

October 20, 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](mailto:CountyAdmin@co.dakota.mn.us)  
No comments were received.

**20-505**

**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.

**Public Hearing**

**Public Hearing To Receive Comments And Adoption Of Dakota County 2021 Recommended Fee Schedules**

The time being 9:06 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on the 2021 fee schedules. Finance Director Peter Skwira spoke to this item. Interested parties desiring to be heard were afforded the opportunity to address the County Board. No one came forward.

**20-506**

**Closing of Public Hearing**

Motion: Chris Gerlach

Second: Kathleen A. Gaylord

BE IT RESOLVED, That the public hearing is closed.

October 20, 2020

Ayes: 7

Nays: 0

**20-507**

**Adoption Of Dakota County 2021 Recommended Fee Schedules**

Motion: Joe Atkins

Second: Mary Liz Holberg

WHEREAS, Minn. Stat. § 373.41 authorizes the Dakota County Board to establish fees for the production of documents and various services provided to the public that have a reasonable relationship between the fee and the cost of providing the service after holding a public hearing concerning such fees; and

WHEREAS, Dakota County desires to recover actual costs for services, except where an increase would adversely affect the use of a program or service; and

WHEREAS, notice of a public hearing on the recommended 2021 fee schedules was published from October 6, 2020 to October 20, 2020, on the Dakota County external website under Public Notices; and

WHEREAS, a public hearing was held on October 20, 2020, to receive comments on the 2021 fee schedules.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Dakota County 2021 fee schedules, as presented at the General Government and Policy Committee of the Whole on October 6, 2020.

Ayes: 7

Nays: 0

**CONSENT AGENDA**

Motion: Liz Workman

Second: Mary Liz Holberg

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

**20-508**

**Approval Of Minutes Of Meeting Held On October 6, 2020 And Special Meeting October 13, 2020**

**Items Recommended By Board Committee**

**20-509**

**Approval Of Rates For 2021 Group Short-Term Disability, Long-Term Disability, Life Insurance And Vision**

WHEREAS, the Group Basic Life Plan requires no rate increase in 2021 thru 2022; and

WHEREAS, the employee-paid Long-term Disability Plan requires no rate increase in 2021 thru 2022; and

WHEREAS, the employee-paid Vision Plan requires no rate increase in 2021 thru 2022; and

WHEREAS, the employee-paid Short-term Disability plan expenses projected for 2021 result in no rate change for all four elimination period options 8-day, 15-day, 30-day, and 75-day.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts 2021 thru 2022 Group Basic Life Plan premiums with no change from 2020 rates; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby accepts 2021 thru 2022 employee-paid Long-term Disability Plan premiums with no change from 2020 rates; and

October 20, 2020

BE IT FURTHER RESOLVED, That Dakota County Board of Commissioners hereby accepts 2021 thru 2022 employee-paid Vision Plan premiums with no change from 2020 rates; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves 2021 premiums with no change from 2020 rates for all four elimination periods 8-day, 15-day, 30-day, and 75-day options of Short-term Disability plans.

**20-510**

**Scheduling Of 2021 County Board/Committee Of The Whole Meetings, Workshops And Public Hearings**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the following 2021 County Board/Committees of the Whole meeting schedule:

<b>County Board</b>	<b>General Government and Policy (GGP) Committee</b>	<b>Community Services/ Physical Development Committees</b>
January 5	January 5	January 12
January 19		
February 2	February 2	February 9
February 16		
March 9	March 9	March 16
March 23		
April 6	April 6	April 13
April 20		
May 4	May 4	May 11
May 18		
June 8	June 8	June 15
June 22		
July 20	July 20	July 13
August 3	August 3	August 17
August 24		
September 7	September 7	September 14
September 21		
October 5	October 5	October 12
October 19		
November 2	November 2	November 9
November 16		
November 30	November 30	
December 14	December 14	

; and

BE IT FURTHER RESOLVED, That the location of the Board/Committee of the Whole meetings shall be scheduled as follows:

- All County Board meetings will be held at 9:00 a.m. in the Boardroom, Administration Center, in Hastings, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic.
- General Government and Policy (GGP) Committee meetings will be held at 9:30 a.m. (or following the County Board meeting) in the Boardroom, Administration Center in Hastings or in Conference Room 3A, Administration Center in Hastings, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic.
- Community Services (9:00 a.m.) and Physical Development (at 10:00 a.m. or following). Committee meetings will be held in in the Boardroom, Administration Center in Hastings or Conference Room L139, Western Service Center in Apple Valley, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic, for the calendar year 2021.
- General Government and Policy (GGP) Committee meetings that fall on a date that the Physical Development/Community Services Committees meet, will be held at 10:30 a.m. (or following the Committee meetings) in the Boardroom, Administration Center in Hastings or Conference Room L139,

October 20, 2020

Western Service Center in Apple Valley, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic.

; and

BE IT FURTHER RESOLVED, That County Board workshops to discuss the 2022 budget are hereby scheduled as follows:

June 22, 2021	10:00 a.m. or following County Board
August 24, 2021	10:00 a.m. or following County Board
November 2, 2021	10:00 a.m. or following County Board
November 3, 2021	9:00 a.m.
November 4, 2021	9:00 a.m.
November 5, 2021	9:00 a.m.

; and

BE IT FURTHER RESOLVED, That a public hearing is hereby scheduled for November 30, 2021, at 9:00 a.m., in the Boardroom, Administration Center, Hastings, Minnesota, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic to receive comments on the 2022–2026 Capital Improvement Program; and

BE IT FURTHER RESOLVED, That a public meeting is hereby scheduled for November 30, 2021, at 6:00 p.m., in the Boardroom, Administration Center, Hastings, Minnesota, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic to receive input on the 2021 levy and budget.

#### **20-511**

##### **Authorization To Amend Dakota County Policies 2255 And 2502**

WHEREAS, the Financial department periodically reviews and recommends revisions to policies and procedures in order to maintain current practices, functionality, and responsibility; and to be consistent with the format of other County policies.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the following amendments:

##### Policy 2255 Credit Card and Electronic Payment Acceptance

- Incorporate fee decision matrix
- Add Departmental roles
- Remove procedures
- Change contact person
- Change “Financial Services” to “Finance”
- 

##### Policy 2502 Purchase Card Administration and Usage:

- Combine policies 2502 Purchasing Card Usage and 2503 Purchasing Card Administration
- Remove the procedures
- Change “Financial Services” to “Finance”

#### **20-512**

##### **Authorization To Amend Dakota County Small Business Relief Grant Program Guidelines**

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was enacted on March 27, 2020, providing the State of Minnesota \$1.87 billion of special supplemental funding, of which 45 percent may be distributed to local jurisdictions; and

WHEREAS, Dakota County received an allocation of \$52 million in CARES Coronavirus Relief Funds (CRF) from

October 20, 2020

the State of Minnesota that must meet the eligibility criteria established by the U.S. Department of the Treasury, which must be expended by December 1, 2020; and

WHEREAS, the Dakota County Small Business Relief Grant Program (County Program) was established by the Dakota County Board of Commissioners (County Board) by Resolution No. 20-346 (July 14, 2020), and funded with Dakota County's allocation of CARES Act CRF; and

WHEREAS, by Resolution No. 20-346 (July 14, 2020), the County Board also authorized the County Program Guidelines (Program Guidelines); and

WHEREAS, by Resolution No. 20-475 (September 22, 2020), the Board authorized the expansion of the County Program to include 294 Dakota County businesses not funded by the Minnesota Department of Employment and Economic Development (DEED) Small Business Relief Grants Program nor other city funders on, per; and

WHEREAS, staff requests the Program Guidelines be revised to reflect the expanded applicant pool to DEED applicants with the following language:

"Per County Board of Commissioners Resolution No. 20-346 (September 22, 2020), Dakota County businesses that applied for the Minnesota Department of Employment and Economic Development (DEED) Small Business Relief Grants Program, which were not selected for that financial assistance, and gave permission to share their contact information with other funders, are now eligible for the County Program. These businesses have been identified by the list provided by DEED"

; and

WHEREAS, staff requests the County Program Guidelines be revised to allow County-Program-funded businesses to receive other local (city) CARES funds with the following language:

"Businesses may receive funding from the County Program, and other local (city) CARES funders as long as the eligible expenses for each program are documented and distinctly different."

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes amendments to the Dakota County Small Business Relief Grant Program Guidelines.

### **20-513**

#### **Authorization To Execute Joint Powers Agreements With School Districts For Birth To Age 8 Program Services**

WHEREAS, in May 2017, the Minnesota State Legislature authorized \$200,000 in funds to Dakota County for the purpose of developing and implementing a Data Sharing System in support of the Birth to Age 8 Program for the period of October 1, 2017 through June 30, 2022; and

WHEREAS, by Resolution No. 17-647 (December 12, 2017), the County Board authorized the Community Services Director to accept the grant funds and execute the grant agreement with the Minnesota Department of Human Services, Economic Assistance and Employment Division-Office of Economic Opportunity, in support of Dakota County's Birth to Age 8 Program in the amount of \$200,000 for the period of October 1, 2017 through June 30, 2022; and

WHEREAS, staff recommends authorization to execute JPAs with Independent School Districts 191, 197, and 199, and Special School District 6 for the Birth to Age 8 program services, effective upon the date of execution through June 30, 2021, unless earlier terminated by law or according to the provisions of the JPAs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute joint powers agreements with Independent School Districts 191, 197, and 199, and Special School District 6 for the Birth to Age 8 program services, effective upon the date of

October 20, 2020

execution through June 30, 2021, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said joint powers agreement to extend the contract term, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

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

**20-514**

**Authorization To Execute Contract Amendment With Merry Maids Of Mendota Heights, dba Merry Maids, For COVID-19 Response Related To Shelter Cleaning And Laundry Services**

WHEREAS, Merry Maids Of Mendota Heights, dba Merry Maids, has been providing cleaning services for emergency shelters in Dakota County since mid-March 2020 due to the COVID-19 public health pandemic; and

WHEREAS, services started at Matrix Emergency Shelter until the transition to a hotel shelter model and services were expanded to Dakota Woodlands and two Lewis House locations (Eagan and Hastings); and

WHEREAS, Dakota County paid individual invoices until it was clear that the service needed to continue for the remainder of the year; and

WHEREAS, a contract was originally established May 1, 2020, with a not to exceed amount of \$150,000; and

WHEREAS, an amendment was executed on July 1, 2020, to include laundry services for the Public Health Department; and

WHEREAS, emergency shelters are applying to the state for funding to pay for additional cleaning services and this funding is competitive and available for 30 days at a time; and

WHEREAS, should state funding not be available, this contract allows Dakota County to continue cleaning and laundry services through December 1, 2020, using Coronavirus Aid, Relief, and Economic Security (CARES) Act funding and sets the not to exceed amount at \$150,000, however, due to possible availability of other funding, it is not certain that the full contract amount will be needed; and

WHEREAS, staff recommends executing a contract with Merry Maids for shelter cleaning and laundry services in an amount not to exceed \$150,000 for the period of March 1, 2020 to December 1, 2020; and

WHEREAS, the County Board has determined that emergency assistance costs in the form of shelter cleaning and laundry services 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 authorizes the Community Services Director, to execute a contract amendment with Merry Maids Of Mendota Heights, dba Merry Maids, to provide shelter cleaning and laundry services in an amount not to exceed \$150,000 from the period of March 1, 2020 to December 1, 2020, subject to approval by the County Attorney's Office as to form; and

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

**20-515**

**Authorization To Execute Cooperative Agreement By And Among The Metropolitan County Consortium, State Of Minnesota, For Nonemergency Medical Transportation And Related Services**

WHEREAS, in July 2004, the Department of Human Services (DHS) implemented the Minnesota Nonemergency

October 20, 2020

Transportation (MNET) program to improve services and control costs; and

WHEREAS, under MNET, DHS contracted with Medical Transportation Management, Inc. (MTM), a medical transportation management company (broker), to determine the appropriate level of transportation service for eligible publicly funded health care program enrollees statewide and make access transportation services (ATS) arrangements for fee-for-service enrollees in the eleven-county metropolitan area; and

WHEREAS, in 2009, there was a cost shift from the State to the counties for nonemergency medical ATS, and 2009 Legislative action transferred the administration and coordination of ATS from the State to counties in the eleven county metropolitan area effective July 1, 2009; and

WHEREAS, by Resolution Nos. 10-350 (June 22, 2010), 13-555 (October 15, 2013), 15-528 (October 20, 2015), 16-596 (December 13, 2016), and 17-208 (April 18, 2017), the County Board authorized a Cooperative Agreement between Hennepin County and the other metropolitan counties choosing to participate in this arrangement that allowed Hennepin County to be reimbursed for the administrative services the broker provides for a period covering July 1, 2010 through December 31, 2020; and

WHEREAS, a new Cooperative Agreement is required in order for the participating counties to continue to reimburse Hennepin County for Dakota County's share of the administrative costs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a Cooperative Agreement by and among the Metropolitan County Consortium, State of Minnesota, for nonemergency medical transportation and related services for the period of January 1, 2021 through December 31, 2024, subject to approval by the County Attorney's Office as to form.

#### **20-516**

#### **Authorization To Execute Joint Powers Agreement With Minnesota Department Of Corrections To Provide Secure Programming For Juvenile Females**

WHEREAS, Dakota County Community Corrections previously held a joint powers agreement (JPA) with the Minnesota Department of Corrections (MN DOC) to house juvenile females committed to the Commissioner of Corrections at the Juvenile Services Center; and

WHEREAS, Dakota County Community Corrections staff has reviewed a recent case and accepted the referral for a juvenile female; and

WHEREAS, all future referrals will be reviewed and accepted by Dakota County Community Corrections staff on a case by case basis; and

WHEREAS, Dakota County Community Corrections is not obligated to accept every juvenile female referral from the MN DOC; and

WHEREAS, staff recommends authorization to execute a JPA with the MN DOC to provide secure programming upon the date of execution through August 31, 2021, or until obligations have been satisfactorily fulfilled, and to accept revenue not to exceed \$150,000 per each juvenile female accepted into the Juvenile Services Center secure programming.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Service Director to execute a joint powers agreement with the Minnesota Department of Corrections to provide secure programming for juvenile females, subject to approval by the County Attorney's Office as to form; and

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

October 20, 2020

**20-517**

**Authorization To Execute Joint Powers Agreement With Minnesota Department Of Corrections For Supervision Of Inmates Released Early Due To COVID-19 And Amend 2020 Community Corrections Budget**

WHEREAS, the Minnesota Department of Corrections has been approved to use Coronavirus Aid, Relief, and Economic Security (CARES) Act funds for reimbursement of community supervision of inmates released early from prison due to COVID-19; and

WHEREAS, Community Corrections will supervise inmates released early from prison due to COVID-19, and will seek reimbursement from the Minnesota Department of Corrections; and

WHEREAS, staff recommends authorization to execute a joint powers agreement with the Minnesota Department of Corrections for the supervision of inmates released early due to COVID-19 upon the date of execution through December 31, 2020, for reimbursement up to \$12,874, and amend the 2020 Community Corrections budget; and

WHEREAS, the County Board has determined that the Program costs are 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 authorizes the Community Services Director to execute a joint powers agreement with the Minnesota Department of Corrections for the supervision of inmates released early due to COVID-19, 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 an amendment to the 2020 Community Corrections budget as follows:

<b>Revenue</b>	
MN Dept of Corrections – Early Release	\$12,824
Use of Fund Balance	<u>(\$12,824)</u>
<b>Total Revenue</b>	<b>\$0</b>

; and

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

**20-518**

**Adoption Of Natural Resource Management Plan For Whitetail Woods Regional Park**

WHEREAS, the County Board adopted the 2012 Whitetail Woods Regional Park (WWRP) master plan, which established a conceptual vision for vegetative cover within the park by Resolution No. 12-107, (February 28, 2012); and

WHEREAS, the approved 2017 Natural Resource Management System Plan recommended that a Natural Resource Management Plan (NRMP) be developed for each County park and greenway by Resolution No. 17-274, (May 23, 2017); and

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

WHEREAS, on October 16, 2018, the Board received an informational update on the inventory and findings of the WWRP NRMP; and

WHEREAS, on December 3, 2019, the Board received an informational update on the WWRP NRMP vision, goals, and preliminary recommendations; and



October 20, 2020

WHEREAS, on July 14, 2020, the Board approved the release of the draft plan for public review from July 15 - August 31, 2020; and

WHEREAS, the NRMP for WWRP was released for public review from July 15-August 31, 2020, with the draft NRMP having been posted on the County website and distributed through the County listserv, and the cities of Lakeville, Rosemount, and Farmington, as well as Empire Township were contacted and solicited for feedback on the NRMP, and a virtual open house was held on August 6, 2020, and the Vermillion River Watershed Joint Powers Organization and the Dakota County Soil and Water Conservation District also reviewed the draft NRMP and made comments that resulted in changes to the plan

(<https://www.co.dakota.mn.us/parks/About/ResourcePlans/Documents/WhitetailWoodsNaturalResourceManagementPlanDraft.pdf>); and

WHEREAS, comments were received from the public, and changes were made to the NRMP for WWRP to reflect those comments.

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 approved and adopted by the County.

#### **20-519**

#### **Adoption Of River To River Greenway Natural Resource Management Plan**

WHEREAS, by Resolution No. 17-274 (May 23, 2019), 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 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 and recommended the Draft be released to the Public on February 27, 2020, and, upon review of public comments and edits, recommended the Final Draft be adopted by the County on September 24, 2020; and

WHEREAS, by Resolution No. 20-318 (July 14, 2020), the County Board authorized release of the Draft for Public Review; and

WHEREAS, a Public Open House was conducted virtually on August 6, 2020; and

WHEREAS, presentations were given to City Administrators and Managers as well as City Staff involved in Parks and Public Works within the County to review and gather input on the proposed cost-share structure for future Greenway NRMPs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the adoption of the River to River Greenway Natural Resources Management Plan.

#### **20-520**

#### **Award Of Bid And Authorization To Execute Contract With Applied Ecological Services For Miesville Bluffs Phase III Restoration**

WHEREAS, the 2008 Minnesota Constitutional Legacy Amendment increased State sales tax and dedicated new

October 20, 2020

revenue to natural resources, clean water, arts, cultural heritage, and parks and trails; and

WHEREAS, the Conservation Partners Legacy (CPL) Program was established to restore, enhance, or protect forests, wetlands prairies, and habitat for fish, game, and wildlife; and

WHEREAS, the Minnesota Department of Natural Resources (DNR) manages this program; and

WHEREAS, in State fiscal year 2019, CPL funding of \$2,567,000 was dedicated to habitat projects within the seven-county metropolitan area; and

WHEREAS, on December 12, 2018, the DNR awarded a CPL grant for Miesville Bluff Restoration Phase III; and

WHEREAS, the total project cost is \$466,710, which includes a \$90,942 County match, \$375,768 of CPL grant funding, plus a five percent County contingency of \$23,335; and

WHEREAS, the funds will restore 80 acres of oak woodland, oak savanna, and bluff prairie; and

WHEREAS, by Resolution No. 19-451 (March 26, 2019), the County Board authorized the Physical Development Director to accept and execute a CPL grant for a natural resource project in Miesville Ravine Park Reserve; and

WHEREAS, this County Board resolution is for the restoration of the 80-acres using traditional restoration methods; and

WHEREAS, a Request for Bids was prepared and released on September 11, 2020, and five bids were received; and

WHEREAS, the lowest responsible bidder is Applied Ecological Services with a bid amount of \$257,023.10.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the base bid plus all alternate bids to and authorizes the Physical Development Director to execute a contract with Applied Ecological Services for \$257,023.10 for Miesville Bluff Restoration Phase III project at Miesville Ravine Park Reserve, subject to approval by the County Attorney's Office as to form.

## **20-521**

### **Approval Of Schematic Design For Judicial Center Lower Level Courts Area Renovation**

WHEREAS, the 2020–2024 Building Capital Improvement Program (CIP) Adopted Budget includes a project to renovate the Judicial Center (JDC) Lower Level Courts Area; and

WHEREAS, the design team of Wold Architects and Engineers was selected through a Request for Proposal process to lead the design work for the Project; and

WHEREAS, the design team met with the Core Planning Group (CPG) six times to develop the schematic design for the JDC Lower Level Courts Area Renovation; and

WHEREAS, the proposed schematic design features include the requested elements deemed necessary to improve the area: a new waiting area, a new Courts check-in desk, five new conference rooms, dedicated staff space for justice partners, a new urine analysis restroom, and overall improved space efficiency, security, and technology in the area; and

WHEREAS, the CPG, which includes representatives from the First Judicial District Courts, Public Defenders, Guardian ad Litem, County Attorney's Office, Social Services, Community Corrections, Sheriff's Office, and Facilities Management, fully supports the proposed schematic design; and

WHEREAS, the independent cost estimate solicited by the County for the schematic design is within the approved

October 20, 2020

budget; and

WHEREAS, sufficient funds are available within the 2020–2024 Building CIP Adopted Budget to complete this project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the recommended schematic design for the Judicial Center Lower Level Courts Area Renovation.

**20-522**

**Review And Comment On Metropolitan Council 2040 Regional Park Policy Plan Amendment**

WHEREAS, the Metropolitan Council released a draft amendment to the approved 2040 Regional Parks Policy Plan for public comment from August 26, 2020 to October 30, 2020; and

WHEREAS, the regional park implementing agencies submitted and the amendment proposes 26 new regional park and trail system additions and boundary expansions to be included with the approved 2040 Regional Parks System; and

WHEREAS, the amendment also includes the following: A new policy for regional park and regional trail boundary adjustments Additional content describing special recreation feature: bridging facilities Inclusion of master plan equity analysis requirement for parks master plans Update of the Regional Parks Policy Plan Workplan. Minor policy clarifications and language updates; and

WHEREAS, staff recommends the County Board submit to the Metropolitan Council a letter signed by the Chair that represents Dakota County comments.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioner hereby authorizes the Chair of the Board to sign a letter to the Metropolitan Council Chair regarding the Board comments to the 2040 Regional Parks Policy Plan amendment as discussed at the October 13, 2020 Physical Development Committee meeting.

**20-523**

**Authorization To Execute Construction And Maintenance Agreement With Canadian Pacific And Union Pacific Railroad Company To Replace Existing Railroad Bridge On County Project 86-34**

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

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

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

WHEREAS, the County, Soo Line Railroad Company d/b/a Canadian Pacific, and the Union Pacific Railroad Company wish to proceed with a project to replace the existing railroad bridge over CSAH 86; and

WHEREAS, the existing bridge currently carries approximately ten trains per day and is a single-track timber bridge, approximately 18 feet by 93 feet, with 14 feet of vertical clearance; and

WHEREAS, by Resolution No. 18-537 (October 23, 2018), the County Board designated CSAH 86 as a future principal arterial; and

WHEREAS, the bridge does not meet state-aid design standards with poor vertical and horizontal clearance that

October 20, 2020

restricts vehicle types and provides no pedestrian facilities under the bridge; and

WHEREAS, the existing railroad right of way, track, structures, and operations are defined under a joint line agreement between Canadian Pacific and Union Pacific where Canadian Pacific is the owner of the track, structures, and right of way, and Union Pacific is the operating railroad on the line responsible for train control, flagging protection, and rights of entry; and

WHEREAS, construction is budgeted for the year 2021; and

WHEREAS, the County will be the lead agency for CP 86-34 capital costs for replacement of the structure; and

WHEREAS, reimbursable maintenance costs or the County's obligation to replace the bridge structure shall not extend to any damage to the bridge structure resulting from railroad operating accidents, including derailments; and

WHEREAS, the County, Canadian Pacific, and Union Pacific believe that by working together, all parties will be able to provide a better project and provide more efficient use of resources.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a Construction and Maintenance (C&M) Agreement between Dakota County, Canadian Pacific, and Union Pacific Railroad Company to define certain project requirements, responsibilities regarding design, right of entry, construction, ownership, maintenance, risk and insurance requirements, and fees and costs associated with the project subject to approval by the County Attorney's Office as to form.

#### **20-524**

#### **Authorization To Release Draft 2040 Transportation Plan And Comprehensive Plan Amendment For Public Review, Authorization To Amend Submittal To Met Council, Schedule Public Hearing On Amendment, And Adopt Plan Cost Share Policies**

WHEREAS, the Dakota County Board of Commissioners directed staff to prepare the Dakota County 2040 Transportation Plan (Plan) to guide the development of the County's transportation network by identifying future investment needs, implementation direction, and priorities; and

WHEREAS, through Physical Development Committee of the Whole review, County Board Workshops, and agency and public engagement, staff has prepared a draft Plan; and

WHEREAS, the Plan identifies the County's transportation goals, policies, and strategies for a transportation system that safely and efficiently moves people and goods; and

WHEREAS, the update of the Plan necessitates parallel changes to and a minor amendment of the Dakota County Comprehensive Plan, DC2040 (Amendment); and

WHEREAS, staff proposes a concurrent 60-day public and agency comment period for the Plan and the Amendment to receive additional comments and meet requirements for comprehensive plan amendments; and

WHEREAS, staff proposes separate adoption of the Dakota County 2040 Transportation Plan Cost Share Policies F.1 thru F.19 in advance of Plan adoption for use in the preparation of 2021 to 2025 Capital Improvement Program budget documents; and

WHEREAS, adoption of the cost-sharing policies does not require amendment of DC2040; and

WHEREAS, a public hearing on comprehensive plan amendments is required under Minn. Stat. § 462.355; and

WHEREAS, staff requests that a public hearing on the DC2040 Amendment be held on January 19, 2021, in the Hastings Administration Center or via telephone or electronic means to protect public safety during the COVID-19

October 20, 2020

pandemic.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes staff to release the draft Dakota County 2040 Transportation Plan for a 60-day public review period, from October 20 to December 21, 2020; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes staff to release the draft DC2040 Transportation Amendments for a 60-day review period, from October 20 to December 21, 2020; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes staff to submit the draft DC2040 Comprehensive Plan Amendment to the Metropolitan Council for conformance review; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby adopts the draft Dakota County 2040 Transportation Plan Cost Share Policies F.1 thru F.19 subject to potential revision based on public and agency comment; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing for January 19, 2021, at 9:00 a.m. in the Board Room, Dakota County Administration Center, Hastings, Minnesota, or via telephone or other electronic means, to receive comments on the draft Dakota County Comprehensive Plan amendment.

### **Operations, Management And Budget**

#### **Report On Invoices Paid In September 2020**

This item was on the agenda for informational purposes only.

### **Physical Development**

#### **20-525**

#### **Approval And Authorization To Execute Third Amended And Restated Joint Powers Agreement Establishing The I-35W Solutions Alliance**

WHEREAS, to help promote safe and efficient transportation, Dakota County participates as a member of the I-35W Solutions Alliance (Alliance); and

WHEREAS, the Alliance is a joint powers organization authorized by Minn. Stat. § 471.59 to jointly and cooperatively provide an organized effort to improve mobility for all transportation modes in the I-35W corridor, its feeder routes, and its traffic shed; and

WHEREAS, the joint powers agreement establishing the Alliance will expire on December 31, 2020, unless the members agree to extend it; and

WHEREAS, it is in the best interests of Dakota County, the region, and the state to continue the work of the Alliance.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the third amended and restated joint powers agreement establishing the I-35W Solutions Alliance, as presented on October 20, 2020; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Board Chair to execute the third amended and restated joint powers agreement establishing the I-35W Solutions Alliance, subject to approval by the County Attorney's Office as to form.

October 20, 2020

**20-526**

**Authorization To Execute Utility Reimbursement Agreement With Great River Energy For Reinforcement Of Structures On Transmission Line For County Project 91-25**

WHEREAS, Dakota County is proposing County Project (CP) 91-25 to reconstruct County State Aid Highway (CSAH) 91; and

WHEREAS, Great River Energy is operating a transmission line within its own easement along County State Aid Highway (CSAH) 91; and

WHEREAS, CP 91-25 includes construction that requires the reinforcement of transmission line poles, owned by Great River Energy, along CSAH 91 within a private utility easement; and

WHEREAS, by Resolution No. 20-199 (April 21, 2020), the County Board authorized the execution of an agreement with Great River Energy to design the reinforcement for the poles; and

WHEREAS, a separate agreement is needed for Great River Energy to perform construction activities related to the reinforcement of the poles; and

WHEREAS, Great River Energy estimates that the cost to construct the improvements related to the reinforcement for the transmission line poles is \$39,089; and

WHEREAS, staff recommends execution of a reimbursement agreement with Great River Energy for the construction of reinforcement for the transmission line poles along CSAH 91 associated with the encroachment of CP 91-25 on the Great River Energy easement to proceed in an estimated amount of \$39,089.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with Great River Energy for the construction of the reinforcement of transmission line poles along County State Aid Highway 91 in the amount of the actual costs currently estimated at \$39,089, subject to approval by the County Attorney's Office as to form.

**20-527**

**Authorization To Execute Three Professional Services Contract Amendments For Additional Services On 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 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

October 20, 2020

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 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 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, 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, by Resolution No. 19-496 (April 23, 2019), authorized the Physical Development Director to execute a contract with Kimley-Horn and Associates, Inc., for design engineering services for County Project 26-54 and 63-27, for an amount not to exceed \$1,704,910, subject to approval by the County Attorney's Office as to form; and

WHEREAS, the Physical Development Division Director executed a contract with Patchin Messner Appraisals, Inc., for appraisal services relating to 63 parcels: 50 landowners with multiple property types, three tenants requiring relocation, and six total acquisition parcels with improvements together with one vacant parcel in an amount not to exceed \$129,500 on January 1st, 2020; and

WHEREAS, the Transportation Director/County Engineer executed a contract with Henning Professional Services, Inc., for right of way acquisition project management, field title investigation, mortgage consent processing, direct purchase negotiations, and relocation assistance services, in an amount not to exceed \$99,500 on February 3rd, 2020; and

WHEREAS, since the contracts were awarded, the project design scope and complexity have evolved to include items not in the original scopes, based on the changes to the original project assumptions, additional work requested, and unforeseen revisions to public engagement format; and

WHEREAS, the public and agency involvement was more extensive than anticipated with more deliverables relating to the virtual open houses format; and

WHEREAS, the alignment of CSAH 63 (east/west) was modified from the original request for proposal assumptions; and

WHEREAS, additional out-of-scope geotechnical investigation for petroleum odors and unsuitable buried topsoil is required to complete the project; and

WHEREAS, changes in federal noise analysis, addition of a biological assessment, and a required environmental site assessment response action /construction contingency plan is required to complete the project; and

WHEREAS, the cost of the additional out-of-scope and unforeseen work tasks for the preliminary and final design engineering consulting services to be performed by Kimley-Horn and Associates, Inc., is \$298,985 for a new contract amount not to exceed \$2,003,895; and

WHEREAS, once the right of way commenced, it was determined that additional appraisals, residential and

October 20, 2020

business relocation, tenant relocation, and non-standard parcels, including extensive work regarding septic design and well relocation was needed; and

WHEREAS, the cost of the additional out-of-scope and unforeseen work tasks for appraisal services to be performed by Patchin Messner Appraisals, Inc., is \$23,000 for a new contract amount not to exceed \$152,500; and

WHEREAS, the cost of the additional out-of-scope and unforeseen work tasks for acquisition and relocation assistance services to be performed by Henning Professional Services, Inc., is \$106,000 for a new contract amount not to exceed \$205,500; and

WHEREAS, sufficient funds remain available in the Transportation CIP budget for the three design contract amendment for County Projects 26-54 and 63-27; and

WHEREAS, engineering and right of way cost will be shared between Dakota County, the City Of Inver Grove Heights, and the City Of Eagan in accordance with adopted County policy; and

WHEREAS, the County Engineer recommends execution of a contract amendment with Kimley-Horn and Associates, Inc., Patchin Messner Appraisals, Inc., and Henning Professional Services, Inc.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to amend the contract with Kimley-Horn and Associates, Inc., in an amount not to exceed \$298,985, Patchin Messner Appraisals, Inc., in an amount not to exceed \$23,000, and Henning Professional Services, Inc., in an amount not to exceed \$106,000, subject to approval by the County Attorney's Office as to form.

#### **20-528**

#### **Request To Commissioner Of Transportation To Transfer Excess Municipal State Aid Construction Funds To Regular State Aid Construction Account**

WHEREAS, Dakota County receives County State Aid Highway (CSAH) funds for construction that are allocated to a Regular State Aid Construction Account (Regular Account) and Municipal State Aid Construction Funds (Municipal Account); and

WHEREAS, Regular Account funds can be used on any CSAH route, including CSAH routes in cities with a population less than 5,000, and Municipal Account funds can only be used for projects in cities with a population less than 5,000; and

WHEREAS, rules of the County State Aid Screening Board, a board of designated county engineers appointed by the Commissioner of Transportation, include a deduction in needs that will result in a reduction in the 2021 State Aid apportionment; and

WHEREAS, Minn. Stat. § 162.08, subd. 4 (3d), provides that accumulated balances in excess of two years of Municipal Account apportionments may be spent on projects located outside of municipalities under 5,000 population when approved by resolution of the County Board; and

WHEREAS, since funds in the Regular Account can be used on any County State Aid Route, potential future projects in cities under 5,000 are not jeopardized; and

WHEREAS, a transfer of Municipal Account funds exceeding the last two years of apportionment to the Regular Account is necessary to avoid a reduction in needs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby requests that the Commissioner of Transportation transfer \$468,392 (all funds) in excess of two years apportionment into the Regular State Aid Construction Account.



October 20, 2020

**20-529**

**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:

WARWEG HAMPTON ADDITION      Hampton

**20-530**

**Authorization To Execute Contract With Alternative Business Furniture, Inc., To Provide Cubicle Glass Panels, Amend 2020 Non-Departmental Budget And Amend 2020 Facilities Management Budget**

WHEREAS, Dakota County facilities, and Dakota County staff, serve a critical role in the provision of essential public services; and

WHEREAS, to ensure staff safety and following the current Minnesota Governor's Executive Order to wear face coverings, staff evaluated cubicles throughout the County and identified areas to address; and

WHEREAS, Dakota County has determined that cubicle panels need to be 67 inches high or greater to allow staff to remove their face covering when working in their individual cubicle; and

WHEREAS, the installation of additional glass panels will bring all cubicles in the County to the 67-inch or greater height; and

WHEREAS, staff will contract with a vendor to provide 929 glass panels and associated hardware for cubicle installation; and

WHEREAS, staff issued a Request for Quotes on October 6, 2020, and two quotes were received on October 13, 2020; and

WHEREAS, Alternative Business Furniture, Inc., submitted the lowest responsive and responsible quote of \$74,637.62; and

WHEREAS, staff recommends authorization to execute a contract with Alternative Business Furniture, Inc., for glass panels and associated hardware, amend the 2020 Non-Departmental budget, and amend the 2020 Facilities Management budget; and

WHEREAS, the County Board has determined that the installation of cubicle glass panel costs are necessary and a reasonable response to the COVID-19 pandemic and are therefore eligible for the use of Coronavirus Aid, Relief, and Economic Security Act funds.

October 20, 2020

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 with Alternative Business Furniture, Inc., 6533 Flying Cloud Drive, Suite 800, Eden Prairie, MN 55344, in an amount not to exceed \$74,637.62 subject to the County Attorney's Office as to form; and

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

<b>Expense</b>	
CARES Act	<u>(\$300,000)</u>
<b>Total Expense</b>	<b>(\$300,000)</b>

<b>Revenue</b>	
CARES Act	<u>(\$300,000)</u>
<b>Total Revenue</b>	<b>(\$300,000)</b>

; and

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

<b>Expense</b>	
CARES Act – Cubicle Glass Panels	<u>\$300,000</u>
<b>Total Expense</b>	<b>\$300,000</b>

<b>Revenue</b>	
CARES Act	<u>\$300,000</u>
<b>Total Revenue</b>	<b>\$300,000</b>

; and

BE IT FURTHER RESOLVED, That this project 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 project.

**20-531**

**Authorization To Execute Contract With Prairie Technologies, Inc. Of Minnesota, To Provide And Install Western Service Center Ionization Units, Amend 2020 Non-Departmental Budget And Amend 2020 Facilities Management Budget**

WHEREAS, Dakota County facilities and Dakota County staff serve a critical role in the provision of essential public services; and

WHEREAS, staff has researched strategies to improve overall indoor air quality and reduce the risk for virus transmission in our indoor spaces; and

WHEREAS, one proven and commercially available technology to achieve both goals is bipolar ionization in the air handling units serving our buildings; and

WHEREAS, bipolar ionization systems generate charged ions that attach to single-cell organisms deactivating them; and

WHEREAS, charged ions also cause other particulates in the air to merge together, allowing the current filter system to work more effectively; and

WHEREAS, staff will contract with an HVAC contractor to provide and install this system as a pilot project in the air handling units serving the Western Service Center and attached Galaxie Library; and

WHEREAS, staff issued a Request for Quotes on October 7, 2020, and two quotes were received on October 14,

October 20, 2020

2020; and

WHEREAS, Prairie Technologies, Inc. of Minnesota, submitted the lowest responsive and responsible quote of \$43,625; and

WHEREAS, staff recommends authorization to execute a contract with Prairie Technologies, Inc. of Minnesota, for system installation, amend the 2020 Non-Departmental budget, and amend the 2020 Facilities Management budget; and

WHEREAS, the County Board has determined that the installation of bipolar ionization unit costs are necessary and a reasonable response to the COVID-19 pandemic and are therefore eligible for the use of Coronavirus Aid, Relief, and Economic Security Act funds.

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 with Prairie Technologies, Inc. of Minnesota, in an amount not to exceed \$43,625, 14295 James Road, Suite 200, Rogers, MN 55374, subject to the County Attorney's Office as to form; and

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

<b>Expense</b>	
CARES Act	<u>(\$60,000)</u>
<b>Total Expense</b>	<b>(\$60,000)</b>

<b>Revenue</b>	
CARES Act	<u>(\$60,000)</u>
<b>Total Revenue</b>	<b>(\$60,000)</b>

; and

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

<b>Expense</b>	
CARES Act – Bipolar Ionization Unit Installation	<u>\$60,000</u>
<b>Total Expense</b>	<b>\$60,000</b>

<b>Revenue</b>	
CARES Act	<u>\$60,000</u>
<b>Total Revenue</b>	<b>\$60,000</b>

; and

BE IT FURTHER RESOLVED, That this project 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 project.

**REGULAR AGENDA**

**County Board/County Administration**

**Update On Monitoring And Responses To Coronavirus Outbreak**

Director of Public Health Bonnie Brueshoff, Deputy County Manager Jean Erickson, 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.

October 20, 2020

## **Update On Countywide Spending Of Coronavirus Aid, Relief, And Economic Security Act Funding**

County Manager Matt Smith briefed this item and responded to questions. This item was on the agenda for informational purposes. The remaining CARES Act funds must be incurred and expended by December 1, 2020. Staff provided the Board with an overall review of allocated funds and the amount of remaining CARES Act funds.

### **Community Services**

#### **20-532**

#### **Authorization To Implement Emergency Assistance To Property Owners Of Rental Housing And Execute Contract With A Vendor To Serve As Program Administrator**

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

Motion: Mary Liz Holberg

Second: Thomas A. Egan

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

WHEREAS, by Resolution No. 20-345 (July 14, 2020), and in anticipation of unpaid rent and eviction filings, Community Services received approval from the Dakota County Board of Commissions to implement an Eviction Prevention Program using an estimated \$2,000,000 in Dakota County Coronavirus Aid, Relief, and Economic Security (CARES) Act funds; and

WHEREAS, this program began on July 27, 2020; and

WHEREAS, additionally, staff were instructed to apply for and prioritize state COVID-19 Housing Assistance Program (CHAP) funding for the same purpose and by Resolution No. 20-388 (August 18, 2020), Dakota County received and accepted \$1.6 million in CHAP funds; and

WHEREAS, due to combined funding sources and prioritization of state CHAP funds, staff anticipates underspending the Dakota County CARES allocation for the Eviction Prevention Program; and

WHEREAS, property owners are facing unpaid rent due to the financial impact of COVID-19 on their tenants and the ongoing eviction moratorium has prolonged this impact; and

WHEREAS, property owners do not qualify for the small business assistance program previously established using Dakota County CARES funds nor do they qualify for mortgage assistance through the state CHAP funds; and

WHEREAS, staff proposes a CARES program to provide emergency assistance to property owners and this program would be in partnership with Hennepin County, which has proposed the same program to its Board of Commissioners; and

WHEREAS, Hennepin County will issue a Request for Proposals (RFP) to select a program administrator; and

WHEREAS, Dakota County staff recommends contracting with the vendor selected through Hennepin County's solicitation process to serve as Dakota County's program administrator; and

WHEREAS, the County Board has determined that an emergency assistance program for property owners of rental housing to prevent evictions and maintain availability of affordable housing impacted by the health emergency 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 authorizes the Community Services Director to implement an emergency assistance program for property owners of rental

October 20, 2020

housing in an amount not to exceed \$750,000; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the reallocation of \$750,000 from the \$2 million Coronavirus Aid, Relief, and Economic Security (CARES) Eviction Prevention Program to establish the above program; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with the vendor selected through Hennepin County's solicitation process to serve as Dakota County's program administrator for the period from date of execution through December 1, 2020, subject to approval by the Dakota County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That this program 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

**20-533**

**Update And Direction On Phase II Of Non-Profit Financial Assistance Program**

Social Services Director Evan Henspeter briefed this item and responded to questions. Upon discussion the resolution language was revised and reflected below.

Motion: Liz Workman

Second: Joe Atkins

WHEREAS, non-profit organizations throughout Dakota County have experienced significant financial challenges due to the COVID-19 pandemic; and

WHEREAS, social distancing requirements during the pandemic have required many non-profit organizations to invest in additional technology, personal protective equipment (PPE), and other unexpected business expenses to continue serving the public; and

WHEREAS, by Resolution No. 20-390 (August 18, 2020), the Dakota County Board of Commissioners authorized the Community Services Director to implement a non-profit financial assistance program; and

WHEREAS, by Resolution No. 20-454 (September 22, 2020), the Dakota County Board of Commissioners authorized the expansion of the program to include Chambers of Commerce or Convention and Visitor Bureaus organizations that are exempt under Section 501(c)(6) of the Internal Revenue Code; and

WHEREAS, by Resolution No. 20-499 (October 13, 2020), the Dakota County Board of Commissioners authorized the expansion of the program to include the Dakota County Historical Society, Inc., and the Dakota County Agricultural Society, Inc., and expanding eligible expenses to include operating expenses, rent and/or mortgage payments, utilities, payments to suppliers, and other critical non-payroll expenses not covered due to COVID-19 related financial hardship, raising the program amount to up to \$50,000 for those two entities; and

WHEREAS, in light of having additional dollars for this program, staff are seeking direction from the County Board on the following options for expansion:

- 1) Open Program back up with no eligibility or programmatic changes; or
- 2) Open a Phase II of the Program and expand eligible expenses for all applicants to include expansion per Resolution No. 20-499 (October 13, 2020); and/or
- 3) Open a Phase II of the Program and expand the program to include arts/culture and environmental education organizations (excluding non-profit charter schools), and continue to allow disbursement of additional funds to organizations who have applied for and/or were awarded COVID-related federal funding such as the Economic Injury Disaster Loan (IEDL) or Paycheck Protection Program (PPP); and/or
- 4) A combination of the above programmatic changes

; and

WHEREAS, eligibility criteria is dependent on the program changes that are authorized, and any applications

October 20, 2020

received in a Phase II would be reviewed and awarded accordingly; however, all are required to:

- Have a permanent physical location in Dakota County or substantially serve Dakota County residents
- Have incurred additional expenses due to COVID-19 that were not budgeted as of March 1, 2020
- Be in good standing with the Minnesota Secretary of State, Minnesota Department of Revenue, and Dakota County as of March 1, 2020

; and

WHEREAS, staff recommends following the direction of the County Board on Phase II of the Non-Profit Financial Assistance Program with any applications received being reviewed and awarded on a first come first served basis; and

WHEREAS, through implementation of the Non-profit Financial Assistance Program staff has learned that some communities have Chambers of Commerce and Visitor Bureaus that are separate legal entities, while others are combined into a single legal entity creating a disparity in the aid provided to those communities; and

WHEREAS, the County Board has determined that the Non-profit Financial Assistance Program costs are 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 authorizes the Community Services Director to expand the Non-profit Financial Assistance Program in Dakota County to include:

- 1) Open a Phase II of the Program and expand eligible expenses to extend deadline November 6, 2020 and expand eligible expenses to include operating expenses such as payroll, rent/mortgage, utilities, payments to suppliers, other critical expenses not covered due to COVID-19 related financial hardship; and
- 2) Expand the maximum grant award to a total of \$20,000 for Chambers of Commerce and Visitor Bureaus that operate as a single legal entity to permit comparable grants to those entities as received by communities that have Chambers of Commerce and Visitor Bureaus operating as separate legal entities

; and

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

Ayes: 6

Nays: 1 Mike Slavik

### **Closed Executive Session**

**20-534**

### **Settlement Authority For Acquisition Of Certain Property Rights Necessary For County Projects 26-54 And 63-27**

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Joe Atkins

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 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

October 20, 2020

(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, by Resolution Nos. 20-330, 20-399, and 20-425, the County Board of Commissioners authorized the acquisition of certain properties identified in the resolutions and initiation of quick-take eminent domain pursuant to Minn. Stat. § 117.042, if necessary, to construct the recommended improvements; and

WHEREAS, on October 15, 2020, the Dakota County Attorney's Office provided a confidential memorandum to the Dakota County Board of Commissioners explaining the legal strategy accomplishing Dakota County's acquisition of the property rights identified in Dakota County Right of Way Map 471 as Parcels 7, 8, 19, 21, 25-27, 28, 31, 32-33, 34, 35, 36, 37, 39, 41, 45, 50, 52, 54, 56, 60 & 62, 67, 68 & 69, 70, and 71; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to proceed with settlement negotiations on the acquisition of property rights for County Project 26-54 and County Project 63-27 consistent with the settlement authority requested in the confidential memorandum to the County Board.

Ayes: 7

Nays: 0

**20-535**

**Authorization To Approve Settlement With Christine Zweber And Gervase Langer (Parcel 31) For County Project 50-23 Acquisition**

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Mary Liz Holberg

WHEREAS, to provide a safe and efficient transportation system, Dakota County and the City of Lakeville (City) partnered on County Project (CP) 50-23; and

WHEREAS, CP 50-23 is the reconstruction of County State Aid Highway (CSAH) 50 (202nd Street West) to a divided two-lane roadway from Holyoke Avenue to CSAH 23 (Cedar Avenue) and the construction of a grade-separated crossing of CSAH 50 near Quigley-Sime and Aronson Parks; and

WHEREAS, Dakota County is the lead agency for CP 50-23 with construction that occurred between spring 2019 and fall 2020; and

WHEREAS, to construct the recommended improvements, Dakota County acquired certain property rights from Christine Zweber and Gervase Langer (landowner) identified in CP 50-23 as Parcel 31 and legally described as:

A temporary easement for highway purposes over, under, and across that part of the north 525.00 feet of the west 290.40 feet of the Southwest Quarter of the Northeast Quarter of Section 28, Township 114 North, Range 20 West, Dakota County, Minnesota described as follows:

October 20, 2020

Commencing at the northwest corner of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 24 minutes 10 seconds West, assumed bearing along the west line of said Southwest Quarter of the Northeast Quarter a distance of 321.58 feet; thence South 89 degrees 35 minutes 50 seconds East a distance of 40.00 feet to the east line of the west 40.00 feet of said Southwest Quarter of the Northeast Quarter and the point of beginning of the easement to be described; thence continuing South 89 degrees 35 minutes 50 seconds East a distance of 25.00 feet; thence North 00 degrees 24 minutes 10 seconds East a distance of 15.00 feet; thence South 89 degrees 35 minutes 50 seconds East a distance of 40.00 feet; thence North 00 degrees 24 minutes 10 seconds East a distance of 101.50 feet; thence North 89 degrees 35 minutes 50 seconds West a distance of 35.00 feet; thence North 00 degrees 24 minutes 10 seconds East a distance of 110.63 feet; thence North 89 degrees 56 minutes 55 seconds East a distance of 153.28 feet; thence South 00 degrees 03 minutes 05 seconds East a distance of 30.00 feet; thence North 89 degrees 56 minutes 55 seconds East a distance of 66.88 feet to the east line of said west 290.40 feet; thence North 00 degrees 24 minutes 10 seconds East along said east line a distance of 50.00 feet to the south line of the north 75.00 feet of said north 525.00 feet; thence South 89 degrees 56 minutes 55 seconds West a distance of 250.41 feet to said east line of the west 40.00 feet; thence South 00 degrees 24 minutes 10 seconds West along said east line of the west 40.00 feet a distance of 246.90 feet to the point of beginning.

AND

A permanent easement for highway purposes over, under, and across the north 75.00 feet of the west 290.40 feet of the Southwest Quarter of the Northeast Quarter of Section 28, Township 114 North, Range 20 West, Dakota County, Minnesota.

EXCEPT that part of the above described easement area encumbered by Highway Easement to Dakota County per Book 279 of Deeds, Page 89.

Also EXCEPT that part of the above described easement area encumbered by Public Roadway, Drainage and Utility Easement to the City of Lakeville per Document Number 2094168.

; and

WHEREAS, the parties in this action have reached a mediated settlement agreement for all damages caused by the taking whereby the County will pay the landowner \$360,000, subject to approval by the County Board; and

WHEREAS, the County Attorney and Transportation Department staff recommend approval of the settlement agreement as being a fair and equitable settlement of the action in view of the impacts to the property, real estate market data, the time, additional expense and risk involved in continued litigation and belief that the settlement represents an appropriate allocation of the prospects for success if the matter is allowed to proceed to a trial.

NOW, THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners hereby approves the acquisition of property from Christine Zweber and Gervase Langer identified in County Project 50-23 as Parcel 31, and legally described above, in the amount of \$360,000 as being in the best interest of the County, and authorizes the County Attorney to arrange for final payment of the acquisition amount and to effectuate final settlement of the acquisition between the parties.

Ayes: 7

Nays: 0

### **Closed Executive Session: Discussion Of Legal Strategy In Andrew Olson v. Dakota County**

This item did not go into closed session. The Board directed staff to proceed with the recommendation from the County Attorney's office.

### **Legislative Update**

Stinson LLP Government Relations Director Jeremy Estenson and Downs Government Relations Director Mike Erlandson gave a brief update on the legislative session and responded to questions. This item was on the agenda for informational purposes only. No staff direction was given by Committee.



October 20, 2020

## **Interagency Announcements/Reports**

Interagency announcements and reports were then presented.

### **County Manager's Report**

County Manager Matt Smith gave a brief update on:

- 2021 Budget Meetings – Nov. 3, 4, and 5

### **20-536**

#### **Closed Executive Session: Discussion Of Legal Strategy In Brian Vitek v. Dakota County et al.**

Motion: Mary Liz Holberg

Second: Liz Workman

WHEREAS, on or about November 1, 2019, Patric Vitek was crossing Diffley Road near the intersection with Braddock Trail when he was struck by an automobile, sustained injuries, and died; and

WHEREAS, Patric Vitek's heirs and next of kin claim that the County and the City of Eagan negligently designed the roadway, causing Patric Vitek's death; and

WHEREAS, Patric Vitek's heirs and next of kin commenced a lawsuit against the County and the City of Eagan for damages resulting from Patric Vitek's death; 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 the 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 October 20, 2020, and recesses to a confidential conference call to discuss with the County Attorney the legal strategy of defending against Patric Vitek's lawsuit.

Ayes: 7

Nays: 0

The time being 11:00 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 Patric Vitek's 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  
Mark Krebsbach, County Engineer  
Erin Laberee, Assistant County Engineer  
Steve Mielke, Physical Development Director  
BJ Battig, Manager Risk Homeland Security  
Jeni Reynolds, Clerk to the Board

October 20, 2020

The Closed Executive Sessions continued until 11:45 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**

**20-537**

**Adjournment**

Motion: Thomas A. Egan

Second: Liz Workman

On a motion by Commissioner Thomas A. Egan, seconded by Commissioner Liz Workman, the meeting was adjourned at 11:45 a.m.

Mike Slavik  
Chair

ATTEST

Matt Smith  
County Manager