	Lawrence J. Flannery & Linda Flannery	1466 70th St W
40	20-14170-00-030	Peterandrea Investments, LLC	Outlot C Blackstone Vista
41	20-00700-26-011	Bruce Frank Huysentruit	1700 70th St W

; and

WHEREAS, to move forward with County Project 26-54 and County Project 63-27, the partial acquisition of the following three properties with applicable relocations is necessary:

<u>Right of Way Map No. 471 Parcel</u>	<u>PID</u>	<u>Owner</u>	<u>Permanent Easement (SF)</u>	<u>Temporary Easement (SF)</u>	<u>Drainage and Utility Easement (SF)</u>	<u>Building Removal Easement (SF)</u>
21	20-27700-00-100	Chad T. & Holly A. Sandell and Thomas R. & Roxanne M. Biesterfeld	14,288	23,990	4,970	
31	20-00700-03-010	CC Hollywood Properties LLC (Owner), Jasmine Rohange (Tenant), Michael Jenke (Tenant)	5,152	30,877		15,028
32 & 33	20-00700-04-010 & 20-00700-05-012	James E. Peltier (Owner), Mark Richsmann (Tenant), Brian Leonida (Tenant)	15,368 (Parcel 32), 10,332 (Parcel 33)	33,445 (Parcel 32), 6,150 (Parcel 33)		11,185
49	10-01200-02-040	George Joseph Mikutowski	5,586	1,995		

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; and

WHEREAS, the property owners and tenants are entitled to relocation assistance, and the County is required to provide a written offer for relocation expenses that includes moving expenses and other benefits as required by law; and

WHEREAS, the twelve parcels have been appraised, and offers are being prepared for a total appraised value including minimum compensation of \$3,509,250; and

WHEREAS, the property owners are entitled to the appraised value of the property or minimum compensation to purchase a comparable property in the community, whichever is higher; and

WHEREAS, nine properties, seven total and two partial acquisitions require relocations; and

WHEREAS, additional costs for relocation assistance and moving expenses for the nine properties are estimated at \$450,000 for a total estimated cost of \$3,959,250; and

WHEREAS, in the event that timely acquisition by direct negotiation of all required parcels does not appear possible, it is necessary for the County Board to authorize the County Attorney's Office to initiate quick take condemnation of the remaining parcels to allow for a late fall 2021 start date.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised values prepared by Patchin Messner Valuation Counselors for the acquisition of the right of way for County Project 26-54 and County Project 63-27 and authorizes County staff, in its discretion, to share the appraisal data with the respective landowners, including all or portions of the completed appraisals as part of the negotiation process; and

BE IF FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of right of way for County Project 26-54 and County Project 63-27, at the approved appraised values and in accordance with County policy, and authorizes payment from the adopted 2020 Transportation Capital Improvement Program budget; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to initiate quick take condemnation of the remaining parcels to allow a fall 2021 start date, in the event that timely acquisition by direct negotiations of all parcels does not appear possible.

20-331

Approval Of Right Of Way Acquisition And Authorization To Initiate Quick Take Condemnation For County Project 78-12 In Castle Rock And Hampton Township And City Of Hampton

WHEREAS, Dakota County is proposing County Project (CP) 78-12 to improve and reconstruct County State Aid Highway (CSAH) 78 from CSAH 79 (Blaine Avenue) Northfield Boulevard (County Road 47) in Castle Rock Township, City of Hampton and Hampton Township; and

WHEREAS, the purpose of CP 78-12 is to address safety, mobility issues, and create an efficient East to West County highway corridor; and

WHEREAS, the segment of CSAH 78 does not meet current safety standards; and

WHEREAS, the intersection of CSAH 78 and CSAH 47 will be reconstructed to improve safety at the intersection; and

WHEREAS, the County is the lead agency for the Project; and

WHEREAS, right of way acquisition is needed to allow for construction to begin in 2021 as scheduled; and

WHEREAS, the acquisition of 37 parcels is necessary to move forward with CP 78-12; and

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WHEREAS, the acquisition of the following 37 parcels as identified in Dakota County Right of Way Map No. 489 by the County is necessary to move forward with the Project:

Parcel No.	Owner(s)	ROW
1&2	Allen D. and Marilyn Hoffman Living Trust	-
3, 4, 5	Donald F. and Mary L. Heiman	\$28,900
6	Ryan and Priscilla Christensen	\$16,800
7	Martin J. Lorenzen and Ashleigh J. Lippert	\$38,800
8 &9	Eugene K. Dohmen	\$6,800
10 &11	Daniel Mulvihill	\$36,400
12	John V. and Shelby J. Rother	\$55,800
13& 14	Glen Haefs	\$59,000
15	Richard L. Ozment	\$78,400
19	Ole A. and Janice A. Carlson	\$15,900
20	Barbara J. and Dennis C. Bolan	\$13,100
23 & 24	Robert H. and Patricia V. Gierl	\$19,500
25	John F. and Mary Jo Stockman	\$30,500
26	Judy A. Schwendig	\$32,900
27	Douglas J. Wille	\$3,800
28	Harold L. and Beverly H. Kimmes	\$18,200
29	Stanley R. and Verna D. Debough	\$38,800
30	Luke A. and Leanne R. Garner	\$5,800
31	Richard L. Jacoby	\$54,300
32	Dewight K. and Mary C. Reck	\$70,600
33	Eugene K. Dohmen	\$5,800
34	Richard J. and Kimberly A. Pirkl	\$66,800
35	Robert C. Grams Jr.	\$49,000
36	Nathaniel B. Lyon and Tabitha R. Lyon	\$6,200
37	unknown	\$800
38	Robert Mason and Alicia Hunziker	\$7,700
39	Lawrence E. and Charlotte K. Runyan	\$12,700
48	Thomas A. and Susan C. Harstad	\$17,500
49	Lola Harris Family Limited Partnership	\$5,700

; and

WHEREAS, appraisals have been completed for 37 parcels by Insight Realty Advisors Inc DBA Valbridge Property Advisors for a total appraised value of \$799,000; and

WHEREAS, the 2020 Transportation Capital Improvement Program budget for the Project includes sufficient funds for right of way acquisition.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised value for the acquisition of the identified property interest from the 37 parcels for County Project 78-12 and authorizes County staff, in its discretion, to share the appraisal data with the respective landowners, including all or portions of the completed parcels; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves acquisition of the properties associated with the 37 parcels for County Project 78-12, at the approved appraised value, and authorizes payment from the 2020 Transportation Capital Improvement Program budget; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to initiate quick take condemnation on the properties identified in the event that timely acquisition by direct negotiations of all properties does not appear possible.

20-332

Award Of Bid And Authorization To Execute Contract With Spigarelli Companies Dba B.L. Dalsin Roofing For Empire West Roof Replacement Project

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WHEREAS, replacement of the Empire Campus West Building Roof is included in the 2020–2024 Building Capital Improvement Program (CIP) Adopted Budget; and

WHEREAS, bid document and specifications were prepared by County staff and Boarman Kroos Vogel (BKV) Group, Inc.; and

WHEREAS, three competitive bids were received on June 16, 2020; and

WHEREAS, Spigarelli Companies dba B.L. Dalsin Roofing has submitted the low bid of \$429,297 including Alternate 3; and

WHEREAS, staff has reviewed the qualifications of the bidder and recommend award to Spigarelli Companies dba B.L. Dalsin Roofing as the lowest responsive, and responsible bidder in an amount not to exceed \$429,297 for the Empire West Roof Replacement project; and

WHEREAS, sufficient funds are available within the Adopted 2020 Building CIP Budget for this project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract for the Empire Campus West Roof Replacement project to Spigarelli Companies dba B.L. Dalsin Roofing, 9201 52nd Avenue North, New Hope, MN 55428, in an amount not to exceed \$429,297, subject to approval by the County Attorney's office as to form.

20-333

Authorization To Execute Contract With Aune Fernandez LLC, Landscape Architects For Thompson County Park Master Plan Improvements Project Phase I Professional Design Services

WHEREAS, in January 2020, the Dakota County Board of Commissioners adopted the updated Thompson County Park Master Plan, which set a precedent for Dakota County by creating a visionary and strategic document that addressed recreation, interpretation, and natural resource management in an integrated manner; and

WHEREAS, eight project elements have been identified from the 2020 Master Plan for implementation in the first phase of the improvements including:

- Interpretation of the shoreline restoration around the Thompson Lake and the natural resource restoration throughout the Park.
- Wayfinding and improved visitor entry experience to the North, West, and South Park entry points.
- Improved Water Access with shore fishing access stones, new pier, existing pier improvements, small craft water access, and interpretive panels at each pier.
- An inclusionary and accessible nature-themed modular play structure responding to a range of needs, ages, and abilities integrated with circulation, gathering, picnicking, existing trees, new shade (built and natural) and existing topography creating a signature and unified Park feature.
- Picnicking, including a lakeside plaza environment with sun shelters, hammocking, lawn, plantings, and integrated interpretation.
- Sledding hill with picnic tables, fire pit, lighting, natural surface trails, and interpretation.
- Parking lot improvements, including reconfiguration with removal of berm, addition of 30 new spaces, reroute of existing soft surface trail, and improved stormwater management.
- Evaluation of Thompson Park Center in terms of space and program resulting in schematic level design to inform facility improvements in a future phase

; and

WHEREAS, the design, engineering and construction administration for this project is included in the 2020 – 2024 Capital Improvement Program (CIP) Adopted Budget; and

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WHEREAS, 21 proposals were solicited; and

WHEREAS, nine proposals were received; and

WHEREAS, consultant interviews with the consultant teams were held on June 26, 2020; and

WHEREAS, staff unanimously selected Aune Fernandez LLC, Landscape Architects; and

WHEREAS, their proposal is below the budget for such services and is thereby supported by the approved budget; and

WHEREAS, the consultant will coordinate with Dakota County staff from Natural Resources, Facilities Management, Planning, Operations, and Capital Projects; and

WHEREAS, project progress will be presented at public meetings at key project junctures, including initial project awareness, and schematic design; and

WHEREAS, the County Board will be updated on public engagement and schematic design in October of 2020; and

WHEREAS, following the letting of the bid in Winter 2021 for the project staff will return to the County Board for authorization to execute a contract with the selected contractor; and

WHEREAS, Construction is projected to be completed by November of 2021.

NOW, THEREFORE, BE IT RESOLVED, The Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract with Aune Fernandez LLC, Landscape Architects for Design, Engineering, and Construction Administration services in an amount not to exceed \$300,000 for Design, Engineering, and Construction Administration services for the Thompson County Park Masterplan Improvements Phase I project, subject to approval by the County Attorney's Office as to form.

20-334

Authorization To Execute A Contract With Miller Dunwiddie Architecture, Inc. For Design Services And Construction Administration For Big Rivers Regional Trail Mendota Trailhead Project

WHEREAS, the Big Rivers Regional Trail (BRRT) extends north from I-494 in Eagan, through Mendota Heights, and to Lilydale where it enters Lilydale Regional Park in Saint Paul. Part of the overall 17-mile Minnesota River Greenway Regional Trail corridor, the BRRT received an estimated 158,900 visitors in 2018; and

WHEREAS, nine project elements have been identified for inclusion in the project, including:

- Restroom Facility potentially with a general use picnic canopy.
- Picnicking with a canopy/shaded general use picnic area and open picnicking and ample opportunities for observation at/around overlook.
- Information Center/Kiosk and County standard amenity package (e.g., bike fix-it station, seating, water, trash receptacles).
- Parking Lot expansion and improvements including addition of electric vehicle charging stations and a potential bike-sharing station.
- Trails to provide accessible connectivity between greenway, parking, restrooms, picnic areas, overlook, and other use areas and a connection to the adjacent site of the WPA Camp with signage and wayfinding.
- Security & Technology with additional lighting and security cameras, remote locking restroom facility doors, high-speed internet and WiFi throughout site to support security and visitor experience.
- Special Event/Use Area to provide areas that can be utilized to support greenway-based programming.
- Natural Resource Improvements.
- Interpretation of the historical and cultural resources present at the site.

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; and

WHEREAS, the design, engineering, and construction administration is included in the 2019 – 2023 Capital Improvement Budget Program (CIP); and

WHEREAS, 22 proposals were solicited; and

WHEREAS, eleven proposals were received; and

WHEREAS, consultant interviews with the consultant teams were held on June 26; and

WHEREAS, staff unanimously selected Miller Dunwiddie Architecture, Inc.; and

WHEREAS, the Miller Dunwiddie Architecture, Inc. proposal is below the sum budgeted for professional services and approved in the 2019 Parks CIP project consulting budget of \$275,000; and

WHEREAS, the consultant will coordinate a design team featuring Dakota County staff from Natural Resources, Facilities Management, Planning, Operations, and Capital Projects; and

WHEREAS, project progress will be presented at public meetings at key project junctures, including initial project awareness, and schematic design; and

WHEREAS, the County Board will be updated on public engagement and schematic design in October of 2020; and

WHEREAS, following the letting of the bid in March of 2021 for the project staff will return to the County Board for authorization to execute a contract with the selected contractor; and

WHEREAS, Construction is projected to be completed November of 2021.

NOW, THEREFORE, BE IT RESOLVED, The Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract with Miller Dunwiddie Architecture, Inc. in an amount not to exceed \$146,446 for Design, Engineering, and Construction Administration services for Big Rivers Regional Trail Mendota Trailhead project, subject to approval by the County Attorney's Office as to form.

20-335

Scheduling Of Public Hearing Regarding Issuance By Dakota County Community Development Agency Of Bonds Backed By Full Faith And Credit Of Dakota County To Finance Affordable Rental Housing In City Of West St. Paul

WHEREAS, pursuant to Minn. Stat., Chapter 475 and Sections 469.001 through 469.047 (the Act), and particularly Section 469.034, Subd. 2, the Dakota County Community Development Agency (the CDA) is authorized to issue its bonds to finance qualified housing development projects and, with the consent of Dakota County (the County), to pledge the County's full faith and credit to such bonds; and

WHEREAS, the CDA proposes to issue bonds (the New Money Bonds) to finance a multifamily rental housing development to be located in the City of West St. Paul (the Project), which will provide housing for low- and moderate-income households and which constitutes a qualified housing development project; and

WHEREAS, the CDA has requested that the County pledge its full faith and credit to the New Money Bonds; and

WHEREAS, the Act requires as a condition precedent to issuance of the New Money Bonds that both the CDA and the County hold public hearings regarding the issuance thereof.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a

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public hearing for August 4, 2020, at 9:00 a.m. in the Boardroom, Administration Center, 1590 Highway 55, Hastings, MN, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic to receive comments and authorize the Dakota County Community Development Agency to issue New Money Bonds to finance affordable rental housing in the City of West St. Paul; and

BE IT FURTHER RESOLVED, That Dakota County staff is hereby authorized and directed to work with the Dakota County Community Development Agency to publish the public hearing notice in a newspaper of general circulation in Dakota County, not fewer than seven days prior to the public hearing and to post said notice on the websites of the Dakota County Community Development Agency website at www.dakotacda.org, and the Dakota County website at www.dakotacounty.us.

Public Safety

20-336

Authorization To Renew Joint Powers Agreement With Dakota County Drug Task Force To Provide Clerical Assistance

WHEREAS, the Dakota County Drug Task Force Board has identified a need and has requested member agencies for additional clerical support; and

WHEREAS, the Dakota County Sheriff's Office has offered to provide the Dakota County Drug Task Force with an existing 0.5 FTE Program Services Assistant to assist current drug task force clerical staff; and

WHEREAS, the Dakota County Drug Task Force, through its Board, shall, on a monthly basis, reimburse the County for all costs the County incurs relating to the employment of the employee, including salary, PERA benefits, FICA/Medicare, worker's compensations insurance, and the County provided health, dental, and life insurance during the term of the agreement, and

WHEREAS, according to Dakota County Employee Relations, the 2020 annual employment cost for the 0.5 FTE is estimated to be \$35,496 and 2021 to be \$36,774.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Sheriff to execute a joint powers agreement with the Dakota County Drug Task Force and, for the period of January 1, 2020 through December 31, 2021, subject to approval by the Dakota County Attorney's Office as to form.

20-337

Authorization To Renew Joint Powers Agreement With Independent School District 196 For School Resource Officer Services

WHEREAS, Independent School District 196 has requested the School Resource Officer Services continue to be provided by the Dakota County Sheriff's Office for the school years of 2020-2022, and the Sheriff desires to provide that service; and

WHEREAS, Independent School District 196 has historically paid 75 percent of the annual cost of salary and benefits, with the remaining 25 percent paid by the County; and

WHEREAS, during the summer months, the position is assigned to areas of need within the Sheriff's Office; and

WHEREAS, the joint powers agreement provides that the school district will reimburse the County up to \$74,597 for vehicle costs and liaison officer salary and benefit costs for the 2020-2021 school year and up to \$78,326 for the 2021-2022 school year.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Sheriff to execute the joint powers agreement with Independent School District 196 for providing school resource officer services and a Sheriff's vehicle for the period of September 1, 2020, through August 31,

July 14, 2020

2022, subject to approval by the County Attorney's Office as to form.

20-338

Authorization To Renew Joint Powers Agreement With Intermediate School District 917 For School Resource Officer Services

WHEREAS, Intermediate School District 917 has requested the School Resource Officer Services continue to be provided by the Dakota County Sheriff's Office for the 2020-2021 and 2021-2022 school years at the Alliance and Lebanon Education Centers, and the Sheriff desires to provide that service; and

WHEREAS, Intermediate School District 917 has historically paid 75 percent of the annual cost of salary and benefits, with the remaining 25 percent paid by the County; and

WHEREAS, during the summer months, these positions are assigned to areas of need within the Sheriff's Office; and

WHEREAS, the joint powers agreement provides that Intermediate School District 917 will reimburse the County up to \$74,597 for salary and benefit costs per deputy and vehicle costs for the 2020-2021 school year and up to \$78,326 per deputy and vehicle for the 2021-2022 school year.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Sheriff to execute the joint powers agreement with Intermediate School District 917 to provide two deputies for school resource officer services at Alliance and Lebanon Education Centers and provide Sheriff's vehicles for each school for the period of September 1, 2020, through August 31, 2022, subject to approval by the County Attorney's Office as to form.

Public Services And Revenue

20-339

Approval Of Intoxicating Liquor Consumption And Display (Set Up) Permit For United Steel Workers, Local 662

WHEREAS, the United Steel Workers, Local 662 has submitted to the Commissioner of Public Safety an application for an on-business-premises intoxicating liquor Consumption and Display (Set Up) Permit for the period which will expire March 31, 2021; and

WHEREAS, Pursuant to Minn. Stat. § 340A.414, a Consumption and Display Permit issued by the Commissioner of Public Safety is not effective until approved by the local government where the establishment is located; and

WHEREAS, the United Steel Workers, Local 662 businesses premises is located in Vermillion Township in Dakota County; and

WHEREAS, The County Attorney and County Sheriff have reviewed the application and find that the applicant is eligible to receive a permit.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following application for an on premises intoxicating liquor Consumption and Display permit for the period of April 1, 2020 through March 31, 2021, and recommends issuance of the permit by the State Alcohol and Gambling Enforcement Division upon payment of the proper fees:

Vermillion Township:		
United Steelworkers, Local 662	\$255.00	Consumption and Display (Set Up)

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20-340

Scheduling Of Special County Board Meeting

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a special County Board meeting for July 28, 2020, at 9:00 a.m., in the Boardroom, Administration Center, 1590 Highway 55, Hastings, MN, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic, to determine CARES Act funding allocations.

REGULAR AGENDA

County Board/County Administration

Update On Monitoring And Response To Coronavirus Outbreak

Director of Public Health Bonnie Brueshoff, Deputy County Manager Jean Erickson, Deputy Director Erin Stwora, Community Services Director Marti Fischbach, and Public Services and Revenue Director Tom Novak 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.

Update And Consideration Of Future Board And Committee Meetings During COVID-19 Pandemic

Clerk to the County Board Jeni Reynolds briefed this item and responded to questions. This item was on the agenda for informational purposes only. The Board directed staff to continue with virtual meetings through August and to continue monitoring the COVID-19 outbreak. An update will be given at the August 18, 2020 County Board meeting.

20-341

Appointment Of At-Large Commissioner To Dakota County Community Development Agency Board

Motion: Mary Liz Holberg

Second: Liz Workman

WHEREAS, a special law codified as Minn. Stat. § 383D.41, defines the membership of the Dakota County Community Development Agency (CDA) Board of Commissioners and membership consists of seven commissioners representing each of the seven Dakota County Board of Commissioner's districts; and

WHEREAS, Title 24, Part 964, Subpart E of the Code of Federal Regulations directs that the governing body of a public housing agency with the characteristics of the Dakota County CDA, must contain at least one public housing eligible resident board member; and

WHEREAS, during the 2016 Legislative Session, the Minnesota Legislature enacted an amendment to Minn. Stat. § 383D.41, subd. 5, authorizing the CDA Board to add an eighth At-Large Commissioner to the CDA Board to be filled by an eligible resident board member as defined by federal regulations; and

WHEREAS, eligible households and participants in the Housing Choice Voucher program were notified by mail that applications were being accepted through March 31, 2020; and

WHEREAS, the applications received were reviewed by the CDA Board Officers; and

WHEREAS, Dakota County CDA Board Officers have a recommendation for the At-Large Commissioner appointment to the CDA Board.

NOW, THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners hereby reappoints Tina Cummings to the At-Large Commissioner position for a term of three years as provided in the Community Development Agency Bylaws.

Ayes: 7

Nays: 0

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20-342

Appointment To Dakota-Scott Workforce Development Board

Motion: Chris Gerlach

Second: Thomas A. Egan

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individual to the Dakota-Scott Workforce Development Board for a two-year term ending June 30, 2022.

Representing Name

Private Jeffrey Rainey

Ayes: 7

Nays: 0

20-343

Appointment To Public Art Citizen Advisory Committee

Motion: Joe Atkins

Second: Liz Workman

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individual to the Public Art Citizen Advisory Committee to complete a vacant two-year term ending December 31, 2021:

District Name

At-large Cody Jones

Ayes: 7

Nays: 0

Community Services

20-344

Authorization To Execute Contract With Eagan Child And Family Clinic, dba Dakota Child And Family Clinic, For COVID-19 Testing, Amend 2020 Non-Departmental Budget, And Amend 2020 Public Health Budget

Public Health Deputy Director Gina Adasiewicz briefed this item and responded to questions.

Motion: Kathleen A. Gaylord

Second: Thomas A. Egan

WHEREAS, in June 2020, Dakota County Public Health surveyed 48 medical clinics within Dakota County to determine criteria, capability, capacity and interest, and costs associated with COVID-19 testing; and

WHEREAS, Public Health staff determined that Eagan Child and Family Clinic, dba Dakota Child and Family Clinic (DCFC) in Burnsville would be the best partner to provide voluntary testing to Dakota County residents who do not have a clinic home, or are underinsured and un-insured at no cost to the resident and bill insurance if available; and

WHEREAS, three drive-through clinics, each week for ten weeks for a total of up to 30 clinics, will be hosted through mid-November with an estimated 128 people tested at each clinic for an estimated total of 3,840 people; and

WHEREAS, DCFC will provide aggregate summary testing data to Dakota County, and are required to contact all positive patients and report those cases to the Minnesota Department of Health (MDH); and

WHEREAS, Dakota County residents who are positive will be followed up by either Public Health staff or MDH

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staff through the current case investigation process; and

WHEREAS, Public Health is applying for Federal CARES Act funding to fund this collaboration, which will address the lack of testing sites for the targeted population; and

WHEREAS, staff recommends executing a contract with Eagan Child and Family Clinic, dba Dakota Child and Family Clinic, to conduct COVID-19 testing via a nasal swab in a not to exceed contract amount of \$150,000 for the period beginning upon execution of the contract through December 1, 2020; and

WHEREAS, the County Board has determined COVID-19 testing is a necessary and reasonable response to the COVID-19 Pandemic, therefore eligible for use of CARES Act funds.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Eagan Child and Family Clinic, dba Dakota Child and Family Clinic, to conduct COVID-19 testing via a nasal swab, in a not to exceed contract amount of \$150,000 for the period beginning upon execution of the contract through December 1, 2020, subject to approval by 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 that funds from county, state, or federal sources are not appropriated at a level sufficient to allow payment of the amounts due; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2020 Non-Departmental budget as follows:

Expense	
CARES Act Expenses	<u>(\$150,000)</u>
Total Expense	\$150,000
Revenue	
CARES Act	<u>(\$150,000)</u>
Total Revenue	\$150,000

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2020 Public Health budget as follows:

Expense	
CARES Act COVID-19 Testing	<u>\$150,000</u>
Total Expense	\$150,000
Revenue	
CARES Act	<u>\$150,000</u>
Total Revenue	\$150,000

Ayes: 7

Nays: 0

20-345

Authorization To Implement Eviction Prevention Program, Submit Application For State Grant Funds For Eviction Prevention Program, And Authorization To Accept Funds, Execute Grant Agreement, Amend 2020 Non-Departmental Budget And Amend 2020 Social Services Budget

Director of Social Services Evan Henspeter and Social Services Deputy Director Madeline Kastler briefed this item and responded to questions.

Motion: Chris Gerlach

Second: Thomas A. Egan

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WHEREAS, since March 16, 2020, more than 55,000 Unemployment Insurance (UI) claims have been filed in Dakota County and this number represents 22.8 percent of the 2019 Dakota County annual labor force; and

WHEREAS, the Social Services Department requested assistance from the Office of Planning and Analysis (OPA) to estimate the number of households who have been financially impacted by COVID-19, primarily through unemployment, in order to estimate the resources needed to keep impacted families stably housed; and

WHEREAS, OPA's analysis shows that by the end of August between 500 and 2900 renter households will potentially be at risk of becoming homeless due to unpaid rent; and

WHEREAS, on March 23, 2020, Governor Walz signed Executive Order 20-14 suspending evictions and writs of recovery during the COVID-19 peacetime emergency and as the peacetime emergency has been extended, so has the moratorium on eviction filings; and

WHEREAS, when the moratorium lifts, Dakota County Courts are anticipating a large wave of eviction filings as landlords seek to recover unpaid rents; and

WHEREAS, staff anticipate a high number of eviction filings will continue through the end of the year and will be exacerbated by extra unemployment benefits expiring on July 31; and

WHEREAS, in anticipation of both unpaid rent and eviction filings, Community Services proposes an Eviction Prevention Program using an estimated \$2,000,000 in Dakota County CARES funds; and

WHEREAS, in addition, Dakota County will apply to the Minnesota Housing Finance Agency for COVID Housing Assistance Program funds in the amount of \$5,500,000 to support the Eviction Prevention Program from August 1, 2020 through December 1, 2020; and

WHEREAS, the County Board has determined the Eviction Prevention Program is a necessary and reasonable response to the COVID-19 Pandemic, therefore eligible for use of CARES Act funds.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to implement the CARES Eviction Prevention Program; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the submission of the grant application to the Minnesota Housing Finance Agency for the COVID Housing Assistance Program; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to accept COVID Housing Assistance Program grant funds in the amount awarded, not to exceed \$5,500,000 for the period of August 1, 2020 to December 1, 2020; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a grant agreement with the Minnesota Housing Finance Agency for the COVID Housing Assistance Program, 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, consistent with County contracting policies, 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 Dakota County Board of Commissioners hereby amends the 2020 Non-Departmental budget as follows:

Expense	
CARES Act Expense	<u>(\$2,000,000)</u>
Total Expense	<u>(\$2,000,000)</u>

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Revenue	
CARES Act	<u>(\$2,000,000)</u>
Total Revenue	(\$2,000,000)

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2020 Social Services budget as follows:

Expense	
CARES Act Eviction Prevention Expenses	<u>\$2,000,000</u>
Total Expense	\$2,000,000

Revenue	
CARES Act	<u>\$2,000,000</u>
Total Revenue	\$2,000,000

Ayes: 7

Nays: 0

Physical Development

20-346

Authorization For Dakota County Community Development Agency To Implement A Small Business Relief Program Using Cares Act Funds, And Amend 2020 Non-Departmental Budget

Community Development Agency Director Tony Schertler briefed this item and responded to questions.

Motion: Joe Atkins

Second: Mary Liz Holberg

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law by President Trump on March 27, 2020, providing the State of Minnesota \$1.87 billion, of which 45 percent may be distributed to local jurisdictions; and

WHEREAS, Dakota County received an allocation of \$52 million in CARES funds from the State of Minnesota that must meet the eligibility criteria established by the U.S. Department of the Treasury; and

WHEREAS, creation of a small business relief program was discussed by the Dakota County Board of Commissioners in June and July 2020, as an eligible use of Dakota County's CARES Act funds; and

WHEREAS, the proposed Dakota County Small Business Relief Program (Program) would serve businesses that have been adversely impacted by the COVID-19 pandemic and the COVID-19 peacetime emergency; and

WHEREAS, the Program would provide up to \$10,000 of grant funds for up to three months of operating expenses, including payroll, rent/lease payments, mortgage payments, utilities, payments to suppliers, tax payments, or other critical business expenses as approved by an authorized Program Administrator; and

WHEREAS, the Program would serve the following businesses:

- Have 50 full-time (or equivalent) or fewer employees as of March 1, 2020
- Be a private for-profit that has a permanent physical address in Dakota County
- Be majority owned by a permanent resident of Minnesota Be in good standing with the Minnesota Secretary of State and the Minnesota Department of Revenue as of March 1, 2020
- Be in good standing with Dakota County and the city in which the business is located
- Demonstrate the business was adversely affected by Executive Orders related to COVID-19 business restrictions
- Demonstrate financial hardship as a result of the COVID-19 outbreak

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- Businesses that have applied for and/or were awarded any COVID-related federal funding, such as the Small Business Administration (SBA) Economic Injury Disaster Loan (EIDL) or Paycheck Protection Program (PPP)

; and

WHEREAS, the following businesses would be ineligible for the Program:

- Businesses that do not have a physical address in Dakota County
- Home based businesses (except childcare providers)
- Non-profit organizations
- Businesses that derive any income from adult-oriented uses
- Businesses in default conditions prior to February 29, 2020
- Businesses deriving income from passive investments without operational ties to operating businesses
- Businesses primarily focusing on speculative activities based on fluctuations in price rather than the normal course of trade
- Businesses earning more than half of its annual net revenue from lending
- Businesses engaging in pyramid sales, where a participant's primary incentive is based on the sales of an ever-increasing number of participants
- Businesses engaging in activities prohibited by federal law or applicable law in the local jurisdiction of the business
- Businesses engaging in gambling enterprises, unless the business earns less than 50% of its annual net revenue from lottery sales
- Businesses that have been awarded or have received COVID-related emergency funds through the State of Minnesota Small Business Emergency Loan (SBEL) or other locally funded business relief programs

; and

WHEREAS, the Program will be administered and implemented by the Dakota County Community Development Agency with a third-party administrator; and

WHEREAS, the County Board has determined the Small Business Relief program is a necessary and reasonable response to the COVID-19 Pandemic, therefore eligible for use of CARES Act funds.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Community Development Agency to implement, on behalf of Dakota County, a small business relief program with the use of up to \$10 million plus administration costs of CARES Act funding, subject to the allocation of funds by the State of Minnesota; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2020 Non-Departmental budget as follows:

Expense	
CARES Act Expenses	(\$10,400,000)
Small Business Relief Program	<u>\$10,400,000</u>
Total Expense	\$0
Revenue	
CARES Act	(\$10,400,000)
CARES Act-Small Business Relief	<u>\$10,400,000</u>
Total Revenue	\$0

Ayes: 7

Nays: 0

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Interagency Announcements/Reports

Interagency announcements and reports were then presented.

County Manager's Report

County Manager Matt Smith gave a brief update on:

- Upcoming Board meetings
- Future CARES Act funding appropriations
- Future update on applicant demand for the Small Business Relief Program

Closed Executive Session

20-347

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

Motion: Thomas A. Egan

Second: Joe Atkins

WHEREAS, in 2013 Andrew Heiderscheid was an inmate in Dakota County Jail; and

WHEREAS, Heiderscheid initiated a lawsuit in 2018, for an incident that occurred on August 30, 2013, in which he alleges Jail staff used excessive force in violation of his constitutional rights; and

WHEREAS, on June 10, 2020, Heiderscheid provided a settlement demand that requires direction from the Dakota County Board of Commissioners; and

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board meeting on July 14, 2020, and recesses to a confidential conference call to discuss with the County Attorney the legal strategy of defending Dakota County and its staff in the Heiderscheid v. County of Dakota, et al. lawsuit.

Ayes: 7

Nays: 0

The time being 11:40 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 the legal strategy of defending Dakota County and its staff in the Heiderscheid v. County of Dakota, et al. lawsuit.

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
Will Topka, Assistant County Attorney

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Jackie Warner, Assistant County Attorney
Peggy Horsch, Division Head/Civil (Attorney's)
Joe Leko, Chief Deputy Sheriff
Jenny Groskopf, Claims Consultant

20-348

Authorization To Approve Settlement With Lakeville Industrial Acreage Partnership For County Project 70-23 Acquisition

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Mary Liz Holberg

WHEREAS, County Project 70-23 (C.P. 70-23) is the expansion of CSAH 70 to a four-lane divided highway, which modifies access through the use of raised medians and local street extensions, construct trails, and add turn lanes; and

WHEREAS, Dakota County is responsible for all right of way acquisition and construction administration; and

WHEREAS, to construct the recommended improvements, Dakota County acquired property from Lakeville Industrial Acreage Partnership, identified as Parcel 4; and

WHEREAS, Dakota County provided \$83,600 to Lakeville Industrial Acreage Partnership as just compensation for the property identified as Parcels 4 that it acquired through the condemnation proceeding in District Court File No. 19HA-CV-19-5282; and

WHEREAS, the parties in this action have agreed to settle all remaining damages and claims caused by the taking, whereby the County will pay the landowner an additional \$47,900, subject to approval by the County Board; and

WHEREAS, the County Attorney 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, if the matter is allowed to proceed to a Commissioners' hearing; and

WHEREAS, a budget amendment is requested to provide funds for the acquisition and settlement.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of property from Lakeville Industrial Acreage Partnership identified as Parcel 4 and settlement in the amount of \$131,500, less the \$83,600 already provided, 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 between the parties; and

BE IT FURTHER RESOLVED, That the 2020 Transportation Sales and Use Tax Capital Improvement Program budget is hereby amended as follows:

Expense	
CP 70-23	<u>\$27,500</u>
Total Expense	\$27,500
Revenue	
Transportation Sales & Use Tax Fund Balance	<u>\$27,500</u>
Total Revenue	\$27,500

Ayes: 7

Nays: 0

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20-349

Closed Executive Session: Discussion Of Legal Strategy In Johnny Galloway V. Dakota County

Motion: Joe Atkins

Second: Kathleen A. Gaylord

WHEREAS, Johnny Galloway filed charges against Dakota County with the Equal Employment Opportunity Commission and the Minnesota Department of Human Rights; and

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board meeting on July 14, 2020, and recesses to a confidential conference call to discuss with the County Attorney the legal strategy of defending against Johnny Galloway's charges filed with the Equal Employment Opportunity Commission and the Minnesota Department of Human Rights.

The time being 11:45 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 the legal strategy of defending against Johnny Galloway's charges filed with the Equal Employment Opportunity Commission and the Minnesota Department of Human Rights.

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
Will Topka, Assistant County Attorney
Jackie Warner, Assistant County Attorney
Peggy Horsch, Division Head/Civil (Attorney's)
Jenny Groskopf, Claims Consultant
BJ Battig, Manager Risk Homeland Security
Brian Kopperud, Director Community Corrections
Matt Bauer, Juvenile Service Center Superintendent
Marti Fischbach, Community Services Director
Andy Benish, Employee Relations Director

The Closed Executive Sessions continued until 11:59 a.m., at which time the Board reconvened to adjourn and close the County Board meeting with all members present.

Information

See Attachment A - Future Board Meetings And Other Board Activities

20-350

Adjournment

Motion: Liz Workman

Second: Kathleen A. Gaylord

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On a motion by Commissioner Liz Workman, seconded by Commissioner Kathleen A. Gaylord, the meeting was adjourned at 12:00 p.m.

Mike Slavik
Chair

ATTEST

Matt Smith
County Manager