

September 1, 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.

20-416

Approval Of Agenda (Additions/Corrections/Deletions)

Motion: Joe Atkins

Second: Chris Gerlach

On a motion by Commissioner Joe Atkins, seconded by Commissioner Chris Gerlach, the agenda was unanimously approved.

Public Hearing

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

The time being 9:14 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on the draft Dakota County Groundwater Plan. Senior Environmental Specialist Jill Trescott and Groundwater Protection Supervisor Valerie Grover briefed this item and responded to questions. Multiple comments were received and reflected in the packet that was distributed to Commissioners, staff and the public. No one asked to speak at the meeting.

20-417

Closing Of Public Hearing And Approval Of Draft Dakota County Groundwater Plan For Final Review

Motion: Mary Liz Holberg

Second: Joe Atkins

WHEREAS, updating the Dakota County Groundwater Plan (Plan) is a 2020 Board Priority, continuing its priority

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status from 2019; and

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

WHEREAS, the draft Plan was developed through research on groundwater quality, groundwater quantity, a review of existing and potential strategies, stakeholder response during two rounds of public engagement, and guidance provided by the technical workgroup, the County Planning Commission, and the Board of Commissioners; and

WHEREAS, by Resolution No. 20-246 (May 19, 2020), the County Board authorized release of the draft Plan for a 60-day public review period from May 20 to July 20, 2020; and

WHEREAS, the draft Plan was posted online during the review period and submitted for review to adjoining counties, the Metropolitan Council, the state review agencies, the Board of Water and Soil Resources, soil and water conservation districts, cities, townships, and watershed management organizations in accordance with Minn. Stat. § 103B.255 subd. 8; and

WHEREAS, extensive electronic communications through social media, news releases, and emails to partners; stakeholders; state, regional, and local agencies and officials; and others were undertaken due to limited in-person opportunities for Plan distribution and review due to COVID-19; and

WHEREAS, public comments received were very supportive of the Plan with no substantial changes to the proposed goals and strategies; and

WHEREAS, the technical advisory workgroup reviewed the revised Plan and response to comments in August 2020 and provided feedback via email; and

WHEREAS, the Dakota County Planning Commission reviewed the revised Plan on August 27, 2020, and recommended it for release for final review; and

WHEREAS, a notice of the public hearing was published in the official County newspaper on August 14 and 21, 2020; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves release of the draft Groundwater Plan to the Metropolitan Council, the state review agencies, and the Board of Water and Soil Resources for final review in accordance with Minn. Stat. § 103B.255.

Ayes: 7

Nays: 0

Public Hearing

Public Hearing To Receive Comments On And Adopt Proposed Amendments To Ordinance No. 125 Relating To Sale of Tobacco And Tobacco-Related Products In Dakota County

The time being 9:35 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on the proposed amendments to Ordinance No. 125 relating to sale of tobacco and tobacco-related products in Dakota County. Public Services and Revenue Deputy Director and Public Health Supervisor Mary Montagne briefed this item and responded to questions. The following people made comments:

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- Robert Hanson, Mendota Heights
- Brandon Hanson, Mendota Heights

20-218
Closing of Public Hearing

Motion: Thomas A. Egan

Second: Kathleen A. Gaylord

BE IT RESOLVED, That the public hearing is closed.

Ayes: 7

Nays: 0

20-419
Adoption Of Proposed Amendments To Ordinance No. 125 Relating To Sale Of Tobacco And Tobacco-Related Products In Dakota County

Motion: Joe Atkins

Second: Thomas A. Egan

WHEREAS, pursuant to the authority vested in it by Minn. Stat. § 461.12 to license retail stores that sell tobacco and tobacco-related products within towns and unincorporated areas, and in cities that choose not to license and regulate retailers, on March 23, 1999 Dakota County enacted Ordinance No. 125 through Resolution No. 99-191, amended on February 6, 2018 through Resolution No. 18-087; and

WHEREAS, the purpose of the ordinance is to regulate the sale of tobacco products for the purpose of enforcing and furthering existing laws, to protect persons under the age of 21 against the serious health effects associated with the use of tobacco, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minn. Stat. § 144.391; and

WHEREAS, staff from the County Attorney's Office, Public Health and Public Services and Revenue Division have reviewed Ordinance No. 125 and recommend amendments to align with new laws, clarify definitions and update administrative procedures; and

WHEREAS, notice of the public hearing was published in the official newspaper for Dakota County on August 21 and August 28, 2020; and

WHEREAS, the Dakota County Board of Commissioners held a public hearing at 9:00 a.m. on September 1, 2020, via telephone or other electronic means due to the ongoing COVID-19 pandemic for the purpose of receiving comments on the proposed amendments to Dakota County Ordinance No. 125.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the amendments to Dakota County Ordinance No. 125, Regulating the Licensing and Sale of Tobacco and Tobacco-Related Products as presented on September 1, 2020.

Ayes: 6

Nays: 1 Chris Gerlach

CONSENT AGENDA

Motion: Kathleen A. Gaylord

Second: Mary Liz Holberg

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

20-420
Approval Of Minutes Of Meeting Held On August 18, 2020

Operations, Management And Budget

Report On Invoices Paid In July 2020

This item was on the agenda for informational purposes only. No action requested.

20-421

Authorization To Execute Agreement With Charter Communications To Implement Broadband Connectivity Improvements For COVID-19 Response, Amend 2020 Non-Departmental Budget And Amend 2020 Information Technology Budget

WHEREAS, during the COVID-19 pandemic, Dakota County businesses, families and schools are experiencing a greater need for affordable, fast and reliable internet connectivity; and

WHEREAS, Dakota County received funds to use through the Federal CARES Act; and

WHEREAS, the County Board has determined that assisting broadband carriers to implement immediate broadband connectivity improvements to unserved and underserved areas of Dakota County is a necessary and reasonable response to the COVID-19 pandemic, therefore eligible for the use of CARES Act funds; and

WHEREAS, the County Board directed staff to seek out interest from providers in expanding their network in unserved and underserved communities; and

WHEREAS, staff sent letters of interest to know providers on July 28, 2020 and received six proposals; and

WHEREAS, staff presented the six proposals to the County Board at the August 25, 2020 County Board meeting; and

WHEREAS, the County Board directed staff to award Broadband Connectivity funds to Charter Communications.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chief Information Officer to award Broadband Connectivity Cares Act funds to and execute an agreement, approved as to form by the County Attorney’s Office, with Charter Communications in an amount not to exceed \$203,000; 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>(\$203,000)</u>
Total Expense	(\$203,000)
Revenue	
CARES Act Revenue	<u>(\$203,000)</u>
Total Revenue	(\$203,000)

; and

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

Expense	
Cares Act Expense	<u>(\$203,000)</u>
Total Expense	(\$203,000)
Revenue	
CARES Act Revenue	<u>(\$203,000)</u>
Total Revenue	(\$203,000)

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20-422

Authorization To Execute An Amendment To A Contract With CliftonLarsonAllen, LLP For Auditing Services, Amend 2020 Non-Departmental Budget And Amend 2020 Finance Budget

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

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

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

WHEREAS, CliftonLarsonAllen, LLP, has provided professional audit services for 2017, 2018, and 2019 audits and are contracted to provide audits in 2020 and 2021; and

WHEREAS, the CARES funding requires a federal single audit; and

WHEREAS, the County Board has determined that single audit costs are a necessary and reasonable response to the COVID-19 pandemic, therefore eligible for the use of CARES Act funds.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Finance Director to amend the contract with CliftonLarsonAllen, LLP, to cover overage costs not to exceed \$8,000 during the 2019 audit and to cover the costs of the CARES federal single audit not to exceed \$15,000, 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 an amendment to the 2020 Non-Departmental budget as follows:

Expense	
CARES Act Expense	<u>(\$15,000)</u>
Total Expense	(\$15,000)
Revenue	
CARES Act	<u>(\$15,000)</u>
Total Revenue	(\$15,000)

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes an amendment to the 2020 Finance budget as follows:

Expense	
CARES Act Audit Expense	\$15,000
Additional Audit Expense	<u>\$ 8,000</u>
Total Expense	\$23,000
Revenue	
CARES Act	\$15,000
Use Of Fund Balance	<u>\$ 8,000</u>
Total Revenue	\$23,000

Physical Development

20-423

Award Of Bid And Authorization To Execute Contract With Minnesota Native Landscapes, Inc. For Construction Of Braun Farms Wetland Banking Project

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WHEREAS, wetland banking provides a mechanism for mitigating unavoidable impacts to a wetland; and

WHEREAS, if a project adversely impacts wetlands, restored wetland acres within a perpetual conservation easement can be used to offset project impacts and meet State and Federal regulatory requirements; and

WHEREAS, by Resolution No. 15-507 (October 6, 2015), the County Board adopted Dakota County Policy 8253 which established the goal of restoring wetlands within Dakota County for County-sponsored projects that require wetland mitigation to realize environmental benefits locally, rather than restoring wetlands elsewhere in Minnesota; and

WHEREAS, by Resolution No. 17-557 (October 31, 2017), the County Board authorized the execution of a joint powers agreement with the Minnesota Board of Water and Soil Resources (BWSR) to develop a wetland bank conservation easement on Craig and Theodora Braun's property in Castle Rock Township; and

WHEREAS, by Resolution No. 19-854 (November 26, 2019), the County Board authorized execution of agreements with Craig and Theodora Braun and EB Land Holdings LLC for State Wetland Bank Conservation Easement payments for 120.6 acres to facilitate the project; and

WHEREAS, by Resolution 18-195 (March 27, 2018), the County Board authorized execution of a joint powers agreement with the Vermillion River Watershed Joint Powers Organization (VRWJPO) to provide \$500,000 to the County toward the project; and

WHEREAS, the total wetland mitigation credits obtained will be based on performance standards, overall characteristics of the restored wetland, and agreements between the County, BWSR, and VRWJPO; and

WHEREAS, staff estimates between 62 and 104 acres of wetland mitigation credits will be created; and

WHEREAS, overall, this equates to an estimated cost of \$15,908 to \$26,685 per acre of wetland mitigation credit; and

WHEREAS, the current average cost to purchase wetland mitigation credits in the region is approximately \$56,403 per acre; and

WHEREAS, staff solicited bids on July 27, 2020, for construction of the project, and four bids were received on August 19, 2020; and

WHEREAS, Minnesota Native Landscapes, Inc., submitted the lowest responsive and responsible bid in the amount of \$161,738; and

WHEREAS, staff recommends execution of a contract with Minnesota Native Landscapes, Inc., to construct the Braun Farms Wetland Banking Project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract for the construction of the Braun Farms Wetland Banking Project with Minnesota Native Landscapes, Inc., not to exceed \$161,738, subject to approval by the County Attorney's Office as to form.

20-424

Authorization To Execute Joint Powers Agreement With Cities Of Apple Valley, Burnsville, And Rosemount For County Project 42-144

WHEREAS, to promote a safe and efficient transportation system throughout Dakota County, the County is the lead agency partnering with the Cities of Apple Valley, Burnsville, and Rosemount on County Project (CP) 42-144; and

WHEREAS, CP 42-144 is the Highway 42 Visioning Study (Study), addressing 15 miles of CSAH 42, from the County's west border in Burnsville to US Highway 52 in Rosemount; and

WHEREAS, the Study began February 2020 and includes working with diverse stakeholders to identify and

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address issues for motorists, pedestrians, bicyclists, transit riders, and corridor neighbors; and

WHEREAS, the Study includes efforts work with stakeholders to identify and discuss the Highway 42 needs to be addressed, with work planned for completion in mid-2021, to emphasize project recommendations and investment priorities; and

WHEREAS, Dakota County is the lead agency for CP 42-144; and

WHEREAS, the Cities of Apple Valley, Burnsville, and Rosemount are cooperating with the County on CP 42-144; and

WHEREAS, CP 42-144 will be shared 85 percent County funds and 15 percent City funds in accordance with adopted County Policy.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the Cities of Apple Valley, Burnsville, and Rosemount to identify costs and responsibilities for completion of the highway study, in accordance with County policy, for County Project 42-144, in the Cities of Apple Valley, Burnsville, and Rosemount, subject to approval by the County Attorney's Office as to form.

20-425

Approval Of Right Of Way Acquisition And 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 Project 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 rural roadway 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 to 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 access points, 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 26th, 2020; and

WHEREAS, the County undertook an environmental review process to determine if County Projects 26-54 and 63-27 have the potential for significant environmental effects and prepared an Environmental Assessment Worksheet for the project, pursuant to Minn. Stat. Ch. 116D with a 30-day comment period that ended on June 3rd, 2020; and

WHEREAS, a virtual open house meeting was held from May 14, 2020 to May 21, 2020 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

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WHEREAS, the 2020 Transportation Capital Improvement Program Adopted Budget for County Project 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, County Board by Resolution No. 20-330 (July 14, 2020), authorized the total acquisition of the following parcels as identified in Dakota County Road Right of Way Map No. 471 with applicable relocations as necessary:

<u>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
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, the County Board, by Resolution No. 20-330 (July 14, 2020), authorized the partial acquisition of the following parcels as identified in Dakota County Road Right of Way Map No. 471 with applicable relocations as necessary:

Parcel	PID	Owner	New Highway Right Of Way (Sq. Ft.)	Temporary Easement (Sq. Ft.)	Drainage And Utility Easement (Sq. Ft.)	Building Removal Easement (Sq. Ft.)
21	20-27700-00-100	Chad T. & Holly A. Sandell and Thomas R. & Roxanne M. Biesterfeld	14,288	23,990	4,970	

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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), 6150 (Parcel 33)		11,185
49	10-01200-02-040	George Joseph Mikutowski	5,586	1,995		

; and

WHEREAS, the County Board, by Resolution No. 20-399 (August 18, 2020), authorized the partial acquisition of the following parcels as identified in Dakota County Road Right of Way Map No. 471 with applicable relocations as necessary:

Parcel	PID	Owner	New Highway Right Of Way (Sq. Ft.)	Temporary Easement (Sq. Ft.)	Drainage And Utility Easement (Sq. Ft.)	Wall, Drainage, And Utility Easement (Sq. Ft.)	Highway Easement To Fee Ownership (Sq. Ft.)
2	10-00100-55-020	Katie King Flood Thomas E. & Joseph P. Flood	101	318			
5	10-14580-01-010	B9 Polar Waters Llc	283	6,371	5,367		
6	10-14581-01-010	B9 Polar Waters Llc	218	13,194	9,710		

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7	10-14581-01-020	B9 Polar Waters Llc	2,566	27,732	1,812	4,485	
8	10-18501-01-021	Ecolab Usa Inc.		53,480	31,761		
9	10-14750-02-020	Eagan Heights Llc		24,852			
10	10-14750-02-010	Eagan Heights Llc	931	13,635			
11	10-14750-01-010	Wpt Boulder Lakes Iii Llc		4,768			
13	CIC 634	Blackstone Ponds Homeowners Association		10,171			
14	CIC 634	Blackstone Ponds Homeowners Association		8,789			
15	CIC 634	Blackstone Ponds Homeowners Association		5,255		824	

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17	20-27700-00-160	Edward T. Joseph & Jill A. Joseph	8,323	12,855			
19	20-27700-00-111	John R. Neshiem	3,945	3,123			
30	20-65850-01-010	Brett B. & Barbara A. Troyer, Trustees Of The Trust Agreement Of Brett And Barbara Troyer	4,472	26,520			
45	20-00700-28-015	George T. Deuth And Jacqueline S. Deuth, Trustees Of The Jacqueline Suzanne Deuth Revocable Living Trust		16,190			
46	20-00700-28-016	Elroy S. Brandvold		6,975			
47	20-00700-28-017	Robert J. Steininger		11,096			
50	10-01200-02-030	Wilfred Edward & Karla A. Abbott	4,465	1,929			

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51	10-01200-02-020	John W. Cina	3,036	2,890			
52	10-01200-02-010	Jeremy J. Illg	8,400	7,661			
53	10-03800-02-050	Ronald & Kathryn Hagen Shannon Hagen	11,053	8,188			
58	10-03800-01-011	Gary K. & Gregg M. Rosenberger	13,608	13,559			
59	10-53790-03-010	Rater Holdings Llc	424	99			
60	10-01200-25-040	Joseph Steininger	15,134	12,435			
62	10-01200-25-030	Joseph Steininger	18,311	40,357			
65	10-53791-01-010	Jai Shriram Inc.		12,813			

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66	10-53790-01-030	Jai Shriram Inc.		6,029			
67	20-00600-52-011	Ace In The Hole Limited Partnership, John N. Simons, Lyndian Territories, L.P.	39,346	54,218			
68	20-00600-52-015	Ace In The Hole Limited Partnership, John N. Simons, Lyndian Territories, L.P.	154,745	39,657	4,411		
69	20-00600-05-010	Ace In The Hole Limited Partnership, John N. Simons, Lyndian Territories, L.P.		23,984			
70	20-00600-25-012	Anthony W. Abbott, Jessee A. Abbott, Anthony G. & Jeanne M. Abbott	11,484	4,170			
71	20-00600-30-010	Cole Enterprises, Inc.	58,985	58,071	52,378		
72	20-00600-30-020	Wesley & Diana Wille	10,220	9,190			

; and

WHEREAS, the acquisition of the following 14 parcels as identified in Dakota County Road Right of Way Map No. 471 by the County is necessary to move forward with the Project:

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Parcel	PID	Owner	New Highway Right Of Way (Sq. Ft.)	Temporary Easement (Sq. Ft.)	Drainage And Utility Easement (Sq. Ft.)	Wall, Drainage, And Utility Easement (Sq. Ft.)
25	20-00600-78-012	FALCON DEVELOPMENT, LLC	27,723	35,780	45,091	
26	20-28500-01-020	FALCON DEVELOPMENT, LLC	52	56,698	13,370	
27	20-28500-01-011	FALCON DEVELOPMENT, LLC	1,544	28,725	120,546	
34	20-00700-05-014	GLEN L. SACHS	18,277	15,485	500	
36	20-00700-05-015	GLENLIN PROPERTIES, LLC	190,402	39,921	83,784	
37	20-00700-06-012	JAMES E. PELTIER		25,238		
39	20-00700-31-010	CAROL SACHS		4,798		1,149

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54	10-03800-02-060	CHRISTOPHER J. & THEA A. ROSSMAN	7,370	5,343		1,027
55	10-03800-02-090	KENNETH W. WEST JR. & JILL WIEDEMANN WEST	9,759	7,535		1,542
56	10-03800-02-100	MAXINE R. HOLMSTROM	11,717	24,891		1,123
57	10-03800-02-042	KIM RENAE NELSON & JOHN O. NELSON	15,819	14,166		784
61	10-53790-00-010	HOLIDAY STATIONSTORES, INC.	4	13		
63	10-48700-00-020	JOHN E. WINZIG & CONNI L. WINZIG	102	3,790		
64	10-48700-00-012	JOHN E. WINZIG		1,050		

; and

WHEREAS, an updated acquisition appraisal for Parcel 33 changes 625 square feet from temporary easement to drainage and utility easement as identified in Dakota County Road Right of Way Map No. 471 with applicable relocations as necessary:

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Parcel	PID	Owner	New Highway Right Of Way (Sq. Ft.)	Temporary Easement (Sq. Ft.)	Drainage And Utility Easement (Sq. Ft.)	Building Removal Easement (Sq. Ft.)
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), 5,525 (Parcel 33)	625	11,185

; 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 14 parcels identified in Dakota County Road Right of Way Map No. 471 have been appraised in 11 acquisition appraisals, and offers are being prepared for a total appraised value of \$2,323,700; and

WHEREAS, the 52 acquisition appraisals (60 Parcels) as identified in Dakota County Road Right of Way Map No. 471 by the County is required to move forward with the Project for a total estimated cost of \$8,140,000 and sufficient funds are available for the proposed acquisitions; 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 IT 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 or the minimum compensation estimate, whichever is higher, and in accordance with County policy, plus relocation costs as required by law, 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.

20-426

Authorization To Execute Joint Powers Agreement With City Of Hastings And Execute Contract With Alliant Engineering, Inc., For Engineering Design Services For County Project 46-50

WHEREAS, to provide a safe and efficient transportation system, the County and the City of Hastings (City) are proceeding with County Project (CP) 46-50; and

WHEREAS, CP 46-50 is the corridor study and preliminary design of County State Aid Highway (CSAH) 46 (160th Street/County 47) from 1,300 feet west of General Sieben Drive in Nininger and Marshan Townships to Trunk Highway (TH) 61 in Hastings; and

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

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WHEREAS, four proposals were received and evaluated by the County and City staff; and

WHEREAS, the proposal from Alliant Engineering, Inc., (Alliant) has the best value project development costs and provides the services needed for the project; and

WHEREAS, the proposal from Alliant included hours that addressed the scope of the project related to the corridor study, public engagement, and preliminary design; and

WHEREAS, the City's staff concur with this recommendation; and

WHEREAS, the adopted 2020–2024 Transportation Capital Improvement Program (CIP) budget includes \$300,000 for CP 46-50; and

WHEREAS, the adopted 2020 Transportation CIP budget includes sufficient funds in its County Fund balance budget; and

WHEREAS, staff recommends execution of a contract with Alliant for professional engineering consulting services for CP 46-50 for actual costs not to exceed \$405,585; and

WHEREAS, the preliminary design project costs for CP 46-50 will be shared between the County and City in accordance with County policy; and

WHEREAS, staff recommends execution of a joint powers agreement with the City to define preliminary design and cost participation; and

WHEREAS, by Resolution No. 12-511 (October 23, 2012), the County Board adopted the County Policy for Advance Funding City Cost Share of Transportation CIP Projects (Advance Funding Policy) which allows a City to request advance funding of the City's Project cost participation, provided the criteria are met; and

WHEREAS, the City of Hastings does not have sufficient funds available in 2020 for the City's Project cost participation for CP 46-50 and has requested that the County advance all of the City's cost participation; and

WHEREAS, CP 46-50 meets the criteria outlined in the Advance Funding Policy; and

WHEREAS, the City of Hastings proposes to reimburse the County for the advance in 2022.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Alliant Engineering, Inc., to perform preliminary engineering consulting services for County Project 46-50 in an amount not to exceed \$405,585 and to execute a joint powers agreement for County Project 46-50, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the City of Hastings to define roles and cost-sharing responsibilities, including terms for advanced funding, consistent with County policy associated with preliminary engineering for County Project 46-50; and

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

Expense	
County Project 46-50	<u>\$105,585</u>
Total Expense	\$105,585
Revenue	
Transportation Fund Balance	\$107,580
City of Hastings	<u>\$ (1,995)</u>
Total Revenue	\$105,585

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20-427

Authorization To Execute Joint Powers Agreement With City Of Rosemount And Execute Contract With TKDA For Engineering Design Services For County Project 99-013

WHEREAS, to provide a safe and efficient transportation system, the County and the City of Rosemount (City) are proceeding with County Project (CP) 99-013; and

WHEREAS, CP 99-013 is the corridor study and preliminary design of County State Aid Highway (CSAH) 46 (160th Street/Brandel Drive) from Trunk Highway (TH) 3 in Rosemount and Empire Township to CSAH 48 (160th Street) in Coates; and

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

WHEREAS, four proposals were received and evaluated by the County, City, and Township staff; and

WHEREAS, the proposal from TKDA has the best value project development costs and provides the services needed for the project; and

WHEREAS, the proposal from TKDA included hours that addressed the scope of the project related to the corridor study, public engagement, and preliminary design; and

WHEREAS, the City of Rosemount and Empire Township's staff concur with this recommendation; and

WHEREAS, the adopted 2020–2024 Transportation Capital Improvement Program (CIP) budget includes \$800,000 for CP 99-013; and

WHEREAS, the adopted 2020 Transportation CIP budget includes sufficient funds for CP 99-013 preliminary design; and

WHEREAS, staff recommends execution of a contract with TKDA or professional engineering consulting services for CP 99-013 for actual costs not to exceed \$769,459; and

WHEREAS, the preliminary design project costs for CP 99-013 will be shared between the County and City in accordance with County policy; and

WHEREAS, staff recommends execution of a joint powers agreement with the City to define preliminary design and cost participation; and

WHEREAS, by Resolution No. 12-511 (October 23, 2012), the County Board adopted the County Policy for Advance Funding City Costs Share of Transportation CIP Projects (Advance Funding Policy) which allows a City to request advance funding of the City's Project costs participation, provided the criteria are met; and

WHEREAS, the City of Rosemount does not have sufficient funds available in 2020 for the City's Project cost participation for CP 99-013 and has requested that the County advance all of the City's cost participation; and

WHEREAS, CP 99-013 preliminary design meets the criteria outlined in the Advance Funding Policy; and

WHEREAS, the City of Rosemount proposed to reimburse the County for the advance in 2022.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with TKDA to perform preliminary engineering consulting services for County Project 99-013 in an amount not to exceed \$769,459 and to execute a joint powers agreement for County Project 99-013, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the City of Rosemount to define roles and cost sharing responsibilities, including terms for advance funding, consistent with County policy associated with preliminary engineering for County Project 99-013.

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20-428

Approval Of Final Plats Recommended By Plat Commission

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

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

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

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

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

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

HERITAGE COMMONS 8TH ADDITION	Lakeville
CEDAR HILLS	Lakeville

20-429

Authorization To Execute Contract With Quality Power Solutions, LLC, For Dakota Communications Center Uninterruptible Power Supply Replacement

WHEREAS, the 2018–2022 Building Capital Improvement Program (CIP) Adopted Budget includes replacement of the existing building Uninterruptible Power Supply (UPS) system for the Dakota Communications Center (DCC); and

WHEREAS, staff and EDI Engineers prepared bid documents and specifications; and

WHEREAS, four competitive bids were received on July 16, 2020; and

WHEREAS, Quality Power Solutions, LLC, Madison, WI has submitted the low bid of \$108,915.00; and

WHEREAS, staff has reviewed the qualifications of the bidder and recommends award to Quality Power Solutions, LLC, Madison, WI as the lowest responsive and responsible bidder in an amount not to exceed \$108,915 for the Dakota Communications Center UPS Replacement project; and

WHEREAS, the 2018-2022 Building CIP Adopted Budget includes \$212,000 for this project; and

WHEREAS, sufficient funds are available in the current project budget for the completion of this work.

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 Dakota Communications Center Uninterruptible Power Supply Replacement project with Quality Power Solutions, LLC, 5718 Manufacturers Drive Madison, WI, 53704 in an amount not to exceed \$108,915, subject to approval by the County Attorney's office as to form.

20-430

Authorization To Execute Contract With SEH, Inc. For Design Engineering Services For Veteran's Memorial Greenway

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with the Veteran's Memorial Greenway (County Project P00147); and

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WHEREAS, County Project P00147 is for preliminary and final engineering, railroad coordination, and public engagement services for County Project P00147 in the City of Inver Grove Heights and Eagan; and

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

WHEREAS, the proposals received were evaluated by staff; and

WHEREAS, the 2020–2024 Dakota County Capital Improvement Program Budget includes sufficient funding for County Project P00147; and

WHEREAS, staff recommends execution of a contract with SEH, Inc., for design engineering consulting services for County Project P00147 for actual costs not to exceed \$1,299,151.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with SEH, Inc., to perform design engineering consulting services for County Project P00147 in an amount not to exceed \$1,299,151 subject to approval by the County Attorney’s Office as to form.

Public Services And Revenue

20-431

Acceptance Of Gift To Dakota County Library

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

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

WHEREAS, Roger Tonsager donated \$1,360 for books by Minnesota authors for Pleasant Hill; and

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts from Roger Tonsager \$1,360 for books by Minnesota authors for Pleasant Hill; and

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

Revenue	
Pleasant Hill Gifts	<u>\$1,360</u>
Total Revenue	\$1,360
Expense	
Pleasant Hill Gifts	<u>\$1,360</u>
Total Expense	\$1,360

REGULAR AGENDA

County Board/County Administration

Update On Monitoring And Responses To Coronavirus Outbreak

Director of Public Health Bonnie Brueshoff and Deputy County Manager Jean Erickson briefed this item and responded to questions. This item was on the agenda for informational purposes only. No staff direction was

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given by Board members.

Physical Development

20-432

Certification Of 2021 Vermillion River Watershed Management Tax District Proposed Tax Levy

Vermillion Watershed Administrator Mark Zabel briefed this item and responded to questions.

Motion: Mary Liz Holberg

Second: Chris Gerlach

WHEREAS, by Resolution No. 02-347 (June 25, 2002), the Dakota County Board of Commissioners approved a joint powers agreement between Dakota County and Scott County to govern the Vermillion River Watershed; and

WHEREAS, the joint powers agreement establishes a Joint Powers Board consisting of two commissioners from Dakota County and one from Scott County; and

WHEREAS, funding is needed for Dakota County's share of costs associated with managing the Vermillion River Watershed; and

WHEREAS, by Resolution No. 02-296 (June 4, 2002), the Dakota County Board of Commissioners established the Vermillion River Watershed Management Tax District, through Ordinance No. 127, to fund Dakota County's share of costs associated with managing the Vermillion River Watershed; and

WHEREAS, approval and adoption of the Watershed Management Plan, as required by Minn. Stat. Ch. 103B, occurred in June 2016; and

WHEREAS, the joint powers agreement states that the Vermillion River Watershed Joint Powers Board will adopt a budget and recommend a levy for each county by September 1 of each year; and

WHEREAS, on August 27, 2020, the Vermillion River Watershed Joint Powers Board adopted a proposed budget of \$2,649,200, including the use of 2020 fund balance and grant revenues, and recommended that Dakota County's levy be \$966,650 and Scott County's levy be \$33,350; and

WHEREAS, Dakota County must certify a levy on the Watershed Management Tax District by September 15, 2020, to be effective for taxes payable in 2021; and

WHEREAS, the final 2021 levy for the Watershed Management Tax District will be presented to the Dakota County Board of Commissioners in December 2020.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby certifies the Vermillion River Watershed Management Tax District proposed levy in the amount of \$966,650 for taxes payable in 2021.

Ayes: 7

Nays: 0

Interagency Announcements/Reports

Interagency announcements and reports were then presented

County Manager's Report

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

- County Newsletter update
- The IRS issued Notice 2020-65, allowing employers to suspend withholding and paying to the IRS eligible employees' Social Security payroll taxes, as part of COVID-19 relief. This will not be implemented at Dakota County.

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- The Recycling Zone was closed temporarily due to a confirmed case of COVID-19 in on-site contractor staff (Gopher Resource); it should reopen soon.

Closed Executive Session

20-433

Closed Executive Session: Labor Negotiations Strategy

Motion: Liz Workman

Second: Kathleen A. Gaylord

WHEREAS, upon adoption of a resolution by majority vote, the Dakota County Board is authorized, pursuant to Minn. Stat. § 13D.03, to hold a closed executive session to discuss labor negotiations strategy; and

WHEREAS, the Dakota County Board of Commissioners desires to meet to discuss labor negotiations strategy.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board meeting on September 1, 2020, and recesses to a confidential conference call to discuss labor negotiations strategy.

Ayes: 7

Nays: 0

The time being 10:56 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 labor negotiations strategy.

The following were present:

Commissioner Mike Slavik, District 1
Commissioner Kathleen A. Gaylord, District 2
Commissioner Thomas A. Egan, District 3
Commissioner Joe Atkins, District 4
Commissioner Liz Workman, District 5
Commissioner Mary Liz Holberg, District 6
Commissioner Chris Gerlach, District 7
Matt Smith, County Manager
Tom Donely, First Assistant County Attorney
James Backstrom, County Attorney
Jeni Reynolds, Sr. Administrative Coordinator to the Board
Andy Benish, Employee Relations Director
Jean Erickson, Deputy County Manager

The Closed Executive Session continued until 11:26 a.m., at which time the Board reconvened to close the County Board meeting with all members present.

Information

See Attachment A - Future Board Meetings And Other Board Activities

20-434

Adjournment

Motion: Thomas A. Egan

Second: Kathleen A. Gaylord

On a motion by Commissioner Thomas A. Egan, seconded by Commissioner Kathleen A. Gaylord, the meeting was adjourned at 11:27 a.m.

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Mike Slavik
Chair

ATTEST

Matt Smith
County Manager