

October 6, 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 in a hybrid manner, via both virtual and in-person. 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.

20-480

Approval Of Agenda (Additions/Corrections/Deletions)

Motion: Mary Liz Holberg

Second: Chris Gerlach

On a motion by Commissioner Mary Liz Holberg, seconded by Commissioner Chris Gerlach, the agenda was unanimously approved as followed:

CONSENT AGENDA

Motion: Thomas A. Egan

Second: Joe Atkins

On a motion by Commissioner Thomas A. Egan, seconded by Commissioner Joe Atkins, the consent agenda was approved as follows:

20-481

Approval Of Minutes Of Meeting Held On September 22, 2020

County Board/County Administration

20-482

Scheduling Of Special County Board Meeting

WHEREAS, the Dakota County Board of Commissioners has previously adopted a schedule of regular County

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Board meetings for 2020; and

WHEREAS, the Dakota County Board of Commissioners adopted 2020 County Board Operating Rules and Guidelines (Operating Rules) to facilitate accomplishing the business of the County Board in an orderly manner; and

WHEREAS, the Operating Rules provide that a special meeting of the Dakota County Board of Commissioners may be scheduled by resolution of the County Board; and

WHEREAS, the COVID-19 pandemic has created public health, economic and other related crises; and

WHEREAS, Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding is available to allow the County to quickly respond to these issues; and

WHEREAS, the Dakota County Board of Commissioners desire to discuss the progress of and potentially adjust CARES Act programs previously authorized, consider authorizing additional potential CARES Act programs, and receive updates on public health and legislative matters as necessary.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedule a special meeting on October 13, 2020 at 9:00 a.m., in the Boardroom, Administration Center, 1590 Highway 55, Hastings, Minnesota or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic.

Ayes: 7

Nays: 0

20-483

Acceptance Of Resignation From Member Of Dakota-Scott Workforce Development Board

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the resignation received from Glenn Starfield, Private sector representative on the Dakota-Scott Workforce Development Board and authorizes staff to begin the process to fill the vacancy.

Ayes: 7

Nays: 0

Community Services

20-484

Authorization To Implement Targeted Outreach And Engagement With Communities Of Color To Address Disproportionate Impact Of COVID-19, Amend 2020 Non-Departmental Budget And Amend 2020 Social Services Budget

WHEREAS, data compiled and analyzed by Dakota County Public Health demonstrates growing disparities in the impacts of COVID-19 on communities of color in Dakota County with the Latino community making up seven percent of Dakota County's population, but 17 percent of positive cases in the County, and, people who identify as Black making up seven percent of the County's population, but 18 percent of positive cases; and

WHEREAS, in addition to disparities in COVID-19 prevalence, data from a recent Office of Performance and Analysis (OPA) review of unemployment claims indicates the economic impacts of COVID-19 are also disproportionately affecting communities of color in Dakota County; and

WHEREAS, for example, the OPA analysis found 46.5 percent of all people of color employed in Dakota County prior to March had filed unemployment claims, as compared to 25 percent of non-Hispanic white workers in Dakota County; and

WHEREAS, while impacts of such high unemployment rates across all populations are concerning and require attention, the impact compounds the economic disparities that existed for communities of color prior to COVID-19,

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including differences in household income, homeownership, and poverty rates; and

WHEREAS, Dakota County's existing communication channels and materials require customization to better reach communities of color with health education and information about available resources, including Coronavirus Aid, Relief, and Economic Security (CARES) Act funded projects; and

WHEREAS, The Centers for Disease Control and Prevention's recommended strategies for addressing health equity include fostering meaningful engagement with community and diverse leaders and developing culturally responsive outreach; and

WHEREAS, on August 28, 2020, Dakota County issued a Letter of Interest (LOI) to identify community agencies to deliver services to address the following goals: inform community members about COVID-19 and available resources; assist County residents in navigating support programs and gaining access to services; and advise the County's communication strategies to improve reach and effectiveness with communities of color; and

WHEREAS, staff recommends authorization to develop contracts with community agencies, selected through the LOI process, to deliver targeted outreach and engagement with communities of color in an amount not to exceed \$177,000 for the period of October 6, 2020, or date of contract execution through December 1, 2020, amend the 2020 Non-Departmental budget and amend the 2020 Social Services budget; and

WHEREAS, there is an immediate and serious need for these services that cannot be met with other procurement methods, and that the services that may be contracted for are limited to those necessary to meet the emergency facing individuals and families; and

WHEREAS, the County Board has determined that targeted outreach and engagement with communities of color costs are necessary and a 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 Community Services Director to develop partnerships with trusted community organizations for targeted outreach and engagement with communities of color in an amount not to exceed \$177,000 for the period of October 6, 2020, or date of contract execution through December 1, 2020; 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	<u>(\$177,000)</u>
Total Expense	(\$177,000)

Revenue	
CARES Act	<u>(\$177,000)</u>
Total Revenue	(\$177,000)

; and

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

Expense	
CARES Act – Outreach to Communities of Color	<u>\$177,000</u>
Total Expense	\$177,000

Revenue	
CARES Act	<u>\$177,000</u>
Total Revenue	\$177,000

; and

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BE IT FURTHER RESOLVED, That this program and the resulting contracts will end immediately in the event that sufficient funds from county, state or federal sources are no longer available to continue this program.

Ayes: 7

Nays: 0

Operations, Management And Budget

20-485

Scheduling Of Public Hearing To Receive Comments On Dakota County 2021 Recommended Fee Schedules

WHEREAS, County fees for documents and services not otherwise established by law may be imposed if adopted by the Dakota County Board of Commissioners following a public hearing; and

WHEREAS, staff will present a schedule of recommended 2021 fees at the General Government and Policy Committee meeting on October 6, 2020.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing for the purpose of receiving public comments regarding the proposed fee schedules on October 20, 2020, at 9:00 a.m., in the Boardroom, Dakota County Administration Center, 1590 Highway 55, Hastings, Minnesota, 55033 or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic; and

BE IT FURTHER RESOLVED, That the proposed fee schedules will be implemented effective January 1, 2021 (some Parks fees effective late 2020); and

BE IT FURTHER RESOLVED, That staff is hereby directed to post notice of this public hearing on the official Dakota County website following adoption of this resolution and to not remove the notice from the website until October 23, 2020.

Ayes: 7

Nays: 0

20-486

Authorization To Amend 2020 Dakota County Sheriff's Office, Public Health, And Non-Departmental Budgets For Personnel Costs Redirected To COVID-19 Activities Funded With Coronavirus Aid, Relief, And Economic Security Act Funding

WHEREAS, the State of Minnesota has made Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding available for Dakota County in the amount of \$52,006,073; and

WHEREAS, the County has tracked personnel expenses related to COVID-19 activities, and projected additional expenses through December 1, 2020 for the Sheriff's Office and Public Health, which are eligible to be funded by CARES Act funding in the amount of \$11,450,000 and \$2,150,000 respectively; and

WHEREAS, the County Board has determined that these personnel costs are 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 amends the 2020 Non-Departmental budget as follows:

Expense	
CARES Act Expenses	(\$13,600,000)
Total Expense	(\$13,600,000)
Revenue	
CARES Act Revenue	(\$13,600,000)
Total Revenue	(\$13,600,000)

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; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2020 Sheriff's Office budget as follows:

Expense	
CARES Act Personnel Expenses	<u>\$11,450,000</u>
Total Expense	\$11,450,000

Revenue	
CARES Act Revenue	<u>\$11,450,000</u>
Total Revenue	\$11,450,000

; and

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

Expense	
CARES Act Personnel Expenses	<u>\$2,150,000</u>
Total Expense	\$2,150,000

Revenue	
CARES Act Revenue	<u>\$2,150,000</u>
Total Revenue	\$2,150,000

Ayes: 6

Nays: 1 Mary Liz Holberg

Physical Development

20-487

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:

APPLE VALLEY EAST COMMERCIAL 2ND ADDITION	Apple Valley
SPIRIT OF BRANTJEN FARM 23RD ADDITION	Lakeville

Ayes: 7

Nays: 0

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20-488

Authorization To Execute First Amendment To 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 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 Minn. Stat. § 103G.535; and

WHEREAS, by Resolution No. 20-319 (July 14, 2020), the Dakota County Board of Commissioners authorized execution of a contract with Boldt Company, LLC, to perform Construction Manager/General Contractor Services related to the redevelopment of the site for the project for the initial phase of services; and

WHEREAS, the costs associated with this first amendment are for builder's risk insurance for the entire project as well as performance bond costs that were not in the initial phase estimates; and

WHEREAS, Environmental Resources and Risk Management staff evaluated quotes from other insurances carriers and determined that the best value to Dakota County was to amend Boldt's contract to provide coverage; and

WHEREAS, another major factor in this recommendation is the uncertainty of Boldt being able to acquire insurance in the middle of the project in 2021 if the insurance were to be split into each individual phase of construction.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract amendment with Boldt Company, LLC, in the amount of \$191,290.08, bringing the total contract amount not to exceed \$6,249,658.14, subject to approval by the County Attorney's Office as to form.

Ayes: 7

Nays: 0

20-489

Ratification Of Quarterly Entitlement Funding Requests To U.S. Department Of Housing And Urban Development

WHEREAS, the Dakota County Community Development Agency (CDA) administers the Community Development Block Grant (CDBG) program, HOME Investment Partnerships (HOME) program, and Emergency Solutions Grant (ESG) program for Dakota County; and

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WHEREAS, funds expended from previously approved projects for Fiscal Year 2016–2019 of the CDBG, HOME, and ESG programs must be ratified by the Dakota County Board of Commissioners; and WHEREAS, the CDBG Entitlement expenses during the timeframe of April 1, 2020–June 30, 2020, totaled \$308,503.81; and

WHEREAS, the HOME Entitlement expenses during the timeframe of April 1, 2020–June 30, 2020, totaled \$537,175.08; and

WHEREAS, the ESG Entitlement expenses during the timeframe of April 1, 2020–June 30, 2020, totaled \$63,022.81; and

WHEREAS, the CDA has paid the requests for payment associated with the CDBG, HOME, and ESG programs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the requisitions to the U.S. Department of Housing and Urban Development for \$908,701.70 for April 1, 2020–June 30, 2020, as presented.

Ayes: 7

Nays: 0

Public Services And Revenue

20-490

Authorization For Director Of Public Services And Revenue To Distribute Coronavirus Aid, Relief, And Economic Security Act Funds From Secretary Of State For Elections To Municipalities

WHEREAS, the Minnesota Secretary of State has made grants available with funds received from Laws, 2020 Chapter 77 and the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

WHEREAS, the Federal CARES Act requires that the grant money be spent by November 10, 2020 or it must be returned; and

WHEREAS, there are urgent needs throughout the County for both COVID-19 and election security efforts and concomitant costs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Director of Public Services and Revenue to distribute Coronavirus Aid, Relief, and Economic Security (CARES) Act funds as outlined in the Minnesota Secretary of State CARES Act Grant Application as the approved county-municipality agreement are received.

Ayes: 7

Nays: 0

20-491

Authorization To Accept Grant Funds From The Center For Tech And Civic Life For 2020 Election Administration, Execute Grant Agreement, And Amend 2020 Elections Department Budget

WHEREAS, there is a global COVID-19 (coronavirus) pandemic; and

WHEREAS, the President of the United States has declared a National Emergency; and

WHEREAS, the Governor of the State of Minnesota has declared a Peacetime Emergency; and

WHEREAS, by Resolution No. 20-139 (March 20, 2020), the Dakota County Board of Commissioners approved the continuation of the declared local state of emergency as required by Minn. Stat. § 12.29 regarding COVID-19 (coronavirus); and

WHEREAS, the Dakota County Board of Commissioners has determined that supplemental hardware, virtual

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training, supplies and staffing to assist with the increased absentee volume and ensure the health and safety of election officials and in-person voters is a reasonable response to the COVID-19 pandemic; and

WHEREAS, on September 30, 2020, the Center for Tech and Civic Life (CTCL), a publicly supported 501(c)(3) non-profit organization that helps election officials adopt the tools and skills necessary to meet the changing needs of today's public, has awarded Dakota County a grant in the amount of \$613,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Public Services and Revenue Director to accept the grant funds for the Dakota County Elections Department, in the amount of \$613,000; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Public Services and Revenue Director to execute the grant agreement with CTCL; and

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

Expense	
Program Expense	<u>\$613,000</u>
Total Expense	\$613,000
Revenue	
Election Department Revenue	<u>\$613,000</u>
Total Revenue	\$613,000

Ayes: 7

Nays: 0

REGULAR AGENDA

County Board/County Administration

20-492

Appointments To Dakota-Scott Workforce Development Board

Motion: Chris Gerlach

Second: Mary Liz Holberg

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individuals to the Dakota-Scott Workforce Development Board to finish out one-year terms ending June 30, 2021.

Representing	Name
Private	Cody Wiltgen
Private	Melissa Lutz

Ayes: 7

Nays: 0

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 given by Board members.

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Closed Executive Session

20-493

Authorization To Approve Settlement With Russell C. And Gwenda L. Pangerl For County Project 42-139 Acquisitions

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Mary Liz Holberg

WHEREAS, County Project 42-139 is the reconstruction of County State Aid Highway 42 from Trunk Highway 55 to Lock Boulevard in Nininger Township; 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 Russell C. and Gwenda L. Pangerl, identified as Parcels 38 and 40; and

WHEREAS, Dakota County provided \$62,450 and \$1,500 to Russell C. and Gwenda L. Pangerl as just compensation for the property identified as Parcels 38 and 40, respectively, that it acquired through the condemnation proceeding in District Court File No. 19HA-CV-18-5336; 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 \$124,599.39, 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.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of property from Russell C. and Gwenda L. Pangerl identified as Parcels 38 and 40 and the settlement in the amount of \$124,599.39 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.

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:

- Employee Giving Campaign starts this week.

Information

See Attachment A - Future Board Meetings And Other Board Activities

20-494

Adjournment

Motion: Mary Liz Holberg

Second: Kathleen A. Gaylord

On a motion by Commissioner Mary Liz Holberg, seconded by Commissioner Kathleen A. Gaylord, the meeting was adjourned at 9:27 a.m.

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Mike Slavik
Chair

ATTEST

Matt Smith
County Manager