A G E N D A

Dakota County Board of Commissioners

November 3, 2020
9:00 AM

Boardroom, Administration Center, Government Center, Hastings, MN
View Live Broadcast https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx

If you wish to speak to an agenda item or an item not on the agenda, please notify the Clerk to the Board via email at CountyAdmin@co.dakota.mn.us
Emails must be received by 7:30am Tuesday, November 3, 2020.
Instructions on how to participate will be sent to anyone interested.

1. Call To Order And Roll Call

2. Pledge Of Allegiance

3. Audience
Anyone in the audience wishing to address the County Board on an item not on the agenda or an item on the consent agenda may come forward at this time. Comments are limited to five minutes.

4. Approval Of Agenda (Additions/Corrections/Deletions)

5. Public Hearing

5.1 *Property Taxation And Records* - Public Hearing To Receive Comments On And Approval Of Establishment Of Dakota County Community Development Agency Project Plan For Housing Development Project Area No. 3 And Tax Increment Financing District No. 3-16 In City Of Eagan

CONSENT AGENDA

6. *County Administration* - **Approval Of Minutes** Of Meeting Held On October 20, 2020

7. County Board/County Administration

7.1 *County Administration* - Authorization To Reschedule December 2020 Committee Of The Whole Meetings

7.2 *County Administration* - Scheduling Of Dakota County Board Of Commissioners Governance Workshop

8. Operations, Management And Budget

8.1 *Office Of Risk Management* - Authorization To Execute Contract With Motorola Solutions To Provide Post-Warranty Support Services For Dakota County 800 MHz Subsystem

9. Physical Development

9.1 *Transportation* - Approval Of Right Of Way Acquisition And Authorization To Initiate

Quick Take Condemnation For County Project 30-39 In City Of Eagan

9.2 *Transportation* - Award Of Bid And Authorization To Execute Contract With Fitzgerald Excavating & Trucking Incorporated For Bridge Replacement Project In Greenvale Township, County Project 97-198

9.3 *Transportation* - Scheduling Of Public Hearing To Receive Comments On Eligible Projects For County Transportation Sales And Use Tax Funds

9.4 *Transportation* - Approval Of Final Plats Recommended By Plat Commission

9.5 *Physical Development Administration* - Authorization To Execute First Amendment To Joint Powers Agreement And First Amended Subrecipient Agreement Between Dakota County And Dakota County Community Development Agency For Collaboration On Small Business Relief Grant Program

9.6 *Parks, Facilities, And Fleet Management* - Authorization To Purchase Fuel From State Of Minnesota Fuel Consortium Program

9.7 *Parks, Facilities, And Fleet Management* - Authorization To Execute Contracts With Premium Electrical Services, LLC, And A&J Electric Corporation For Electrical Maintenance Services

REGULAR AGENDA

10. County Board/County Administration

10.1 *County Administration* – INFORMATION - Update On Monitoring And Responses To Coronavirus Outbreak

11. Operations, Management And Budget

11.1 *Budget Office* – INFORMATION - County Manager's 2021 Recommended Budget

12. Physical Development

12.1 *Physical Development Administration* - Reaffirmation Of Base Levy And Approval Of 2021 Incremental Levy For Dakota County Community Development Agency

12.2 *Physical Development Administration* - Authorization To Increase Maximum Award Amount For Dakota County Small Business Relief Grant Program, Round 1 And Round 2

13. Closed Executive Session

13.1 *County Administration* - Closed Executive Session: Acquisition Of Property From Ole And Janice Carlson In Hampton And Hampton And Castle Rock Townships For County Project 78-12

13.2 *County Administration* - Closed Executive Session: Acquisition Of Property From Richard L. Jacoby In Hampton And Hampton And Castle Rock Townships For County Project 78-12

13.3 *County Administration* - Closed Executive Session: Legal Strategy For Acquisition Of

Property From Timothy McInerny, Todd McInerny, Michael McInerny, And Darlene McInerny In City Of Inver Grove Heights And City Of Eagan For County Projects 26-54 And 63-27

13.4 *County Administration* - Closed Executive Session: Acquisition Of Property From Roger Kimmes And Mary Kimmes, As Trustees, In City Of Miesville For County Project 91-25

14. Legislative Update

15. Interagency Announcements/Reports

Association of Minnesota Counties (AMC)
Dakota Broadband Board
Legislative Advisory Workgroup
Metropolitan Emergency Services Board
Minnesota Inter-County Association (MICA)
Metropolitan Mosquito Control District Commission
Minnesota Valley Transit Authority
National Association of Counties (NACo)
Vermillion River Watershed Joint Powers Board
Workforce Development Board
Others

16. County Manager's Report

17. Information

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

18. Adjournment

For more information, call 651-438-4417
Dakota County Board meeting agendas are available online at
https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx
Public Comment can be sent to CountyAdmin@co.dakota.mn.us

Future Board And Other Public Agency Meetings

November 3, 2020
Tuesday

All Day	**Election Day**
9:00 AM - 9:00 AM	**Dakota County Board of Commissioners Meeting -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx**
9:30 AM - 9:30 AM	**Dakota County Regional Railroad Authority Meeting - CANCELED**
10:00 AM - 10:00 AM	**Budget Workshop (Or following CB) -- Administration Center, 1590 Highway 55, Boardroom, Hastings or contact Clerk to the Board at CountyAdmin@co.dakota.mn.us**

November 4, 2020
Wednesday

10:00 AM - 10:00 AM	**Budget Workshop -- Administration Center, 1590 Highway 55, Boardroom, Hastings or contact Clerk to the Board at CountyAdmin@co.dakota.mn.us**

November 5, 2020
Thursday

9:00 AM - 9:00 AM	**Budget Workshop -- Administration Center, 1590 Highway 55, Boardroom, Hastings or contact Clerk to the Board at CountyAdmin@co.dakota.mn.us**
9:30 AM - 9:30 AM	**Great River Rail Commission -- Zoom: https://zoom.us/j/96263517329?pwd=NkpHOVZ4ZEN5YWVRRkdrWHVQdFlIZz09**

November 10, 2020
Tuesday

9:00 AM - 9:00 AM	**Dakota County Physical Development Committee of the Whole -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx**
9:30 AM - 9:30 AM	**Dakota County Community Services Committee of the Whole (or following PDC) -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx**
10:30 AM - 10:30 AM	**Special Dakota County General Government and Policy Committee (or following CS meeting) -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx**

November 10, 2020 Continued
Tuesday

3:30 PM - 3:30 PM — **Dakota-Scott Workforce Development Board Executive Committee Meeting -- Zoom https://us02web.zoom.us/j/85498394008**

5:30 PM - 5:30 PM — **Cedar Ped Bridge Virtual Open House -- Online https://global.gotomeeting.com/join/787852093 or by Phone +1 (224) 501-3412**

November 11, 2020
Wednesday

8:00 AM - 8:00 AM — **County Offices Closed - Veteran's Day Observed**

10:00 AM - 10:00 AM — **Metropolitan Emergency Services Board Committee Meeting -- TO BE DETERMINED**

3:30 PM - 3:30 PM — **Vermillion River Watershed Planning Commission Meeting - DATE CHANGE --**

4:00 PM - 4:00 PM — **Dakota Broadband Board Meeting - CANCELED --**

November 12, 2020
Thursday

7:30 AM - 7:30 AM — **I-35W Solutions Alliance Board Meeting -- Zoom https://dakotacountymn.zoom.us/j/97034523381?pwd=WWJNQ1Q4TWE1aGExYUdKd3lLVThqZz09**

3:00 PM - 3:00 PM — **Canvassing Board Meeting -- Administration Center, 1590 Highway 55, Hastings MN 55033 CR ADC 2B**

November 16, 2020
Monday

9:00 AM - 9:00 AM — **AMC General Government Policy Committee -- Zoom - more details to follow**

November 17, 2020
Tuesday

9:00 AM - 9:00 AM — **Dakota County Board of Commissioners Meeting -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx**

9:30 AM - 9:30 AM — **Dakota County General Government and Policy Committee Meeting (or following CB) -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx**

November 17, 2020 Continued

Tuesday

10:00 AM - 10:00 AM	**Governance Workshop -- Administration Center, 1590 Highway 55, Boardroom, Hastings or contact Clerk to the Board at CountyAdmin@co.dakota.mn.us**
3:30 PM - 3:30 PM	**Dakota County Community Development Agency Board Regular Meeting -- Call 888-742-5095**

DAKOTA COUNTY BOARD OF COMMISSIONERS

Public Hearing To Receive Comments On And Approval Of Establishment Of Dakota County Community Development Agency Project Plan For Housing Development Project Area No. 3 And Tax Increment Financing District No. 3-16 In City Of Eagan

Meeting Date: 11/3/2020
Item Type: Regular-Action
Division: Public Services and Revenue
Department: Property Taxation and Records
Contact: Koethe, Amy
Contact Phone: (651) 438-4370
Prepared by: Dykes, Maggie

Fiscal/FTE Impact:
☐ None ☒ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: A great place to live
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED

- Conduct a public hearing to receive comments on the establishment of the Dakota County Community Development Agency (CDA) Tax Increment Financing Plan (TIF) for CDA TIF District No. 3-16: Aster House Apartments within the Housing Development Project Area No. 3.
- Approve the Project Plan for Housing Development Project Area No. 3 and the establishment of CDA TIF District No. 3-16: Aster House Apartments in the City of Eagan and adopt the TIF Plan therefor.

SUMMARY

The CDA is requesting review and approval of the Project Plan for Housing Development Project Area No. 3 (Project Area), the establishment of Tax Increment Financing (TIF) District No. 3-16: Aster House Apartments (District) within the Project Area, and the adoption of the TIF Plan for TIF District No. 3-16 (Attachment A). The District will be designated as a Housing District. Tax increments collected from the District are proposed to be used for the construction of a 204-unit affordable general occupancy apartment building generally southwest of Nicols Road and Diffley Road units in the City of Eagan (map is Attachment B). The Dakota County Board of Commissioners (County Board) must approve or deny all CDA TIF districts.

By Resolution No. 20-406 (August 18, 2020), the County Board scheduled a public hearing for November 3, 2020 to review the establishment of CDA TIF District No. 3-16 within Housing Development District No. 3. The public hearing notice was published in the *Dakota Tribune* on October 23, 2020 (Attachment C). The City of Eagan adopted a resolution on July 7, 2020 supporting the Project (Attachment D). The CDA Board of Commissioners adopted Resolution No. 20-6330 (Attachment E) approving Housing Development Project Area No. 3, the establishment of the District, and adoption of the TIF Plan for the District on October 20, 2020.

Property Taxation and Records staff received the Project and District plans on September 18, 2020 and distributed the documents to relevant County staff. County Transportation staff have determined the proposed apartment building will not generate traffic that will require road improvements that would not be needed if the proposed apartment building were not constructed (Attachment F). The County has legal right to cause the reservation of TIF funds for capital improvements (not included in the County's Capital Improvement Program) where such impacts are caused by the TIF development. Environmental Resources staff reviewed the subject property and did not identify known environmental concerns.

RECOMMENDATION

Staff recommends that the Dakota County Board of Commissioners conduct the public hearing and adopt the resolution to approve the Project Plan for Housing Development Project Area No. 3, establish CDA TIF District No. 3-16: Aster House Apartments, and adopt the TIF Plan therefor.

EXPLANATION OF FISCAL/FTE IMPACTS

The CDA TIF District No 3-16 is expected to receive $5.54 million in tax increment revenue from 2023 through 2048. The result will cause Dakota County to shift the Dakota County tax of approximately $1.55 million over 26 years onto taxpayers outside the district to finance the project.

Supporting Documents:
Attachment A: Project Plan
Attachment B: Location Map
Attachment C: Affidavit of Publication & Public Notice
Attachment D: City of Eagan Resolution
Attachment E: CDA Resolution
Attachment F: Physical Development Memo
Attachment G: Exhibit A to Resolution

Previous Board Action(s):
20-406; 8/18/20

RESOLUTION

WHEREAS, the Dakota County Community Development Agency (CDA) Board of Commissioners has approved the Project Plan (Project Plan) for Housing Development Project Area No. 3 (Project Area) and has adopted the Tax Increment Financing (TIF) Plan (together with the Project Plan, the "Plans") providing for the creation of TIF District No. 3-16: Aster House Apartments (District); and

WHEREAS, pursuant to Minn. Stat. § 469.175, the CDA has requested Dakota County (the County) approve the Plans and the establishment of the District; all pursuant to and in conformity with applicable law, including Minn. Stat. § 469.001 to 469.047 and Minn. Stat. § 469.174 to 469.1794, all inclusive, as amended (the Act); and

WHEREAS, the CDA and County have investigated the facts relating to the Plans; and

WHEREAS, the County Board held a public hearing on the date hereof following publication of notice as required by the Act; and

WHEREAS, the CDA and County have performed all other actions as required by law prior to the adoption of the Plans and the establishment of the District, including, but not limited to, notification of Dakota County and Independent School District No. 191, having taxing jurisdiction over the property to be included in the District, and approval of the Plans by the CDA on October 20, 2020; and

WHEREAS, certain written reports (the Reports) relating to the Plans and to the activities contemplated therein have heretofore been prepared by staff and consultants and submitted to the Board and/or made a part of the County files and proceedings on the Plans; and

WHEREAS, the Reports include data, information and/or substantiation constituting or relating to the basis for the other findings and determinations made in this resolution; and

WHEREAS, the Board hereby confirms, ratifies and adopts the Reports, which are hereby incorporated into and made as fully a part of this resolution to the same extent as if set forth in full herein; and

WHEREAS, Minn. Stat. § 469.175, subd.1a, provides that the County has 45 days from the receipt of the proposed TIF plan to notify the TIF authority of the election to use increments to finance road costs; and

WHEREAS, County Transportation staff have reviewed the TIF Plan and determined that the proposed TIF district development will not generate traffic that will required the need for road improvements that would not be needed if the TIF development were not implemented.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby finds and determines:

1. The District is in the public interest and is a "housing district" under Minn. Stat. § 469.174, subd. 11 of the Act.

2. The proposed development would not occur solely through private investment within the reasonably foreseeable future; that the Plans conform to the general plan for the development or redevelopment of the County as a whole; and that the Plans will afford maximum opportunity consistent with the sound needs of the County as a whole, for the development or redevelopment of the District by private enterprise.

3. The Board further finds, declares and determines that the County made the above findings stated in this Section and has set forth the reasons and supporting facts for each determination in writing, attached hereto as Exhibit A (Attachment G).

4. The adoption of the TIF Plan conforms in all respects to the requirements of the Act and will help fulfill a need to develop an area of the County which is already built up, to provide housing opportunities, to improve the tax base and to improve the general economy of the State and thereby serves a public purpose. For the reasons described in Exhibit A, the County believes these benefits directly derive from the tax increment assistance provided under the TIF Plan. A private developer will receive only the assistance needed to make this development financially feasible. As such, any private benefits received by a developer are incidental and do not outweigh the primary public benefits

; and

BE IT FURTHER RESOLVED, That the Board approves the Project Plan and finds that such plan will afford maximum opportunity, consistent with the needs of the County as a whole; and

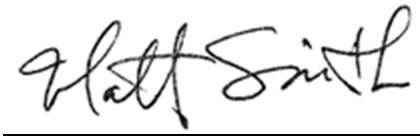
BE IT FURTHER RESOLVED, That the TIF Plan, as presented to the Board on this date, including without limitation the findings and statements of objectives contained therein, is hereby approved, ratified, established, and adopted and shall be placed on file in the office of the Dakota County Community Development Agency (CDA) Director of Community and Economic Development; and

BE IT FURTHER RESOLVED, That the staff of the County, the County's advisors and legal counsel are authorized and directed to proceed with the implementation of the TIF Plan; and

BE IT FURTHER RESOLVED, That the Director of Property Taxation and Records of Dakota County is requested to certify the original net tax capacity of the District, as described in the TIF Plan, and to certify in each year thereafter the amount by which the original net tax capacity has increased or decreased; and the CDA is authorized and directed to forthwith transmit this request to the County Auditor in such form and content as the Auditor may specify, together with a list of all properties within the District, for which building permits have been issued during the 18 months immediately preceding the adoption of this resolution; and

BE IT FURTHER RESOLVED That the Director of Community and Economic Development of the CDA is further authorized and directed to file a copy of the Project Plan and the TIF Plan with the Commissioner of the Minnesota Department of Revenue and the Office of the State Auditor pursuant to Minn. Stat. § 469.175, Subd. 4a.

County Manager's Comments:	**Reviewed by (if required):**
☒ Recommend Action	☒ County Attorney's Office
☐ Do Not Recommend Action	☒ Financial Services
☐ Reviewed---No Recommendation	☒ Risk Management
☐ Reviewed---Information Only	☐ Employee Relations
☐ Submitted at Commissioner Request	☐ Information Technology
	☐ Facilities Management



County Manager

DRAFT

PROJECT AREA PLAN FOR

EAGAN HOUSING DEVELOPMENT PROJECT AREA NO. 3

AND

TAX INCREMENT FINANCING PLAN FOR

TAX INCREMENT FINANCING (HOUSING) DISTRICT NO. 3-16

(ASTER HOUSE APARTMENTS)

WITHIN

EAGAN HOUSING DEVELOPMENT PROJECT AREA NO. 3

ADOPTED BY

DAKOTA COUNTY, MINNESOTA
AND
DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY

PUBLIC HEARING DATE: NOVEMBER 3, 2020

PLAN APPROVED BY CDA: _____,2020

PLAN APPROVED BY DAKOTA COUNTY: _____, 2020

PLAN CERTIFICATION REQUEST DATE: _____, 2020

PLAN CERTIFIED DATE: _____, 2020

NORTHLAND PUBLIC FINANCE

Northland Securities, Inc.
150 South Fifth Street, Suite 3300
Minneapolis, MN 55402
(800) 851-2920
Member NASD and SIPC
Registered with SEC and MSRB

5.1 - Attachment A.pdf

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ARTICLE I – INTRODUCTION AND DEFINITIONS

SECTION 1.01 INTRODUCTION

This Project Area Plan for the Eagan Housing Development Project Area No. 3 of the Dakota County Community Development Agency of Dakota County, Minnesota is intended to provide the plan to describe development activities to be undertaken by the Dakota County Community Development Agency within the City of Eagan, Minnesota.

Tax Increment Financing District No. 13 and the Tax Increment Financing Plan relating thereto, established by the Dakota County Community Development Agency within the City of Eagan, remains in full force and effect and is not modified by the establishment of Housing Development Project Area No. 3.

The Dakota County Community Development Agency and Dakota County propose to provide tax increment financing assistance through the establishment of Tax Increment Financing (Housing) District No. 3-16 within the Eagan Housing Development Project Area No. 3 to assist with the financing of certain project costs for the construction of an approximately 204 unit affordable rental housing facility, an apartment building, by a private developer.

This document contains the Plan for achieving the objectives of the Eagan Housing Development Project Area No. 3 through the establishment of a Tax Increment Financing Plan and use of Tax Increment Financing (Housing) District No. 3-16.

SECTION 1.02 DEFINITIONS

For the purposes of this document, the terms below have the meanings given in this section, unless the context in which they are used indicates a different meaning:

1. "Agency" means the Dakota County Community Development Agency of Dakota County as established by Minnesota Statutes, Section 383D.41.
2. "City" means the City of Eagan, Minnesota.
3. "City Council" means the City Council of the City.
4. "County" means Dakota County, Minnesota.
5. "County Board" means the governing body of Dakota County, Minnesota.
6. "Developer" means the private party undertaking construction within the TIF District.
7. "EDA Act" means Minnesota Statutes, Section 469.090 through 469.1082, as amended and supplemented from time to time.
8. "HRA Act" means the Minnesota Municipal Housing and Redevelopment Act, Minnesota Statutes 469.001 through 469.047, both inclusive, as amended and supplemented from time to time.
9. "Land Use Regulations" means all federal, state and local laws, rules, regulations, ordinances, and plans relating to or governing the use of development of land in the City, including but not limited to environmental, zoning and building code laws and regulations and ordinances.
10. "Project Area" is the Redevelopment Project under the HRA Act, which means the geographic area of Eagan Housing Development Project Area No. 3 of the Agency, which is coterminous with the boundaries of the City, as the same may, from time to time, be amended or supplemented.
11. "Project Area Plan" is the Redevelopment Plan under the HRA Act, for the Project Area, as

the same may, from time to time, be amended or supplemented.

12. "Project Costs" means the cost of qualified development activities that will occur within the Project Area and the TIF District that may be paid from tax increment revenue.
13. "Public Costs" means the costs of the Project Area funded under the TIF Act, EDA Act, or the HRA Act.
14. "Public Improvements" means the public improvements described in the Project Area Plan and any future plans for Tax Increment Financing Districts that may be established within the Project Area.
15. "School District" means Independent School District No. 191 (Burnsville-Eagan-Savage School District 191).
16. "State" means the State of Minnesota.
17. "Tax Increment Bonds" means any tax increment bonds or notes issued by the Agency to finance the Public Costs as stated in the Project Area Plan and in the Tax Increment Financing Plans for Tax Increment Financing Districts within the Project Area, and any obligations issued to refund such bonds.
18. "Tax Increment Financing District" means any tax increment financing district to be established in the future by the Agency within the Project Area.
19. "Tax Increment Financing Plan" or "Plan" means the plans adopted by the Agency for any Tax Increment Financing District.
20. "TIF Act" means Minnesota Statutes, Sections 469.174 through 469.1794, as amended, both inclusive.
21. "TIF District" means Tax Increment Financing (Housing) District No. 3-16 (Eagan Workforce Housing).
22. "TIF Plan" means the tax increment financing plan for the TIF District (this document).

SECTION 1.03 PLAN PREPARATION

The document was prepared for the Agency by Northland Securities, Inc.

ARTICLE II – STATEMENT OF PUBLIC PURPOSE AND AGENCY

SECTION 2.01 HRA ACT; STATUTORY AGENCY

The HRA Act authorizes the Agency to exercise all the powers relating to a housing and redevelopment authority granted under the HRA Act.

Upon certain public purpose findings by the Agency and the County, the Agency may establish and designate redevelopment projects within the County and establish, develop, and administer redevelopment plans therefor to meet the needs and accomplish the public purposes specified in the Statement and Finding of Public Purpose that follows.

In accordance with the purposes set forth in the HRA Act, the Agency and the County have established the Eagan Housing Development Project Area No. 3 comprised of the geographic area within the City of Eagan and have adopted the Project Area Plan therefor.

The HRA Act and the approval of the Project Area Plan by the County authorizes the Agency to undertake redevelopment activities within the Project Area and, at a date subsequent to the adoption of the Project Area Plan and with the County Board approval, to establish and designate Tax Increment Financing Districts within the Project Area and to adopt and implement Tax Increment Financing Plans to accomplish the objective of the Project Area Plan.

SECTION 2.02 STATEMENT AND FINDING OF PUBLIC PURPOSE

The Agency has determined that there is a need to take certain actions designed to encourage, ensure and facilitate development and redevelopment of under-utilized and unused land located within the corporate limits of the City. These actions will provide additional employment opportunities for residents of the City and the County and the surrounding area, and improve the tax base, thereby enabling better utilization of existing public facilities and provide needed public services, and improve the general economy of the City, the County, and the State.

The Agency has determined that certain property within the Project Area is either under-utilized or unused due to a variety of factors, including inadequate parking to serve the property, small parcels, non-conforming uses, vacant or under-utilized property, possible environmental conditions, obsolete building design and site layout, poor access and parking, and lack of street-scape and visual appeal that is needed to make this a viable area. These factors, present on certain properties within the Project Area, have resulted in a lack of private investment. As a result, the property within the Project Area is not providing adequate employment or housing opportunities, and is not contributing, to its full potential. Therefore, it is necessary for the Agency to exercise its authority under the HRA Act to develop and implement a program designed to encourage, ensure and facilitate the development and redevelopment of the property located in the Project Area, to further and accomplish the desired public purposes for the Project Area as specified within the Project Area Plan for the Project Area.

Certain land in the Project Area would not be developed or redeveloped solely through private investment in the foreseeable future.

The welfare of the City, County, and the State of Minnesota requires active promotion, attraction, encouragement and development of economically sound commerce by the Agency.

SECTION 2.03 BOUNDARIES OF PROJECT AREA

The area within the Project Area is described in Exhibit V and is coterminous with the municipal boundaries of the City of Eagan.

The Agency and the County finds that the Project Area, together with the objectives which the Agency and the County seek to accomplish or encourage with respect to such property, constitutes a "redevelopment project" and a "redevelopment plan" within the meaning of Minnesota Statutes, Section 469.002, Subdivisions 14 and 16.

ARTICLE III - PROJECT AREA PLAN

SECTION 3.01 STATEMENT OF OBJECTIVES

The establishment of the Project Area pursuant to the HRA Act is necessary and in the best interests of the City and the County and its residents and is necessary to give the Agency and the County the ability to meet certain public purpose objectives that would not be obtainable in the foreseeable future without intervention by the Agency in the normal development process.

The Agency intends, to the extent permitted by law, to accomplish the following objectives through the implementation of the Project Area Plan:

1. Promote and secure the development and redevelopment of property in the Project Area in a manner consistent with the City's planning, and with a minimal adverse impact on the environment, which property is less productive because of the lack of proper utilization and lack of investment, and thereby promoting and securing the development of other land in the City and the County;
2. Promote and secure additional employment opportunities within the Project Area and the City for residents of the City and the County and the surrounding area, thereby improving living standards and preventing unemployment and the loss of skilled and unskilled labor and other human resources in the County;
3. Secure the increase in value of property subject to taxation by the City, School District, County, and any other taxing jurisdictions in order to better enable such entities to pay for public improvements and governmental services and programs required to be provided by them;
4. Secure the construction and providing moneys for the payment of the cost of public improvements in the Project Area, which are necessary for the completion of the Project Area Plan and the orderly and beneficial development of the Project Area.
5. Promote a compatible mix of commercial, institutional, and residential land uses.
6. Encourage the expansion and improvement of local business, and enhancing the economic vitality of existing and new businesses.
7. Eliminate blighting influences that impede development in the area.
8. Provide for adequate streets, utilities, and other public improvements and facilities to enhance the area for both new and existing development.
9. Create a desirable and unique character within the Project Area through quality land use alternatives and design quality in new buildings that create a safe environment for pedestrians, that can be maintained for the long run.
10. Support the physical connection to local trails, open space, and other community institutions.
11. Enhance the integrity of residential neighborhoods within the Project Area.
12. Provide and secure the development of increased opportunities for families to reside in quality housing, and to choose from housing options which offer a wide array of services without regard to income, and for residents looking for a wide range of multi-family units.
13. Enhance the long term viability of the Project Area by facilitating:
    - Land uses that complement and support existing businesses;
    - New businesses that enhance the commercial market;
    - Visual quality of the streetscape, landscape, site plan and building types of new

developments;

- Mixed use housing development where appropriate; and
- Safe access and convenient parking.

SECTION 3.02 DEVELOPMENT ACTIVITIES

The Agency will perform or cause to be performed, to the extent permitted by law, all project activities pursuant to the HRA Act, the TIF Act and other applicable state laws, and in doing so anticipates that the following may, but are not required, to be undertaken by the Agency:

(a) The making of studies, planning, and other formal and informal activities relating to the Project Area Plan.

(b) The implementation and administration of the Project Area Plan.

(c) The facilitation of rezoning of land within the Project Area.

(d) The acquisition of property, or interests in property, by purchase or condemnation, which acquisition is consistent with the objectives of the Project Area Plan,

(e) The preparation of property for use and development in accordance with applicable Land Use Regulations and any development agreements, including demolition of structures, clearance of sites, placement of fill and grading.

(f) The resale of property to private parties.

(g) The construction or reconstruction of improvements as described in the Tax Increment Financing Plans for the Tax Increment Financing Districts within the Project Area.

(h) The issuance of Tax Increment Financing Bonds to finance the Public Costs of the Project Area Plan, and the use of tax increments or other funds available to the Agency to pay or finance the Public Costs of the Project Area Plan incurred or to be incurred by it.

(i) The use of tax increments to pay debt service on the Tax Increment Financing Bonds or otherwise pay or reimburse with interest the Public Costs of the Project Area Plan.

SECTION 3.03 PAYMENT OF PUBLIC COSTS

It is anticipated that the Public Costs of the Project Area Plan will be paid primarily from proceeds of Bonds and from tax increments from the Tax Increment Financing Districts with the Project Area. The Agency reserves the right to utilize other available sources of revenue, which the Agency may apply to pay a portion of the Public Costs.

SECTION 3.04 ENVIRONMENTAL CONTROLS; LAND USE REGULATIONS

All municipal actions, public improvements and private development shall be carried out in a manner consistent with existing environmental controls and all applicable Land Use Regulations of the City.

SECTION 3.05 PARK AND OPEN SPACE TO BE CREATED

Park and open space within the Project Area, if created, will be created in accordance with the zoning and platting ordinances of the City.

SECTION 3.06 PROPOSED REUSE OF PROPERTY

The Project Area Plan contemplates that the Agency may acquire property and reconvey the same to another entity. Prior to formal consideration of the acquisition of any property, the Agency will require the execution of a binding development agreement with respect thereto and evidence that tax increments or other funds will be available to repay the Public Costs associated with the proposed acquisition. It is the intent of the Agency to negotiate the acquisition of property whenever possible. Appropriate restrictions regarding the reuse and redevelopment of property shall be incorporated into any development agreement to which the Agency is a party.

SECTION 3.07 RELOCATION

Any person or business that is displaced as a result of the Project Area Plan will be relocated in accordance with Minnesota Statutes, Section 117.50 to 117.56. The Agency accepts its responsibility for providing for relocation assistance pursuant to the HRA Act.

SECTION 3.08 AMENDMENTS

The Agency reserves the right to alter and amend the Project Area Plan, subject to the provisions of state law regulating such action.

SECTION 3.09 FINDINGS AND DECLARATION

The Agency makes the following findings:

(a) The land in the Project Area would not be made available for development or redevelopment without the financial aid sought.

(b) The Project Area Plan for the Project Area will afford maximum opportunity consistent with the needs of the locality as a whole, for the redevelopment of the area by private enterprise.

(c) The Project Area Plan conforms to the general plan for development of the County as a whole.

ARTICLE IV - TAX INCREMENT FINANCING PLAN

SECTION 4.01 STATUTORY AGENCY

The TIF District and the TIF Plan are established under the authority of the TIF Act.

SECTION 4.02 PLANNED DEVELOPMENT

4.02.1 Project Description

The Developer proposes to build an approximate 204-unit rental housing facility, an apartment building, consisting of both one and two-bedroom units located at SE Quadrant of Cedar Avenue and Diffley Road at 4265 Nicols Road, in Eagan, Minnesota. The parcel is an approximate 8-acre site with access to Interstate 35E.

4.02.2 Agency Plans and Development Program

In addition to achieving the objectives of the Project Area Plan, the proposed development is consistent with and works to achieve the development objectives of the Agency and the County. The TIF Plan for the TIF District conforms to the general plan for development or redevelopment of the County as a whole.

4.02.3 Land Acquisition

The Agency or the County do not plan to acquire property within the TIF District.

4.02.4 Development Activities

As of the date of approval of the TIF Plan, there are no development activities proposed in this TIF Plan that are subject to contracts.

4.02.5 Need for Tax Increment Financing

In various materials the Developer has demonstrated that the proposed use of tax increment financing is needed to offset the high construction costs of high-quality low-to moderate-income housing and associated infrastructure required to support the facility. Without the proposed assistance, these initial up-front costs would make it infeasible for the Developer to be able to charge the affordable rents required for low-to moderate-income residents. Thus, it is the opinion of the Agency and the County that the proposed development would not reasonably be expected to occur solely through private investment within the foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan.

A comparative analysis of estimated market values both with and without establishment of the TIF District and the use of tax increments has been performed as described above and is shown in Exhibit I. This analysis, which is not required by the TIF Act for approval of a housing district, indicates that the increase in estimated market value of the proposed development (less the present value of the projected tax increments for the maximum duration permitted by the TIF Plan) exceeds the estimated market value of the site prior to the establishment of the TIF District.

SECTION 4.03 TAX INCREMENT FINANCING DISTRICT

4.03.1 Designation

This TIF District is designated Tax Increment Financing (Housing) District No. 3-16 (Eagan Workforce Housing).

4.03.2 Boundaries of TIF District

The boundaries of the TIF District are depicted in Exhibit V.

The TIF District includes the following parcel and the adjacent roads and right-of-way:

- 10-03000-27-011 (described as PT OF E 1/2 OF NW 1/4 LYING N OF S 1682.66 FT EX N 375 FT OF E 225 FT EX PARCEL NO 17 MN DOT R/W PLAT NO 19-7 CONT 14.62 ACS, Dakota County, Minnesota)

4.03.3 Type of District

The TIF District is designated as a "housing" district pursuant to Section 469.174, Subd. 11 of the TIF Act. For the designation, of a tax increment financing housing district, the Developer of the Project will need to commit to the following:

1. Satisfy the income requirements for a qualified residential rental project as defined in section 142(d) of the Internal Revenue Code. This requirement applies for the duration of the tax increment financing district. The applicable Fiscal Year 2020 Area Median Income (AMI) for the County is $103,400. The Developer plans to commit to provide 40% or more of units for occupancy by persons at 60% or less of AMI. These income thresholds may change over the life of the TIF District.
2. No more than 20% of the square footage of the building to receive assistance from tax increments will consist of commercial, retail, or other nonresidential uses. Revenue derived from tax increment from the TIF District shall be used solely to finance the cost of the housing project as defined in Section 469.174, subdivision 11 of the TIF Act. The cost of public improvements directly related to the housing project and the allocated administrative expenses of the Agency may be included in the cost of the housing project.
3. Failure to comply with these income limitations is subject to the enforcement provisions of Section 469.1771 of the TIF Act.

SECTION 4.04 PLAN FOR USE OF TAX INCREMENT

4.04.1 Estimated Tax Increment

The original net tax capacity of value of the TIF District will be set by the County Auditor upon request for certification by the Agency. For the purposes of this Plan, the estimated original net tax capacity is $9,048. This amount is estimated based on the estimated market value of $1,206,400 for the property within the TIF District; with net tax capacity value calculated for apartments, under the 4d affordable housing program.

The estimated net tax capacity of the property after completion of the project (for taxes payable in 2023) is $254,490. This amount is based on a total estimated market value of $35,700,000 with property classified as apartment, under the 4d affordable housing program. The difference between the net tax capacity and the original net tax capacity is $245,442 (for taxes payable in 2023), which is the captured tax capacity for the creation of tax increment.

The total local tax rate for taxes payable in 2020 is 86.79%. The TIF Plan assumes that this rate will be set as the original local tax rate for the TIF District. At the time of the certification of the original net tax capacity for the TIF District, the County Auditor will certify the original local tax rate that applies to the TIF District. The original local tax rate is the sum of all the local tax rates, excluding that portion of the school rate attributable to the general education levy under Minnesota Statutes section 126C.13, that apply to a property in the TIF District. The local tax rate to be certified is the rate in effect for the same taxes payable year applicable to the tax capacity values certified as the TIF District's original tax capacity. The resulting tax capacity rate is the original local tax rate for the life of the TIF District.

Under these assumptions, the estimated annual tax increment is $212,255 after development

completion (for taxes payable 2023) and after deducting the State Auditor fee of 0.36% of the total tax increment derived from property within the TIF District. The actual tax increment will vary according to the certified original net tax capacity and original tax rate, the actual property value produced by the proposed development and the changes in property value and state tax policy over the life of the TIF District, among other factors.

The Agency elects to retain 100% of the captured tax capacity value for the duration of the TIF district. Exhibit II contains the projected tax increment over the life of the TIF District, including present value of the future tax increments.

4.04.2 Project Costs

The Agency will use tax increment to pay Project Costs. The Agency anticipates the use of tax increment to pay administrative expenses for the TIF District, to reimburse the Developer on a pay-go basis for certain Project Costs, and to assist with other affordable housing projects within the Project Area. A contract between the Agency and the Developer will define the means for verifying Project Costs incurred by the Developer that may be eligible for reimbursement and the means of disbursing tax increments collected by the Agency to the Developer, including terms for payment.

The Agency may also use tax increments to pay financing costs. The interest rate payable on bonds, the definition of bonds includes tax increment financing revenue notes, to be issued will be set pursuant to a contract with the Developer. The Agency reserves the right to use any other legally available revenues to finance or pay for Project Costs associated the TIF District.

The City and the Agency reserve the right to modify the TIF Plan as may be needed to provide the Agency the authority to expend tax increment from the TIF District on other housing projects that meet the criteria for establishing a housing TIF district. Section 469.174, Subd. 11 of the TIF Act defines a housing districts consisting of a project, or a portion of a project, intended for occupancy, in part, by persons or families of low and moderate income. The requirements for the establishment of a housing TIF district are contained in Section 469.1761 of the TIF Act. The primary criteria are income related. The criteria are different for owned and rental housing.

The practical application of this Agency includes:

- The use of tax increment is not limited by pooling restrictions or the five-year rule.
- The tax increment can be spent on activities outside of the TIF district, but within the Project Area.
- This authority does not extend the maximum statutory duration of the TIF district.
- The tax increment must be used solely to finance the cost of the "housing project" as defined by the TIF Act. The cost of public improvements directly related to the housing project and the allocated administrative expenses of the Agency may be included in the cost of the housing project.
- No more than 20% of the square footage of buildings that receive TIF assistance may consist of commercial, retail, or other nonresidential uses.

Potential applications of this Agency include:

- Assistance to other housing projects avoiding the need for a new TIF district.
- Supplementing the revenues of another Tax Increment Financing (Housing) District that may be established within the Project Area.
- Assistance for the renovation of existing housing.
- Acquisition of land for housing.
- Assistance to make public improvements, that directly benefit affordable housing, more affordable.

4.04.3 Estimated Sources and Uses of Funds

The estimated sources of revenue, along with the estimated Project Costs of the TIF District, are itemized in Figure 4.1.

The Agency reserves the right to administratively adjust the amount of any of the Project Cost items listed in Figure 4.1, so long as the total Project Cost amount, not including financing costs, is not increased.

FIGURE 4.1
ESTIMATED SOURCES AND USES OF FUNDS

	Total
Estimated Tax Increment Revenues (from tax increment generated by the district)	
Tax increment revenues distributed from the county	$5,539,000
Interest and investment earnings	$50,000
Sales/lease proceeds	$0
Market value homestead credit	$0
Total Estimated Tax Increment Revenues	$5,589,000
Estimated Project/Financing Costs (to be paid or financed with tax increment)	
Project costs	
Land/building acquisition	$0
Site improvements/preparation costs	$0
Utilities	$0
Other public improvements	$0
Construction of affordable housing	$3,000,000
Small city authorized costs, if not already included above	$0
Administrative costs	$553,000
Estimated Tax Increment Project Costs	$3,553,000
Estimated financing costs	
Interest expense	$2,036,000
Total Estimated Project/Financing Costs to be Paid from Tax Increment	$5,589,000
Estimated Financing	
Total amount of bonds to be issued	$5,589,000

4.04.4 Administrative Expense

The Agency reserves the right to spend up to ten percent (10%) of annual tax increment revenues distributed from the County on Agency administrative expense. The Agency will use these monies to pay for and reimburse the Agency for costs of administering the TIF district as allowed by the TIF Act.

The amount of tax increment revenue planned to pay administrative expense is shown in Figure 4.1. Anticipated administrative expense includes annual audit of the fund for the TIF District, preparation of annual reporting, legal publication of annual report, and administration of the development agreement, among other allowable administrative expense.

4.04.5 County Road Costs

The proposed development will not substantially increase the use of county roads and necessitate the need to use tax increments to pay for county road improvements.

4.04.6 Bonded Indebtedness

Section 469.174, subdivision 3 of the TIF Act defines bonds to include interfund loans, notes (including pay-go revenue notes), refunding bonds, debentures, and interim certificates.

The total amount of bonds estimated to be issued and secured by tax increments from the TIF District is shown in Figure 4.1. The County nor the Agency will issue general obligation bonded indebtedness secured by tax increments from the TIF District..

The Agency does plan to use tax increment financing to reimburse the Developer on a pay-go basis for certain Project Costs pursuant to a contract with the Developer. Pay-go obligations, notes, are defined as a bond under the TIF Act.

The Agency may advance or loan money to finance expenditures under Section 469.176, subdivision 4 of the TIF Act, from the general funds of the City or the Agency or any other fund under which there is legal authority to do so, subject to the following provisions:

(a) Not later than 60 days after money is transferred, advanced, or spent, whichever is earliest, the loan or advance must be authorized by resolution of the County or the Agency, whichever has jurisdiction over the fund from which the advance or loan is authorized.

(b) The resolution may generally grant to the Agency or the County the power to make interfund loans under one or more Tax Increment Financing Plans or for one or more Tax Increment Financing Districts. The resolution may be adopted before or after the adoption of the Tax Increment Financing Plan for a Tax Increment Financing District or the creation of the Tax Increment Financing District from which the advance or loan is to be repaid.

(c) The terms and conditions for repayment of the loan must be provided in writing. The written terms and conditions may be in any form, but must include, at a minimum, the principal amount, the interest rate, and maximum term. Written terms may be modified or amended in writing by the Agency or the County before the latest decertification of any Tax Increment Financing District from which the interfund loan is to be repaid. The maximum rate of interest permitted to be charged is limited to the greater of the rates specified under Minnesota Statutes, Section 270C.40 or 549.09 as of the date the loan or advance is authorized, unless the written agreement states that the maximum interest rate will fluctuate as the interest rates specified under Minnesota Statutes, Section 270C.40 or 549.09 are from time to time adjusted. Loans or advances may be structured as draw-down or line-of-credit obligations of the lending fund.

(d) The Agency shall report in the annual report submitted under Section 469.175, subdivision 6 of the TIF Act:

(1) the amount of any interfund loan or advance made in a calendar year; and

(2) any amendment of an interfund loan or advance made in a calendar year.

4.04.7 Duration of TIF District

The duration to collect and spend tax increments on eligible purposes is set at the duration of 25 years after the date of receipt of the first tax increment for a total of 26 years of tax increment collection. Based on an estimated first tax increment collection in June 2023, the estimated decertification date is 12/31/2048.

4.04.8 Estimated Impact on Other Taxing Jurisdictions

Exhibits III and IV show the estimated impact on other taxing jurisdictions if the maximum

projected retained captured net tax capacity of the TIF District was hypothetically available to the other taxing jurisdictions.

The Agency and the County find that there will be no adverse impact on other taxing jurisdictions during the life of the TIF District, since the proposed development would not have occurred without the establishment of the TIF District and the provision of public assistance. A positive impact on other taxing jurisdictions will occur when the TIF District is decertified and the development therein becomes part of the general tax base.

The Agency and the County anticipate minimal impact of the proposed development on municipal provided services. A manageable increase in water and sewer usage is expected. It is anticipated that there may be a slight but manageable increase in police and fire protection duties due to the development.

The City of Eagan adopted City Resolution No. 20-40 on July 7, 2020, which provided approval of the location of the proposed Project in the City of Eagan. The Eagan City Council found that upon review of the Agency's housing project proposal and on the express acknowledgement and condition that the increment revenue be spent by the Agency as stated in the Resolution adopted by the City Council. The City of Eagan Economic Development Authority adopted on July 7, 2020 a similar resolution with similar findings, Resolution No. 20-41.

4.04.9 Prior Planned Improvements

There have been no building permits issued by the City in the last 18 months in conjunction with any of the properties within the TIF District. The Agency will include this statement with the request for certification to the County Auditor.

ARTICLE V – ADMINISTERING THE TIF DISTRICT

SECTION 5.01 FILING AND CERTIFICATION

The filing and certification of the TIF Plan consists of the following steps:

1. Upon adoption of the TIF Plan by the Agency and the County, the Agency or its designee, shall submit a copy of the TIF Plan to the Minnesota Department of Revenue and the Office of the State Auditor.
2. The Agency, or its designee, shall request that the County Auditor certify the original net tax capacity and net tax capacity rate of the TIF District. To assist the County Auditor in this process, the Agency or its designee, shall submit copies of the TIF Plan, the resolutions of the Agency and the County establishing the TIF District and adopting the TIF Plan, and a listing of any prior planned improvements.

SECTION 5.02 MODIFICATIONS OF THE TAX INCREMENT FINANCING PLAN

The Agency and the County reserve the right to modify the TIF District and the TIF Plan. Under the TIF Act, the following actions can only be approved after satisfying all the necessary requirements for approval of the original TIF Plan (including notifications and public hearing):

- Reduction or enlargement in the geographic area of the Project Area or the TIF District.
- Increase in the amount of bonded indebtedness to be incurred.
- Increase in the amount of capitalized interest.
- Increase in that portion of the captured net tax capacity to be retained by the Agency.
- Increase in the total estimated Project Costs, not including cost of financing.
- Designation of additional property to be acquired by the Agency or the County.

Other modifications can be made by resolution of the Agency. In addition, the original approval process does not apply if (1) the only modification is elimination of parcels from the TIF District and (2) the current net tax capacity of the parcels eliminated equals or exceeds the net tax capacity of those parcels in the TIF District's original net tax capacity, or the City and the Agency agree that the TIF District's original net tax capacity will be reduced by no more than the current net tax capacity of the parcels eliminated.

Upon approval by the County, the Agency must notify the County Auditor of any modification that reduces or enlarges the geographic area of the TIF District. The geographic area of the TIF District may be reduced but not enlarged after five years following the date of certification of the TIF District.

SECTION 5.03 4-YEAR KNOCKDOWN RULE

Since the TIF District consists of a single parcel, development of the project as planned prevents any loss of value from the 4-Year Knockdown Rule. The 4-Year Knockdown Rule requires that if after four years from certification of the TIF District no demolition, rehabilitation, renovation or site improvement, including a qualified improvement of an adjacent street, has commenced on a parcel located within the TIF District, then that parcel shall be excluded from the TIF District and the original net tax capacity shall be adjusted accordingly. Qualified improvements of a street are limited to construction or opening of a new street, relocation of a street, or substantial reconstruction or rebuilding of an existing street. The Agency must submit to the County Auditor, by February 1 of the fifth year, evidence that the required activity has taken place for the parcel within the TIF District.

If the parcel is excluded from the TIF District and the Agency or owner of the parcel subsequently commences any of the above activities, the Agency shall certify to the County Auditor that such activity has commenced and the parcel shall once again be included in the TIF District. The County Auditor shall certify the net tax capacity of the parcel, as most recently certified by the Commissioner of Revenue, and add such amount to the original net tax capacity of the TIF District.

SECTION 5.04 POOLING/5-YEAR RULE

As permitted under Section 469.1763, subdivision 2(b) and subdivision 3(a)(5) of the TIF Act, any expenditures of increment from the TIF District to pay the cost of a "housing project" as defined in Section 469.174, subd. 11 of the TIF Act will be treated as an expenditure within the district for the purposes of the "pooling rules" and the "five year rule". It is not anticipated that tax increments will be treated as spent outside the TIF District (except allowable administrative expenses), but such expenditures are expressly authorized in the TIF Plan.

SECTION 5.05 FINANCIAL REPORTING AND DISCLOSURE REQUIREMENTS

The Agency will comply with the annual reporting requirements of State Law pursuant to the guidelines of the Office of the State Auditor. Under current law, the Agency must prepare and submit a report on the TIF district on or before August 1 of each year. The Agency must also annually publish in a newspaper of general circulation in the City an annual statement for the TIF District.

The reporting and disclosure requirements outlined in this section begin with the year the TIF District is certified, and shall end in the year in which both the TIF District has been decertified and all tax increments have been spent or returned to the county for redistribution. Failure to meet these requirements, as determined by the State Auditors Office, may result in suspension of distribution of tax increment.

SECTION 5.06 BUSINESS SUBSIDY COMPLIANCE

The Project is exempt from the business subsidies requirements specified in Minnesota Statutes, Sections 116J.993 to 116J.995 because the assistance for the Project specified in this document, the TIF Plan for the TIF District, will be 100% for housing assistance.

Exhibit I

Dakota County Community Development Agency
Tax Increment Financing District No. TIF District No. 16
Present Value Analysis [3]
Minnesota Statutes 469.175(3)(2)
Eagan Workforce Housing Project

1	Estimated Future Market Value with Tax Increment Financing	45,782,822 [1]
2	Payable 2020 Market Value	1,206,400
3	Market Value Increase (1-2)	44,576,422
4	Present Value of Future Tax Increments	3,503,126
5	Market Value Increase Less PV of Tax Increments	41,073,296
6	Estimated Future Market Value without Tax Increment Financing	1,547,126 [1]
7	Payable 2020 Market Value	1,206,400
8	Market Value Increase (6-7)	340,726
9	Increase in MV From TIF	40,732,570 [2]

[1] *Assume 1.00% annual appreciation over 26 year life of district.*

[2] *Statutory compliance achieved if increase in market value from TIF (Line 9) is greater than or equal to zero.*

[3] *Section 469.175(3)(2) of the TIF Act does not require this present value analysis for a housing tax increment financing district. This analysis is provided for information purposes.*

Exhibit II
Dakota County Community Development Agency
Eagan, MN
Eagan Workforce Housing Project
Tax Increment Financing District No. TIF District No. 16 (Housing)
Projected Tax Increment Cash Flow

TIF District Year	Taxes Payable Year	Taxable Market Value (TMV) [1, 6]	Net Tax Capacity	Less Base Tax Capacity [4]	Captured Tax Capacity [3, 4]	Original Tax Rate [2]	Total Avaialble TIF [8]	Present Value of Total Available TIF [5]
1	2023	35,700,000	254,490	(9,048)	245,442	86.79%	212,255	199,361
2	2024	36,057,000	254,556	(9,048)	245,508	86.79%	212,312	392,069
3	2025	36,417,570	254,623	(9,048)	245,575	86.79%	212,370	578,347
4	2026	36,781,746	254,691	(9,048)	245,643	86.79%	212,428	758,411
5	2027	37,149,563	254,759	(9,048)	245,711	86.79%	212,487	932,469
6	2028	37,521,059	254,828	(9,048)	245,780	86.79%	212,547	1,100,720
7	2029	37,896,269	254,898	(9,048)	245,850	86.79%	212,608	1,263,361
8	2030	38,275,232	254,968	(9,048)	245,920	86.79%	212,669	1,420,576
9	2031	38,657,984	255,039	(9,048)	245,991	86.79%	212,729	1,572,549
10	2032	39,044,564	255,111	(9,048)	246,063	86.79%	212,792	1,719,455
11	2033	39,435,010	255,184	(9,048)	246,136	86.79%	212,855	1,861,462
12	2034	39,829,360	255,257	(9,048)	246,209	86.79%	212,918	1,998,734
13	2035	40,227,654	255,331	(9,048)	246,283	86.79%	212,981	2,131,430
14	2036	40,629,930	255,406	(9,048)	246,358	86.79%	213,046	2,259,703
15	2037	41,036,229	255,481	(9,048)	246,433	86.79%	213,112	2,383,701
16	2038	41,446,592	255,557	(9,048)	246,509	86.79%	213,178	2,503,566
17	2039	41,861,058	255,634	(9,048)	246,586	86.79%	213,245	2,619,436
18	2040	42,279,668	255,712	(9,048)	246,664	86.79%	213,311	2,731,445
19	2041	42,702,465	255,790	(9,048)	246,742	86.79%	213,379	2,839,722
20	2042	43,129,490	255,870	(9,048)	246,822	86.79%	213,448	2,944,392
21	2043	43,560,784	255,950	(9,048)	246,902	86.79%	213,518	3,045,574
22	2044	43,996,392	256,031	(9,048)	246,983	86.79%	213,587	3,143,387
23	2045	44,436,356	256,112	(9,048)	247,064	86.79%	213,658	3,237,941
24	2046	44,880,720	256,195	(9,048)	247,147	86.79%	213,729	3,329,346
25	2047	45,329,527	256,278	(9,048)	247,230	86.79%	213,802	3,417,707
26	2048	45,782,822	256,363	(9,048)	247,315	86.79%	213,874	3,503,126
						TOTAL =	5,538,838	3,503,126

Key Asssumptions for Cash Flow:

1 Taxable market value (TMV) annual growth assumption = 1.00%

2 Original Tax Capacity Rate estimated based on Taxes Payable Year 2020.

3 Election for captured tax capacity is 100.00%

4 Captured Tax Capacity is net of Base Tax Capacity calculated based on a TMV = $1,206,400. Affordable rental housing property classification rate.

5 Present value (PV) is calculated based on semi-annual payments, 3.45% rate, and date of 1/1/2022.

6 TMV calculated based on 204 housing units at an estimated average value of $175,000/unit. Affordable rental housing property classification rate.

7 TIF retained by the CDA will pay administrative costs and assist other affordable housing projects

8 Available TIF (Tax Increment Financing) is net of State Auditor Fee of 0.36%.

Exhibit III
Dakota County Community Development Agency
Tax Increment Financing District No. TIF District No. 16
Impact on Other Taxing Jurisdictions
(Taxes Payable 2020)
Nicols Apartments Eagan

Annual Tax Increment

Estimated Annual Captured Tax Capacity (Full Development)	$247,315
Payable 2020 Local Tax Rate	86.791%
Estimated Annual Tax Increment	$214,647

Percent of Tax Base

	Net Tax Capacity (NTC)	Captured Tax Capacity	Percent of Total NTC
City of Eagan	99,370,274	247,315	0.25%
Dakota County	532,370,274	247,315	0.05%
ISD 191	62,937,643	247,315	0.39%

Dollar Impact of Affected Taxing Jurisdictions

	Net Tax Capacity (NTC)	% of Total	Tax Increment Share	Added Local Tax Rate
City of Eagan	35.262%	40.629%	87,208	0.088%
Dakota County	24.133%	27.806%	59,684	0.011%
ISD 191	23.765%	27.382%	58,774	0.093%
Other	3.631%	4.184%	8,980	
Totals	86.791%	100.000%	214,646	

NOTE NO. 1: Assuming that ALL of the captured tax capacity would be available to all taxing jurisdictions even if the City does not create the Tax Increment District, the creation of the District will reduce tax capacities and increase the local tax rate as illustrated in the above tables.

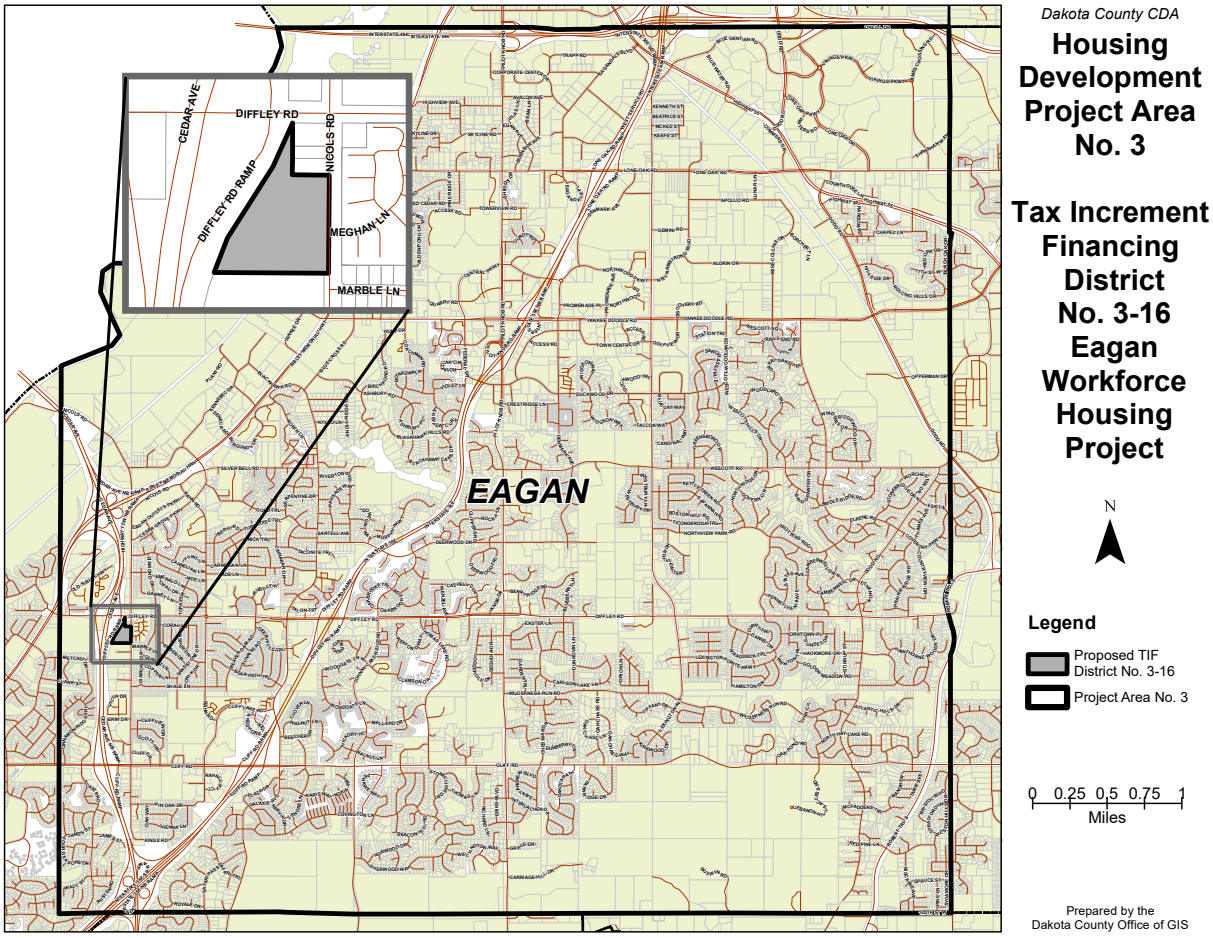
NOTE NO. 2: Assuming that NONE of the captured tax capacity would be available to the taxing jurisdiction if the City did not create the Tax Increment District, then the plan has virtually no initial effect on the tax capacities of the taxing jurisdictions. However, once the District is established, allowable costs paid from the increments, and the District is terminated, all taxing jurisdictions will experience an increase in their tax base.

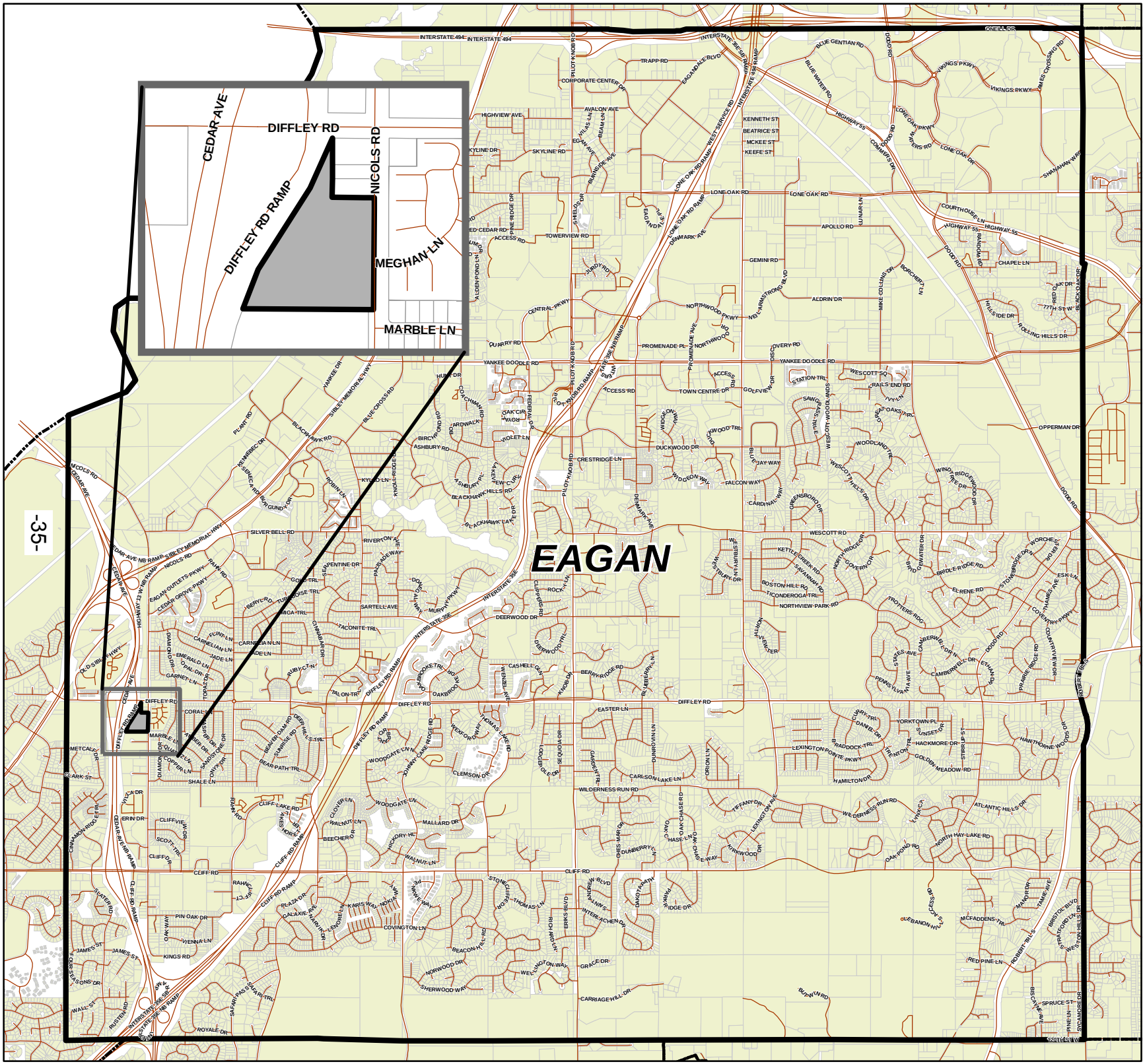
Exhibit IV
Dakota County Community Development Agency
Tax Increment Financing (Housing) District No. TIF District No. 16
Eagan Workforce Housing Project
Estimated Tax Increments Over Maximum Life of District

						Based on Pay 2020 Tax Rate =	*86.791%*	*35.262%*	*24.133%*	*23.765%*	*3.631%*
TIF District Year	**Taxes Payable Year**	**New Taxable Market Value**	**New Tax Capacity**	**Base Tax Capacity**	**Captured Tax Capacity**	**Estimated Total Tax Increment**	**City TIF Related Share**	**County TIF Related Share**	**School TIF Related Share**	**Other TIF Related Share**
1	2023	35,700,000	254,490	(9,048)	245,442	213,022	86,548	59,233	58,329	8,912
2	2024	36,057,000	254,556	(9,048)	245,508	213,079	86,571	59,249	58,345	8,914
3	2025	36,417,570	254,623	(9,048)	245,575	213,137	86,595	59,265	58,361	8,916
4	2026	36,781,746	254,691	(9,048)	245,643	213,196	86,619	59,281	58,377	8,919
5	2027	37,149,563	254,759	(9,048)	245,711	213,255	86,643	59,297	58,393	8,922
6	2028	37,521,059	254,828	(9,048)	245,780	213,315	86,667	59,314	58,410	8,924
7	2029	37,896,269	254,898	(9,048)	245,850	213,376	86,692	59,331	58,426	8,927
8	2030	38,275,232	254,968	(9,048)	245,920	213,437	86,716	59,348	58,443	8,930
9	2031	38,657,984	255,039	(9,048)	245,991	213,498	86,741	59,365	58,460	8,932
10	2032	39,044,564	255,111	(9,048)	246,063	213,561	86,767	59,382	58,477	8,935
11	2033	39,435,010	255,184	(9,048)	246,136	213,624	86,792	59,400	58,494	8,938
12	2034	39,829,360	255,257	(9,048)	246,209	213,687	86,818	59,418	58,512	8,939
13	2035	40,227,654	255,331	(9,048)	246,283	213,751	86,844	59,435	58,529	8,943
14	2036	40,629,930	255,406	(9,048)	246,358	213,816	86,871	59,453	58,547	8,945
15	2037	41,036,229	255,481	(9,048)	246,433	213,882	86,897	59,472	58,565	8,948
16	2038	41,446,592	255,557	(9,048)	246,509	213,948	86,924	59,490	58,583	8,951
17	2039	41,861,058	255,634	(9,048)	246,586	214,015	86,951	59,509	58,601	8,954
18	2040	42,279,668	255,712	(9,048)	246,664	214,082	86,979	59,527	58,620	8,956
19	2041	42,702,465	255,790	(9,048)	246,742	214,150	87,006	59,546	58,638	8,960
20	2042	43,129,490	255,870	(9,048)	246,822	214,219	87,034	59,565	58,657	8,963
21	2043	43,560,784	255,950	(9,048)	246,902	214,289	87,063	59,585	58,676	8,965
22	2044	43,996,392	256,031	(9,048)	246,983	214,359	87,091	59,604	58,695	8,969
23	2045	44,436,356	256,112	(9,048)	247,064	214,430	87,120	59,624	58,715	8,971
24	2046	44,880,720	256,195	(9,048)	247,147	214,501	87,149	59,644	58,734	8,974
25	2047	45,329,527	256,278	(9,048)	247,230	214,574	87,178	59,664	58,754	8,978
26	2048	45,782,822	256,363	(9,048)	247,315	214,647	87,208	59,684	58,774	8,981
Total						5,558,850	2,258,484	1,545,685	1,522,115	232,566

Note: The Estimated Total Tax Increment shown above is before deducting the State Auditor's fee, which is payable at a rate of 0.36% of the Total Tax Increment collected. Exhibit II provides Estimated Total Tax Increment after deducting for the State Auditor's fee.

EXHIBIT V
Boundaries of Tax Increment Financing District No. 3-16
Within Housing Development Project Area No. 3





Dakota County CDA

Eagan Housing Development Project Area No. 3

Tax Increment Financing District No. 3-16 Eagan Workforce Housing

N

Legend

- Proposed TIF District No. 3-1
- Project Area No

0 0.25 0.5 0.75 Miles

Prepared by the Dakota County Office of GIS

5.1 - Attachment B.pdf

AFFIDAVIT OF PUBLICATION

[legal.text]

STATE OF MINNESOTA)
ss
COUNTY OF DAKOTA

Tonya Orbeck being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Dakota County Tribune

with the known office of issue being located in the county of:

DAKOTA

with additional circulation in the counties of:

DAKOTA

and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 10/23/2020 and the last insertion being on 10/23/2020.

MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Tonya Orbeck
Designated Agent

Subscribed and sworn to or affirmed before me on 10/23/2020 by Tonya Orbeck.

Cathy L. Nelson
Notary Public

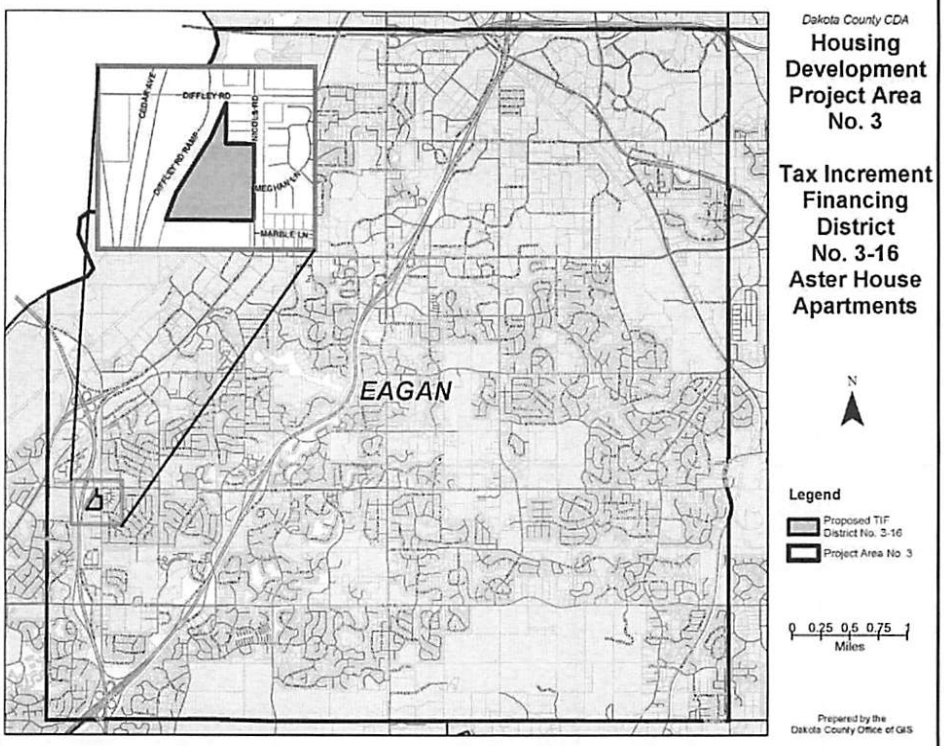
CATHY L NELSON
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2025

Rate Information:
(1) Lowest classified rate paid by commercial users for comparable space:
$10 per column inch

Ad ID 1085133

DAKOTA COUNTY
STATE OF MINNESOTA
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the County Board of Commissioners of Dakota County, State of Minnesota will hold a public hearing on November 3, 2020 at approximately 9:00 A.M. at the County Board Room in the Dakota County Administration Center, 1590 Hwy 55, Hastings, Minnesota, relating to the Dakota County Community Development Agency's establishment of Housing Development Project Area No. 3 (Eagan Housing Development Project) (the "Project Area") and the adoption of the Project Plan (the "Project Plan") for the Project Area, and the establishment of Tax Increment Financing District No. 3-16 – Aster House Apartments Project (a housing tax increment financing district) within the Project Area (the "TIF District"), and the proposed adoption of a Tax Increment Financing Plan for the TIF District (The "TIF Plan" and "Project Plan" collectively referred to as the "Plans"), pursuant to Minnesota Statutes, 469.001 to 469.047 and Sections 469.174 to 469.1794, as amended. Copies of the Plans are on file and available for public inspection at the office of the Director of Community and Economic Development of the CDA. The property to be included in the TIF District is located within the Project Area and Dakota County. A map of the Project Area and the TIF District is set forth below. Subject to certain limitations, tax increment from the TIF District may be spent on eligible uses within the boundaries of the Project Area.



Published in the Dakota County Tribune October 23, 2020 1085133

RESOLUTION NO. 20-40
CITY OF EAGAN

APPROVAL OF THE LOCATION OF THE NICOLS APARTMENTS HOUSING PROJECT UNDERTAKEN BY THE DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY IN THE CITY OF EAGAN

WHEREAS, pursuant to Minnesota Statues, §383D.41, the Dakota County Community Development Agency (the "Agency") is authorized to exercise the powers and duties of a housing and redevelopment authority under the provisions of the Municipal Housing and Redevelopment Act, including the establishment of a tax increment financing plan and a tax increment financing district to provide monies to finance a housing program; and

WHEREAS, a proposal has been made to the Agency by Real Estate Equities (the "Developer") that the Agency: (a) undertake a tax increment financing program for Nicols Apartments, a housing project as defined under Minnesota Statute §469.002 (the "Nicols Development") located in the City of Eagan on the real property legally described on Exhibit A attached hereto (the "Property"), and (b) create a tax increment financing district and plan including the Property pursuant to Minnesota Statutes §§ 469.174 to 469.179; and

WHEREAS, Minnesota Statute §469.002, Subd.12, a Project is defined to include a "housing project" and that the term is also applied to all real and personal property, assets, cash, or other funds, held or used in connection with the development or operation of a project; and

WHEREAS, Minnesota Statute §469.002, Subd, 13, a Housing Project is defined to mean any work to provide decent, safe and sanitary dwellings for persons of low income; such work to include acquisition of land, equipment, facilities, and other property for necessary and convenient appurtenances, utilities, site preparation or other purposes; and includes the planning of buildings, acquisition of property, construction of improvements and all other work in connection therewith; and

WHEREAS, pursuant to Minnesota Statutes §§469.174 to 469.179, for purposes of Tax Increment Financing, a Project is defined to mean a project as defined in §469.002, Subd. 12; and

WHEREAS, the Property is situated within the boundaries of the City of Eagan; and

WHEREAS, pursuant to Minnesota Statute §383D.41, as a condition to exercising the Agency's powers within the boundaries of the City of Eagan, the location of the housing project must be approved by the Eagan City Council; and

WHEREAS, the Agency and Developer have provided the City with the terms and conditions of the tax increment financing to be used in connection with the Nicols Development,

which terms require that all increment revenue collected by the Agency, except for increment revenue used to pay administrative expenses, shall be spent by the Agency within the boundaries of the City of Eagan in connection with housing projects as defined in Minnesota Statute §469.002, Subd. 13; and

WHEREAS, the Council has reviewed the proposed land use, development, and improvements to be constructed on the Property.

NOW THEREFORE, the City Council upon review of the Agency's housing project proposal and on the express acknowledgement and condition that the increment revenue be spent by the Agency as herein stated, does hereby approve the Nicols Development location.

CITY OF EAGAN

BY: Mike Maguire
Mike Maguire
Its Mayor

Attest: Christina M. Scipioni
Christina M. Scipioni
Its Clerk

Motion by: Fields

Seconded by: Hansen

Those in Favor: Maguire, Bakken, Fields, Hansen

Those Against: None

Date July 7, 2020

CERTIFICATION

I, Christina M. Scipioni, Clerk of the City of Eagan, Dakota County, Minnesota, do hereby certify that the foregoing resolution was duly passed and adopted by the City Council of the City of Eagan, Dakota County, Minnesota, in a regular meeting thereof assembled this 7 day of July, 2020.

Christina M. Scipioni

City Clerk

EXHIBIT A

Lots 1, 2 and 3, except the south 75 feet of Lot 3, Block 8, Cedar Grove No. 3

DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY
BOARD OF COMMISSIONERS

Meeting Date: October 20, 2020 Resolution No. 20-6330
Motion by Commissioner Workman Seconded by Commissioner Gaylord

---

Approve Project Plan For Housing Development Project Area No. 3, Establish Tax Increment Financing District No. 3-16 – Aster House Apartments, And Adopt The Tax Increment Financing Plan Therefor

WHEREAS, the Dakota County Community Development Agency (the "CDA") proposes to create the Project Plan for Housing Development Project Area No. 3 in the City of Eagan (the "Project Area") and with the approval of Dakota County (the "County"), establish Tax Increment Financing District No. 3-16 – Aster House Apartments (the "District") within the Project Area and adopt a Tax Increment Financing Plan (the "TIF Plan") therefor (the Housing Development Plan and the TIF Plan are referred to collectively herein as the "Plans"), all pursuant to and in conformity with applicable law, including Minnesota Statutes, Sections 469.001 to 469.047, and Sections 469.174 to 469.1794, inclusive, as amended (the "Act"), all as reflected in the Plans and presented for the consideration of the Dakota County CDA Board of Commissioners (the "Board"); and

WHEREAS, the City of Eagan supported the use of TIF by the CDA as documented in a resolution passed by the City Council on July 7, 2020; and

WHEREAS, the CDA has investigated the facts relating to the Plans and has caused the Plans to be prepared; and

WHEREAS, the CDA has performed all actions required by law to be performed prior to the adoption of the Plans; and

WHERAS, the CDA has also requested that the County schedule a public hearing on the Plans upon published notice as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The CDA hereby makes the findings set forth in the Plans and further finds and determines that:
   a. The establishment of the Project Area and the District is in the public interest;

   b. The District is a "housing district" under Minnesota Statutes, Section 469-174, Subd. 11;

   c. The adoption of the proposed Plans conforms in all respects to the requirements of the Act and will help fulfill a need to develop high quality, safe and affordable housing for low- and moderate-income persons and families; and

   d. The Plans will afford maximum opportunity, consistent with the needs for the County as a whole, for the development of affordable housing within the Project Area by private enterprise in that the intent is to provide only that public assistance necessary to make the private developments financially feasible; and

   e. The increment revenue collected by the CDA, except for the increment revenue used to pay administrative expenses, will be spent by the CDA within the boundaries of the Project Area for housing projects as defined in Minnesota Statute Section 460.002, Subd. 13.

2. The reasons and facts supporting the findings in this resolution are described in the Plans.

3. Conditioned upon the approval thereof by the County following its public hearing thereon, the Plans, as presented to the CDA on this date, are hereby approved, established and adopted and shall be placed on file in the office of the Director of Community and Economic Development of the CDA.

4. Upon approval of the Plans by the County, the staff, the CDA's advisors and legal counsel are authorized and directed to proceed with the implementation of the Plans. Upon approval of the plans by the Bounty, the Director of Community and Economic Development of the CDA is authorized and

directed to (a) forward a copy of the Plans to the Minnesota Department of Revenue and the Office of the State Auditor pursuant to Minnesota Statutes 469.175, Subd. 4a., and (b) forward a copy of the Plans to the Dakota County Auditor and request that the Auditor certify the original tax capacity of the District as described in the Plans, all in accordance with Minnesota Statutes 469.177.

I, Sarah Jacobson, as designee of the Executive Director, pursuant to the Dakota County Community Development Agency bylaws, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Dakota County Community Development Agency Board of Commissioners, at their regular session held on the 20th day of October 2020, now on file in the in the CDA Administration Department, and have found the same to be a true and correct copy thereof. Witness my hand and official seal of Dakota County CDA this 21st day of October 2020.

Sarah Jacobson

Administrative Coordinator

	Aye	Nay	Absent	Abstain
Slavik	☒	☐	☐	☐
Gaylord	☒	☐	☐	☐
Egan	☐	☐	☒	☐
Atkins	☒	☐	☐	☐
Workman	☒	☐	☐	☐
Holberg	☒	☐	☐	☐
Gerlach	☒	☐	☐	☐

Dakota County Physical Development Division
14955 Galaxie Avenue | Apple Valley MN 55124
Phone 952.891.7000 | Fax 952.891.7031 | www.dakotacounty.us

MEMORANDUM

DATE: October 16, 2020

TO: Amy Koethe, Taxation Manager

FROM: Erin Stwora, Deputy Division Director

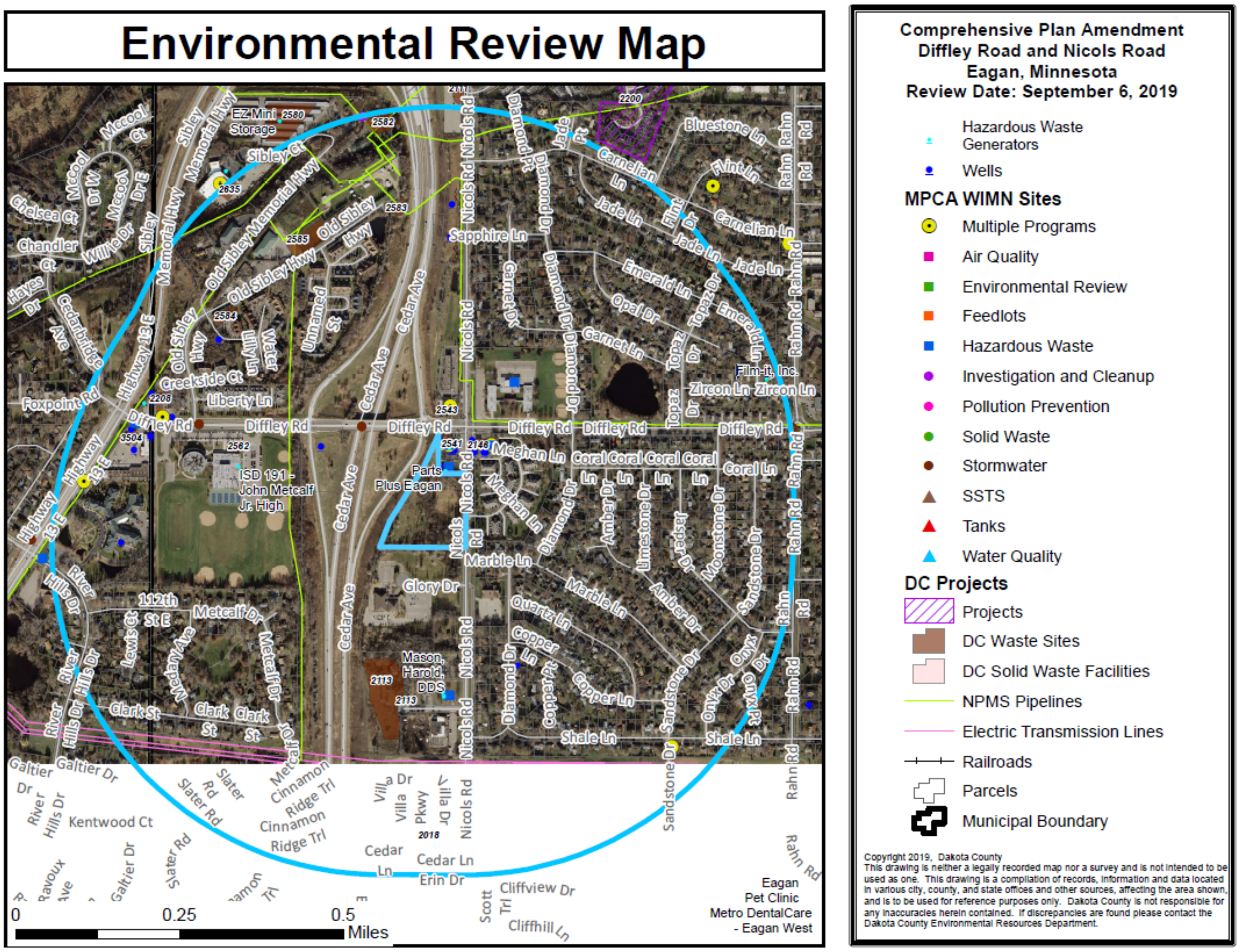
SUBJECT: Comments on Tax Increment Financing Plan for Tax Increment Financing District No. 3-16

Introduction

The Dakota County Community Development Agency (CDA) and Dakota County are considering a proposal to provide a tax increment financing assistance to facilitate the development of property located at Southeast Quadrant of Cedar Avenue and Diffley Road in the City of Eagan (City). Real Estate Equities, LLC is proposing to develop an 8-acre property located at 4265 Nicols Road, within the City, into a 204-unit rental housing facility consisting of one, two and three-bedroom units. Dakota County (County), may comment on the potential effects of the modification. Please see the following comments from the Physical Development Division:

Environmental Resources

There are no known environmental issues for this property. There are four MPCA identified underground storage tank leak sites located near the property. Please see attached Environmental Review report. There are no well records for the property and the County does not have reason to believe there are wells on the property. Dakota County recommends completion of appropriate environmental due diligence including completion of a Phase I Environmental Site Assessment prior to acquisition and development.



Office of Planning

The Office of Planning has no comments on the proposed modification.

Transportation

County Transportation staff has determined that the proposed TIF district development will not generate traffic that will necessitate the need for road improvements that would be required if the TIF development were not implemented.

Environmental Reveiw Report

Haz Waste Generators

ID	Generator	Address	City	Waste Name	Size	Status
177	Walstad Eagan Amoco	4205 Nicols RD	Eagan	Parts Washer Solvent	VSQG	Out of Business
177	Walstad Eagan Amoco	4205 Nicols RD	Eagan	Used Oil	VSQG	Out of Business
177	Walstad Eagan Amoco	4205 Nicols RD	Eagan	Lead Acid Batteries	VSQG	Out of Business
177	Walstad Eagan Amoco	4205 Nicols RD	Eagan	Antifreeze	VSQG	Out of Business
177	Walstad Eagan Amoco	4205 Nicols RD	Eagan	Oil Filters	VSQG	Out of Business
177	Walstad Eagan Amoco	4205 Nicols RD	Eagan	Fluorescent Lamps	VSQG	Out of Business
554	ISD 191 - John Metcalf Jr. High	2250 Diffley RD	Eagan	Lab Packs	MQG	Generator
554	ISD 191 - John Metcalf Jr. High	2250 Diffley RD	Eagan	Dry Cell Batteries	MQG	Generator
554	ISD 191 - John Metcalf Jr. High	2250 Diffley RD	Eagan	Fluorescent Lamps	MQG	Generator
775	Rolfe Dental Office, Dr	4357 Nicols RD	Eagan	Fixer Solution	MQG	Out of Business
775	Rolfe Dental Office, Dr	4357 Nicols RD	Eagan	Scrap Film	MQG	Out of Business
775	Rolfe Dental Office, Dr	4357 Nicols RD	Eagan	Amalgam	MQG	Out of Business
775	Rolfe Dental Office, Dr	4357 Nicols RD	Eagan	Lead Foil	MQG	Out of Business
806	Parts Plus Eagan	4225 Nicols RD	Eagan	Lead Acid Batteries	VSQG	Out of Business
806	Parts Plus Eagan	4225 Nicols RD	Eagan	Parts Washer Solvent	VSQG	Out of Business
806	Parts Plus Eagan	4225 Nicols RD	Eagan	Fluorescent Lamps	VSQG	Out of Business
[illegible]4	Mason, Harold, DDS	4355 Nicols RD	Eagan	Fixer Solution	MQG	Out of Business
[illegible]4	Mason, Harold, DDS	4355 Nicols RD	Eagan	Scrap Film	MQG	Out of Business
924	Mason, Harold, DDS	4355 Nicols RD	Eagan	Amalgam	MQG	Out of Business
924	Mason, Harold, DDS	4355 Nicols RD	Eagan	Lead Foil	MQG	Out of Business
924	Mason, Harold, DDS	4355 Nicols RD	Eagan	Fluorescent Lamps	MQG	Out of Business
924	Mason, Harold, DDS	4355 Nicols RD	Eagan	Pharmaceuticals (Not Acute)	MQG	Out of Business
1073	Super America 4049	4200 Hwy 13	Burnsville	Fuel/Water Mixture	MQG	Out of Business
1073	Super America 4049	4200 Hwy 13	Burnsville	Gas Pump Filters	MQG	Out of Business
1073	Super America 4049	4200 Hwy 13	Burnsville	Gas Sorbents	MQG	Out of Business
1518	Film-it, Inc.	1997 Emerald LN	Eagan	Fixer Solution	MQG	Out of Business
1518	Film-it, Inc.	1997 Emerald LN	Eagan	Scrap Film	MQG	Out of Business
2085	Cedar Diffley BP	4205 Nicols RD	Eagan	Used Oil	MQG	Generator
2085	Cedar Diffley BP	4205 Nicols RD	Eagan	Used Oil Filters	MQG	Generator
2085	Cedar Diffley BP	4205 Nicols RD	Eagan	Parts Washer Solvent	MQG	Generator
2085	Cedar Diffley BP	4205 Nicols RD	Eagan	Lead Acid Batteries	MQG	Generator

Dakota County Waste/Contaminated Sites

Site ID	MPCA Leak ID	MPCA_VICID	Site Name	Waste Site Classification	Comments	File Status
2018			Erin Drive & Nicols Road	Large, Unlimited Variety		Open
2113			Unknown #13	Industrial Waste Disposal		Open

-45-

5.1 - Attachment F.pdf

2146	1492	Total Petroleum LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 2000.GW Contamination, Soil Cont.suspected	Open
2208	15917	Super America #4049 LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 2009 GW, Free product Offsite migration	Open
2541	774	Amoco Service Station #7396 LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 1992 Cont. soil and GW remain at site	Open
2542	506	Q Petroleum LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 1991 GW & Soil Contamination Remain	Open
2543	1736	EZ Stop LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 1996 GW contamination. Soil unevaluated	Open
2562	2672	Metcalf Junior High School LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 2002 No GW Contamination. Cont Soil remain	Open
2582		Old Sibley Memorial Highway Cul-de-Sac Disposals	Large, Unlimited Variety		Open
2583		Old Sibley Highway Cul-de-sac	Large, Unlimited Variety		Open
2584		Old Sibley Highway Farm Dump	Large, Unlimited Variety		Open
2585		Wenzel Heating & Air Conditioning	Large, Unlimited Variety		Open
2635	9636	Lot 2-Block 1 & Outlot (Lovegreen Industrial) LUST	Spill, Leak, Leach or Inject Release	No Information Available on MPCA Database	Open
3504	4722	Mr B Car Wash LUST	Spill, Leak, Leach or Inject Release	MPCA Closure 1994. Soil Cont Suspected, GW unevaluated	Open

MPCA "What's In My Neighborhood" Site Data

Name	Active Flag	Address	City	MPCA Activities	MPCA IDs	Institutional Controls (Y or N)
Mason Clinic	Y	4355 Nicols Rd	Eagan	Hazardous Waste, Very small quantity generator	MND985768332	N
Eagan Ez Stop	N	4195 Nicols Rd	Eagan	Aboveground Tanks; Hazardous Waste; Petroleum Remediation, Leak Site; Underground Tanks	LS0018239; MND102283991; TS0001101	N
John Metcalf Junior High School	Y	2250 Diffley Rd	Burnsville	Hazardous Waste, Minimal quantity generator	MND100324367	N
SuperAmerica 4049	N	4200 Highway 13 E	Burnsville	Hazardous Waste; Petroleum Remediation, Leak Site	LS0015917; MND985767060	N
ISD 191 Rahn Elementary	Y	4424 Sandstone Dr	Eagan	Hazardous Waste, Minimal quantity generator; Underground Tanks	MNS000154609; TS0001139	N
ISD 191 Cedar School	Y	2140 Diffley Rd	Eagan	Hazardous Waste, Minimal quantity generator	MNS000154591	N
Eagan Big N Auto Parts Inc	Y	4225 Nicols Rd	Eagan	Hazardous Waste, Minimal quantity generator	MND985696764	N
Oasis Market #5677	Y	4206 Nicols Rd	Eagan	Petroleum Remediation, Leak Site; Underground Tanks	LS0000506; LS0001492; TS0001292	N
Ez Mini Storage	Y	4025 Old Sibley Memorial Highway	Eagan	Petroleum Remediation, Leak Site	LS0009856	N
Eagan Standard	N	4205 Nicols Rd	Eagan	Hazardous Waste	MND981530629	N

5.1 - Attachment F.pdf

Eagan Heights 3rd Addition	Y	See location description	Eagan	Construction Stormwater	C00009179	N
Mr. B's	N	3435 Highway 13 E	Burnsville	Petroleum Remediation, Leak Site; Underground Tanks	LS0004722; TS0001259	N
Avanti 5677	Y	4206 Nicols Rd	Eagan	Hazardous Waste, Very small quantity generator	MNR000052399	N
Metcalf Junior High School	Y	2250 Diffly Rd	Eagan	Petroleum Remediation, Leak Site	LS0002672	N
Superamerica 4049	Y	4200 Highway 13	Burnsville	Underground Tanks	TS0001316	N
Cedar Diffley BP	Y	4205 Nicols Rd	Eagan	Brownfields, Petroleum Brownfield; Petroleum Remediation, Leak Site; Underground Tanks	BF0000753; LS0000774; TS0001181	N
TH77 & Diffley Rd. CPR	Y	TH77 & Diffley Rd.	Eagan	Construction Stormwater	C00044498	N

End of Report

EXHIBIT A

RESOLUTION NO. _____

The reasons and facts supporting the findings for the adoption of the Tax Increment Financing Plan for Tax Increment Financing District No. 3-16: Aster House Apartments, as required pursuant to Minnesota Statutes, Section 469.175, Subdivision 3 are as follows:

1. *Finding that Tax Increment Financing District No. 3-16: Aster House Apartments is a housing district as defined in M.S., Section 469.174, Subd. 11.*

   Tax Increment Financing District No. 3-16: Aster House Apartments consists of one (1) parcel. The development will consist of 204 units of affordable rental housing within the City of Eagan. All or a portion of which will receive tax increment assistance and will meet income restrictions described in *M.S. 469.1761.* At least 40 percent of the units/homes receiving assistance will have incomes at or below 60 percent of statewide median income. Section 4.03.0 of the TIF Plan contains background for the above finding

2. *Finding that the proposed development, in the opinion of the Board, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future.*

   The proposed development, in the opinion of the County, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future: This finding is supported by the fact that the development proposed in this plan is a housing district that meets the County's objectives for development of affordable housing. The cost of land acquisition, various City and Metropolitan Council fees, site and public improvements and utilities makes this housing development infeasible without County assistance. Due to the high cost of building affordable new housing in the County and the cost of financing the proposed public improvements, this project is feasible only through assistance, in part, from tax increment financing. The developer was asked for and provided a letter and a proforma as justification that the developer would not have gone forward without tax increment assistance.

   The increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan: This finding is justified on the grounds that the cost of land acquisition, various City and Metropolitan Council fees, site and public improvements and utilities add to the total development cost. The County reasonably determines that no other development of similar scope is anticipated on this site without substantially similar assistance being provided to the development.

3. *Finding that the TIF Plan for Tax Increment Financing District No. 3-16: Aster House Apartments conforms to the general plan for the development or redevelopment of the County as a whole.*

4. *Finding that the TIF Plan for Tax Increment Financing District No. 3-16: Aster House Apartments will afford maximum opportunity, consistent with the sound needs of the County as a whole, for the development or redevelopment of Housing Development Project Area No. 3 (Eagan Housing Development Project) by private enterprise.*

   Through the implementation of the TIF Plan, the CDA or County will provide an impetus for residential development, which is desirable or necessary for increased population and an increased need for safe and decent affordable and life-cycle housing within the County.

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.

20-505
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.

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

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:

County Board	**General Government and Policy (GGP) Committee**	**Community Services/ Physical Development Committees**
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,

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

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

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

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.

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:

Revenue	
MN Dept of Corrections – Early Release	$12,824
Use of Fund Balance	($12,824)
Total Revenue	**$0**

; 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

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

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

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

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 guide 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

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.

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

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

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.

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.

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:

Expense	
CARES Act	($300,000)
Total Expense	**($300,000)**
Revenue	
CARES Act	($300,000)
Total Revenue	**($300,000)**

; and

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

Expense	
CARES Act – Cubicle Glass Panels	$300,000
Total Expense	**$300,000**
Revenue	
CARES Act	$300,000
Total Revenue	**$300,000**

; 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,

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:

Expense	
CARES Act	($60,000)
Total Expense	**($60,000)**
Revenue	
CARES Act	($60,000)
Total Revenue	**($60,000)**

; and

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

Expense	
CARES Act – Bipolar Ionization Unit Installation	$60,000
Total Expense	**$60,000**
Revenue	
CARES Act	$60,000
Total Revenue	**$60,000**

; 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.

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 fillings, 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

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

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

(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:

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.

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 Viteks' 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

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

DAKOTA COUNTY BOARD OF COMMISSIONERS

Authorization To Reschedule December 2020 Committee Of The Whole Meetings

Meeting Date: 11/3/2020
Item Type: Consent-Action
Division: County Administration/County Board
Department: County Administration
Contact: Smith, Matt
Contact Phone: (651) 438-4590
Prepared by: Reynolds, Jennifer

Fiscal/FTE Impact:
☒ None ☐ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: Excellence in public service
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Authorize to reschedule the Physical Development Committee of the Whole and the Community Services Committee of the Whole from December 1, 2020, to December 8, 2020.

SUMMARY
By Resolution No. 19-714 (September 24, 2019), the Dakota County Board of Commissioners established dates for meetings being held in 2020. The Physical Development Committee of the Whole and the Community Services Committee of the Whole meetings were scheduled for December 1, 2020. Also scheduled on December 1, 2020, is the County Board, General Government and Policy Committee of the Whole, and the 6:00 pm Levy and Budget Meeting. All established meeting dates are subject to change.

Due to the unforeseen COVID-19 pandemic, and to spread out content and avoid spending long periods of time together, staff recommends rescheduling the Physical Development Committee of the Whole and the Community Services Committee of the Whole meetings from December 1, 2020, to the following week, December 8, 2020.

RECOMMENDATION
Staff recommends rescheduling the Physical Development Committee of the Whole and the Community Services Committee of the Whole meetings from December 1, 2020, to December 8, 2020.

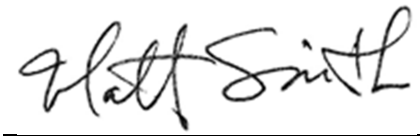
EXPLANATION OF FISCAL/FTE IMPACTS
None.

Supporting Documents:

Previous Board Action(s):
19-714; 9/24/19

RESOLUTION
BE IT RESOLVED, That the Physical Development Committee of the Whole and the Community Services Committee of the Whole meetings are rescheduled from December 1, 2020, to December 8, 2020, in the Boardroom, Administration Center, 1590 Highway 55, Hastings, MN or via telephone or other electronic means if necessary due to the COVID-19 pandemic.

County Manager's Comments:
- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request



County Manager

Reviewed by (if required):
- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

DAKOTA COUNTY BOARD OF COMMISSIONERS

Scheduling Of Dakota County Board Of Commissioners Governance Workshop

Meeting Date: 11/3/2020
Item Type: Consent-Action
Division: County Administration/County Board
Department: County Administration
Contact: Smith, Matt
Contact Phone: (651) 438-4590
Prepared by: Reynolds, Jennifer

Fiscal/FTE Impact:
☒ None ☐ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: Excellence in public service
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Schedule a County Board Governance workshop to discuss Board leadership in 2021 as well as other governance issues.

SUMMARY
The Board Operating Rules state that the County Board shall hold a Governance workshop each year to discuss designations for Board leadership positions. Staff recommends this workshop occur on November 17, 2020.

The Workshop will also be an opportunity for the Board to discuss other governance matters, such as any changes to the Board Operating Rules in 2021, and any changes to the Citizen Advisory Committees in 2021.

RECOMMENDATION
Staff recommends holding a Governance workshop on November 17, 2020, following the General Government and Policy Committee meeting, in the Boardroom, Administration Center, 1590 Highway 55, Hastings, MN or via telephone or other electronic means if necessary due to the COVID-19 pandemic.

EXPLANATION OF FISCAL/FTE IMPACTS
None.

Supporting Documents:

Previous Board Action(s):

RESOLUTION

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a Governance workshop for November 17, 2020, following the General Government and Policy Committee meeting, in the Boardroom, Administration Center, 1590 Highway 55, Hastings, MN or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic, for the purpose of discussing Board leadership in 2021 and other governance matters.

County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request

County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

DAKOTA COUNTY BOARD OF COMMISSIONERS

Authorization To Execute Contract With Motorola Solutions To Provide Post-Warranty Support Services For Dakota County 800 MHz Subsystem

Meeting Date: 11/3/2020
Item Type: Consent-Action
Division: Operations, Management and Budget
Department: Office of Risk Management
Contact: Battig, BJ
Contact Phone: (651) 438-4532
Prepared by: Battig, BJ

Fiscal/FTE Impact:
☐ None ☐ Other
☒ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: A great place to live
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Authorize the Operations, Management and Budget (OMB) Director to execute a contract with Motorola Solutions to provide post-warranty support services for the Dakota County 800 MHz Radio Subsystem.

SUMMARY
Dakota County currently contracts with Motorola Solutions (Chicago, IL) for post-warranty support of the Dakota County 800 MHz Radio Subsystem. Motorola Solutions is the sole source provider of such services to Dakota County because only Motorola Solutions can provide post-warranty support to a Motorola radio subsystem. Pricing is based on the current Minnesota State contract for post-warranty support.

Motorola Solutions has provided satisfactory post-warranty support services pursuant to its current contract. These services include:

1) 24-hour per-day subsystem network monitoring of the ten radio sites and 160 base radios in the Dakota County 800 MHz subsystem. This service is conducted through a centralized remote monitoring command center that detects and allows remote troubleshooting of potential radio system service interruptions.
2) Technician dispatching services. This service alerts both Motorola and County staff whenever there is a system failure that needs attention by field staff.
3) On-site infrastructure response to system failures. This service provides for on-call Motorola technical staff, located in the metro area, to respond on a 24-hour per-day/seven day per week basis to service interruptions to troubleshoot and correct . Technical staff respond to calls for service within a few hours, depending on staff location and availability.
4) Annual preventive maintenance. This service provides for an annual site visit, evaluation of system components, and retuning of radio equipment if necessary to enhance system performance and reliability.
5) Repair parts and parts repair services. This service provides for overnight delivery of any spare parts not kept in inventory and the repair or replacement of the failed part.

The contract covers all ten radio sites that make up the Dakota County 800 MHz Subsystem, and the contract term is from January 1, 2021 through December 31, 2025 at a total cost of $695,011. This represents an annual price increase of approximately three percent from the previous year. By entering into a multi year contract, Motorola agreed to hold any price increases to this level. By agreeing to a five-year contract term through December 31, 2025, Dakota County is also aligned with the end date of the five-year System Upgrade Assurance Plan (SUA) for the Allied Radio Matrix for Emergency Response (ARMER) system maintained by the Minnesota Department of Transportation. This will position the County well for negotiations for ongoing Motorola support at the end of 2025.

RECOMMENDATION
Staff recommends the Board authorize the OMB Director to execute a contract with Motorola Solutions to provide post-warranty support services for the Dakota County 800 MHz Subsystem.

EXPLANATION OF FISCAL/FTE IMPACTS
The contract total for 60 months is $695,011 and will be paid in annual installments. Revenue from 800 MHz radio subscriber fees offsets the cost of this contract as part of operating expenses, resulting in a net County cost of zero. County departments will contribute approximately fourteen percent of the total cost of this contract in subscriber fees over the life of this contract. Subscriber fees will be incorporated into the County Manager's recommended 2021 budget.

Supporting Documents:

Previous Board Action(s):
18-544; 10/23/18

RESOLUTION
WHEREAS, Motorola Solutions currently provides post-warranty support for the Dakota County 800 MHz Radio Subsystem; and

WHEREAS, County staff have negotiated a new contract and terms with Motorola Solutions; and

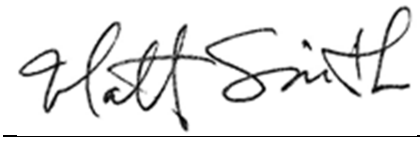
WHEREAS, Motorola Solutions has agreed to provide the post-warranty support services at a three-percent increase in cost, as compared to the current contract with the execution of a five-year agreement; and

WHEREAS, costs for services under the contract are based on the current state contract for post-warranty support.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations, Management and Budget Director to execute a contract with Motorola Solutions for post-warranty support of the Dakota County 800 MHz Radio Subsystem, in an amount not to exceed $695,011 for the period January 1, 2021 through December 31, 2025, subject to approval of the County Attorney's Office as to form.

County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request



County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

DAKOTA COUNTY BOARD OF COMMISSIONERS

Approval Of Right Of Way Acquisition And Authorization To Initiate Quick Take Condemnation For County Project 30-39 In City Of Eagan

Meeting Date: 11/3/2020
Item Type: Consent-Action
Division: Physical Development
Department: Transportation
Contact: Krebsbach, Mark
Contact Phone: (952) 891-7102
Prepared by: Fabish, Jenna

Fiscal/FTE Impact:
☐ None ☐ Other
☐ Current budget ☒ Amendment requested
☐ New FTE(s) requested
Board Goal: A great place to live
Public Engagement Level: Level 2 - Discuss

PURPOSE/ACTION REQUESTED

- Authorize execution of a joint powers agreement (JPA) with the City of Eagan (City) and Independent School District 196 for right of way acquisition, construction, and maintenance on County Project (CP) 30-39 in Eagan.
- Approve acquisition of necessary right of way and authorize the initiation of quick-take condemnation for CP 30-39 in the City of Eagan (Attachment A).
- Approve an amendment to the 2020 Transportation Capital Improvement Project (CIP) Budget.

SUMMARY

To provide safe and efficient transportation, Dakota County is partnering with the City and Independent School District (ISD) 196 on CP 30-39: Diffley Road School Area Improvements. The project includes the reconstruction of Diffley Road (County State Aid Highway (CSAH) 30) from a four-lane to two-lane divided section from 1,100 feet east of Lexington Avenue (CSAH 43) to 400 feet east of Braddock Trail, construction of single-lane roundabouts along Diffley Road at Daniel Drive and Braddock Trail, Braddock Trail and school entrance intersection modifications, school parking lot modifications, a new access roadway from the south parking lot to the Diffley Road and Daniel Drive intersection, pedestrian crossing devices, and corridor street lighting (Attachment B).

By Resolution No. 20-302 (June 30, 2020), the County Board adopted the Diffley Road School Area Improvements project concept, executed a joint powers agreement with the City and ISD 196 for design of the project, and authorized a contract with Bolton and Menk, Inc., for design services.

A total of ten parcels have been identified from which right of way acquisition will be necessary for CP 30-39 (Attachment C). Six of the parcels have been appraised. Six acquisition appraisals have been prepared by Patchin Messner Valuation Counselors for a total appraised value of $114,125. Data about the six appraisals has been provided to the County Board in a confidential spreadsheet, as the appraisals are currently confidential, non-public data pursuant to Minn. Stat. § Sec. 13.44, subd. 3. 2020. The remaining four parcels are owned by the City (1 parcel) and ISD 196 (3 parcels), and the easement documents will be prepared in accordance with the JPA for design.

In the event that timely acquisition by direct negotiation of all required parcels does not appear possible, it is necessary for the County Board to authorize the County Attorney's Office to initiate "quick take" condemnation of the remaining parcels. Efforts will be made to negotiate an agreeable settlement before and after the start of the condemnation process.

A JPA between Dakota County, the City, and ISD 196 is proposed to define project cost shares and roles and responsibilities for CP 30-39 right of way acquisition, construction, and maintenance. The project costs not covered by state bond funds will be shared between the County, City, and ISD 196 in accordance with County policy.

RECOMMENDATION

Staff recommends execution of JPA with the City and ISD 196 for right of way acquisition, construction, maintenance, and cost sharing responsibilities, approval of the right of way acquisition for six parcels and amending the Transportation CIP budget for costs associated with right of way acquisition for CP 30-39.

EXPLANATION OF FISCAL/FTE IMPACTS

Costs for all expenses for CP 30-39 right of way acquisition are estimated at $249,000. The 2020 budget included $525,000, so an additional $249,000 is needed. A budget amendment is requested in order to establish the project budget and use Transportation Fund Balance as the funding source (Attachment D). Project costs will be split between the County and City in accordance with County policy.

Supporting Documents:
Attachment A: Location Map
Attachment B: Project Layout
Attachment C: Proposed ROW Parcels
Attachment D: Financial Summary

Previous Board Action(s):
20-302; 6/30/20

RESOLUTION

WHEREAS, Dakota County, the City of Eagan (City), and Independent School District (ISD) 196 are partnering on County Project (CP) 30-39 (Project); and

WHEREAS, the Project includes the segment of County State Aid Highway (CSAH) 30 from approximately 1,100 feet east of CSAH 43 (Lexington Avenue) to 400 feet east of Braddock Trail; and

WHEREAS, the purpose and need for the Project is to increase pedestrian safety and connections, provide safe facilities, lower vehicle speeds and reduce pedestrian and vehicle conflict points; and

WHEREAS, to address the purpose and need for the Project, the County is proposing to reconstruct and narrow CSAH 30 (Diffley Road) to a two-lane divided highway, construct two single-lane roundabouts at Daniel Drive and Braddock Trail, construct a new school access road, and improve the Diffley Marketplace Crossing; and

WHEREAS, Dakota County, the City, and ISD 196 are partnering on the right of way acquisition and construction for CP 30-39; and

WHEREAS, the County is the lead agency for the Project (design, right of way, and construction); and

WHEREAS, By Resolution No. 20-302 (June 30, 2020), the County Board adopted the Diffley Road School Area Improvements project concept, executed a joint powers agreement with the City of Eagan and ISD 196 for design of the project, and authorized a contract with Bolton and Menk, Inc., for design services; and

WHEREAS, the County utilized public engagement for this project, including a virtual open house from September 11–20, 2020, on the Dakota County website and an in-person event on September 16, 2020, in the Dakota Hills Middle School/Eagan High School south parking lot, a presentation at the Dakota Physical Development Meeting the Whole on October 13, 2020; and

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

WHEREAS, a joint powers agreement between the County, City and ISD 196 for CP 30-39 is proposed to outline cost participation and responsibilities for right of way acquisition, construction, and maintenance in accordance with the County Transportation Plan and County Policy; and

WHEREAS, the acquisition of the following six parcels is necessary to move forward with the Project:

PID 10-20476-01-050 – TE 4

A Temporary easement over that part of Lot 5, Block 1, Diffley Marketplace Second Addition, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

Beginning at the northeast corner of said Lot 5, thence South 09 degrees 55 minutes 02 seconds East, assumed bearing along the east line of said Lot 5, a distance of 76.04 feet; thence South 80 degrees 04 minutes 58 seconds West a distance of 10.00 feet; thence North 09 degrees 55 minutes 02 seconds West a distance of 67.65 feet; thence North 89 degrees 56 minutes 54 seconds West a distance of 87.70 feet; thence North 00 degrees 03 minutes 06 seconds East a distance of 10.00 feet to the north line of said Lot 5; thence South 89 degrees 56 minutes 54 seconds East a distance of 96.10 feet along said north line of Lot 5 to the point of beginning.

Temporary Easement area contains approximately 1,637 square feet

PID 10-52100-01-010 – TE 5

A Temporary easement over that part of Lot 1, Block 1, Northview Meadows, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

Beginning at the northeast corner of said Lot 1; thence North 89 degrees 56 minutes 41 seconds West, assumed bearing along the north line of said Lot 1 a distance of 35.00 feet; thence South 00 degrees 03 minutes 19 seconds West a distance of 10.00 feet; thence South 89 degrees 56 minutes 41 seconds East a distance of 25.26 feet; thence southerly a distance of 63.87 feet along a non-tangential curve being 10.00 feet parallel and westerly of the east line of said Lot 1 to the southerly line of said Lot 1; thence North 67 degrees 46 minutes 37 seconds East along said southerly line a distance of 10.00 feet to the east line of said Lot 1; thence northerly along said east line of Lot 1 a distance of 70.00 feet on a non-tangential curve concave to the east with a radius of 180.00 feet to the point of beginning.

Temporary Easement area contains approximately 970 square feet.

PID 10-52100-02-010 – TE 6

A Temporary easement over that part of Lot 1, Block 2, Northview Meadows, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

Beginning at the northwest corner of said Lot 1; thence South 89 degrees 56 minutes 39 seconds East, assumed bearing along the north line of said Lot 1 a distance of 36.73 feet; thence South 00 degrees 03 minutes 21 seconds West a distance of 10.00 feet; thence North 89 degrees 56 minutes 39 seconds West a distance of 26.28 feet; thence southerly a distance of 23.61 feet along a non-tangential curve being 10.00 feet parallel and easterly of the west line of said Lot 1; thence South 72 degrees 32 minutes 24 seconds West a distance of 10.00 feet to the west line of said Lot 1; thence northerly along said west line of Lot 1 a distance of 36.68 feet on a non-tangential curve concave to the east with a radius of 120.00 feet to the point of beginning.

Temporary Easement area contains approximately 618 square feet.

PID 10-72500-01-110 – TE 7

A Temporary easement over the south 10.00 feet of Lot 11, Block 1, Stafford Place, according to the recorded plat thereof, Dakota County, Minnesota, lying westerly of the following described line;

Commencing at the most southwest corner of said Lot 11; thence South 89 degrees 56 minutes 40 seconds East, assumed bearing along the south line of said Lot 11 a distance of 37.85 feet to the point of beginning of the line to be described; thence north perpendicular to said south line of Lot 11 a distance of 10.00 feet and said line there terminating.

Temporary Easement area contains approximately 339 square feet

PID 10-72500-01-100 - Parcel 8

A permanent easement for highway purposes over that part of Lot 10, Block 1, Stafford Place, according to the recorded plat thereof, Dakota County, Minnesota, lying southwesterly of the following described line:

Beginning at the most westerly corner of said Lot 10, said corner being at the intersection of a northerly line of said Lot 10 and the east right of way line of Braddock Trail; thence South 42 degrees 58 minutes 33 seconds East, a distance of 29.80 feet; thence South 29 degrees 36 minutes 23 seconds East a distance of 64.08 feet; thence South 58 degrees 45 minutes 05 seconds East a distance of 59.69 feet to the south line of said Lot 10 and said line there terminating, for the basis of this description said south line of Lot 10 bears South 89 degrees 56 minutes 40 seconds East.

Permanent Easement area contains approximately 3,726 square feet

A temporary easement over that part of Lot 10, Block 1, Stafford Place, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

Beginning at the most westerly corner of said Lot 10, said corner being at the intersection of a northerly line of said Lot 10 and the east right of way line of Braddock Trail; thence South 42 degrees 58 minutes 33 seconds East, a distance of 29.80 feet; thence South 29 degrees 36 minutes 23 seconds East a distance of 64.08 feet; thence South 58 degrees 45 minutes 05 seconds East a distance of 59.69 feet to the south line of said Lot 10; thence North 38 degrees 08 minutes 47 seconds East, along the southeasterly line of said Lot 10 a distance of 10.07 feet; thence North 58 degrees 45 minutes 05 seconds West a distance of 58.30 feet; thence North 29 degrees 36 minutes 23 seconds West a distance of 68.62 feet; thence North 57 degrees 20 minutes 17 seconds West a distance of 25.67 feet to a northerly line of said Lot 10; thence southwesterly along said northerly line a distance of 5.00 feet to the point of beginning, for the basis of this description said south line of Lot 10 bears South 89 degrees 56 minutes 40 seconds East.

Temporary Easement area contains approximately 1,484 square feet

PID 10-72500-01-100 - Parcel 11

A permanent easement for highway purposes over that part of Lot 1, Block 1, Eagan Substation, according to the recorded plat thereof, Dakota County, Minnesota, lying southerly of the following described line:

Commencing at the southwest corner of said Lot 1; thence North 00 degrees 09 minutes 58 seconds West, assumed bearing, along the west line of said Lot 1 a distance of 115.00 feet to the beginning of the line to be described; thence South 89 degrees 56 minutes 39 seconds East a distance of 100.02 feet to the east line of said Lot 1 and said line there terminating.

Permanent Easement area contains approximately 2,700 square feet

A Temporary easement over that part of Lot 1, Block 1, Eagan Substation, according to the recorded plat thereof, Dakota County, Minnesota described as follows:

Commencing at the southwest corner of said Lot 1, thence North 00 degrees 09 minutes 58 seconds West, assumed bearing, along the west line of said Lot 1 a distance of 115.00 feet to the beginning of the easement to be described; thence South 89 degrees 56 minutes 39 seconds East a distance of 100.02 feet to the east line of said Lot 1; thence northerly along said east line of Lot 1 a distance of 5.00 feet; thence North 89 degrees 56 minutes 39 seconds West a distance of 80.04 feet; thence North 45 degrees 27 minutes 31 seconds West a distance of 21.11 feet; thence North 00 degrees 09 minutes 58 seconds West a distance of 102.06 feet; thence South 89 degrees 50 minutes 02 seconds West a distance of 5.00 feet to the west line of said Lot 1; thence South 00 degrees 09 minutes 58 seconds East along said west line a distance of 121.83 feet to the point of beginning.

Temporary Easement area contains approximately 1,195 square feet

; and

WHEREAS, appraisals have been completed for six parcels by Patchin Messner Valuation Counselors for a total appraised value of $114,125; and

WHEREAS, the CP 30-39 Transportation Capital Improvement Program budget for the Project includes $525,000; and

WHEREAS, the 2020 County fund balance includes sufficient funds for the anticipated costs of the necessary right of way acquisition for CP 30-39.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the City of Eagan and Independent School District 196 to outline cost participation and responsibilities for the necessary right of way acquisition and construction for County Project 30-39, 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 approves the appraised value for the acquisition of the identified property interest from the six parcels for County Project 30-39; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves acquisition of the properties associated with the six parcels for County Project 30-39, at the approved appraised value, and authorizes payment from the 2020 Transportation Capital Improvement Program budget; and

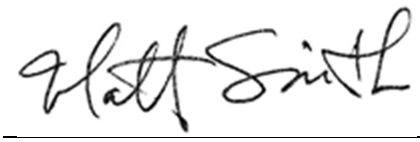
BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to initiate quick take condemnation on the properties identified in the event that timely acquisition by direct negotiations of all properties does not appear possible; and

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

Expense	
County Project 30-39: Right of Way Acquisition	$249,000
Total Expense	**$249,000**
Revenue	
Transportation Fund Balance	$249,000
Total Revenue	**$249,000**

County Manager's Comments:

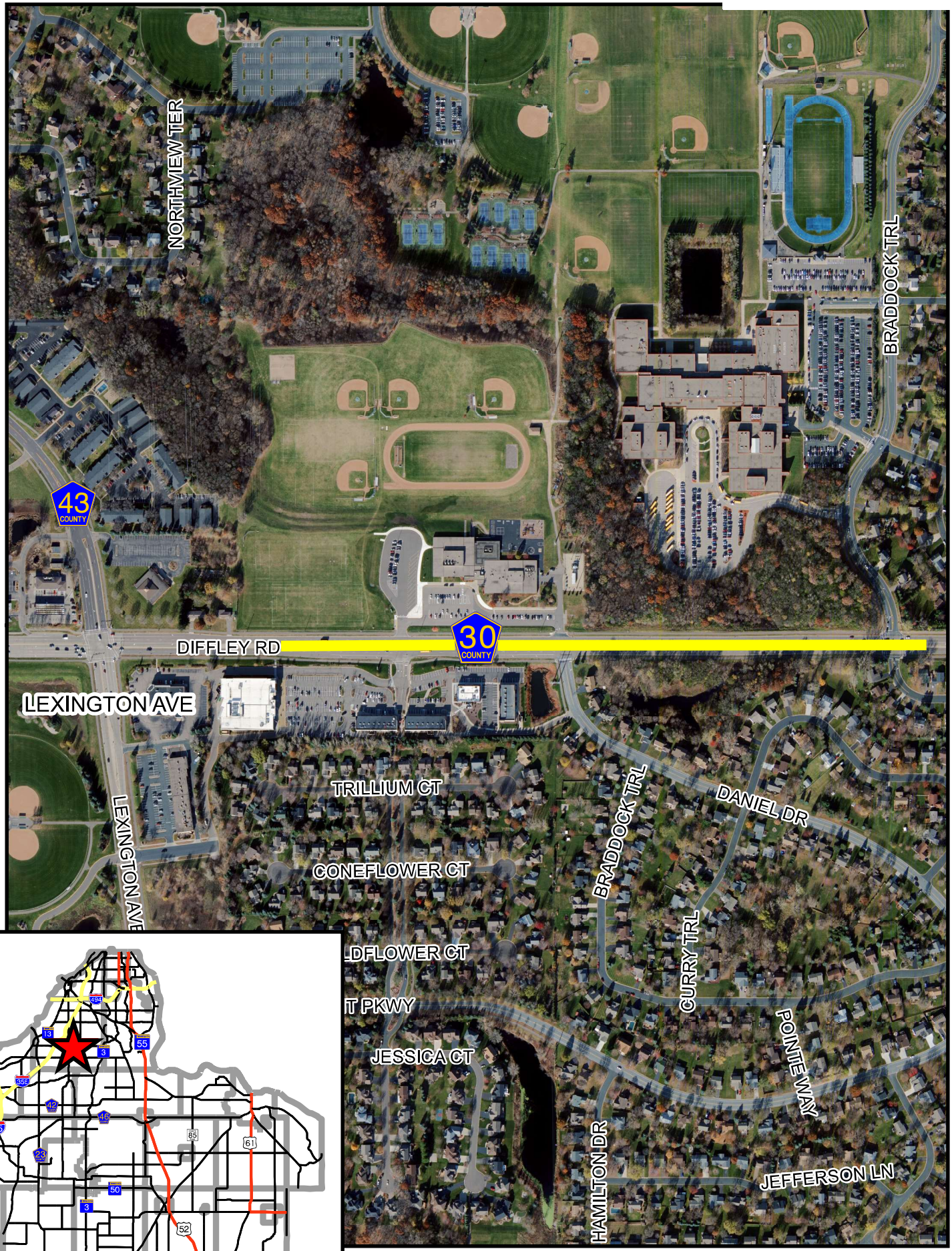
- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request

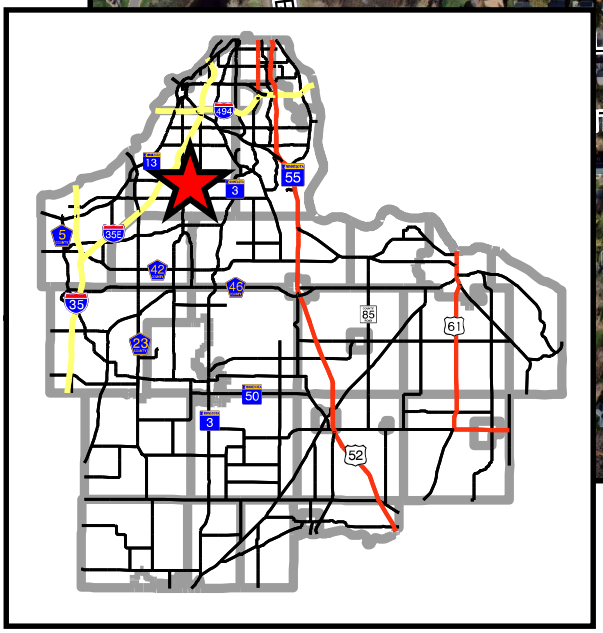


County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

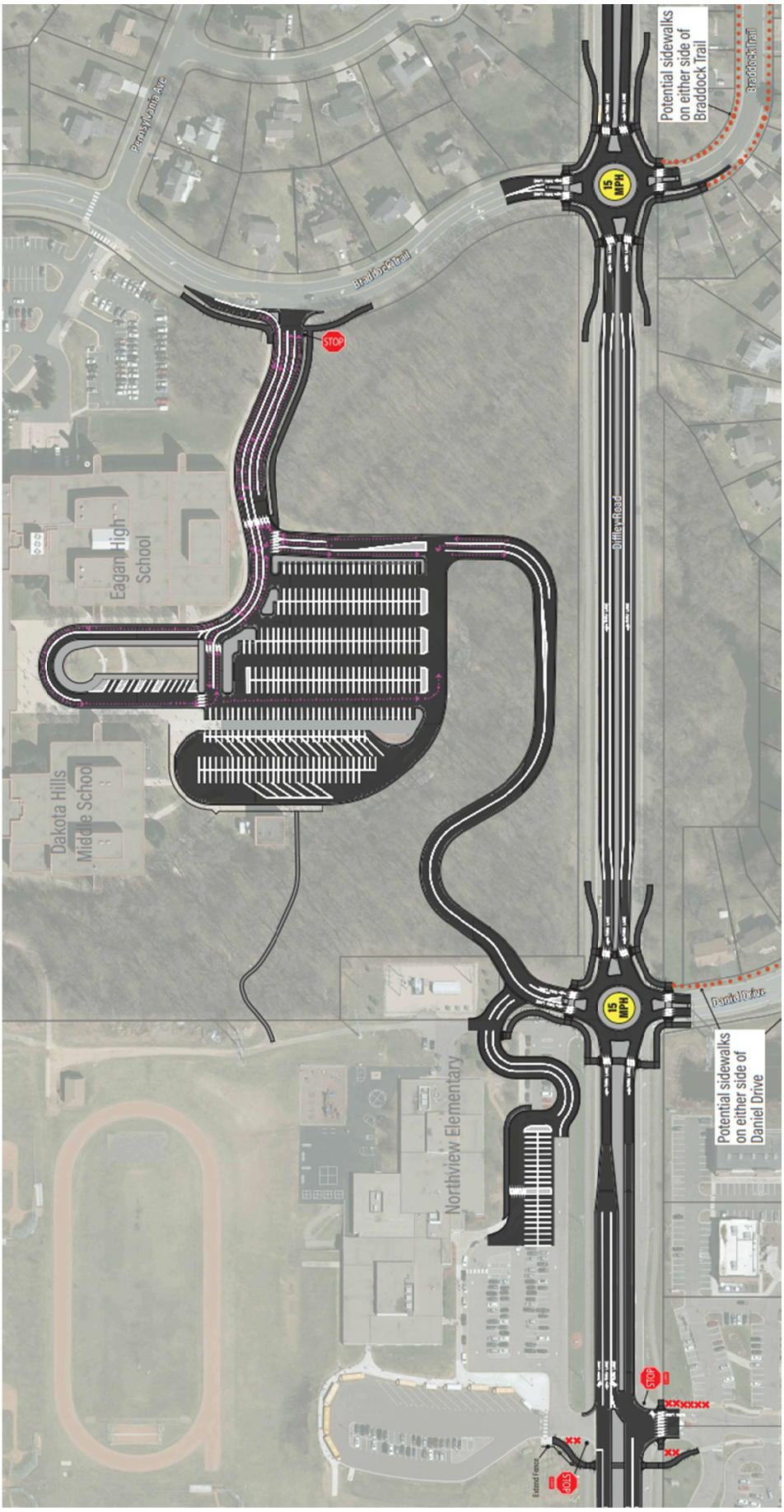




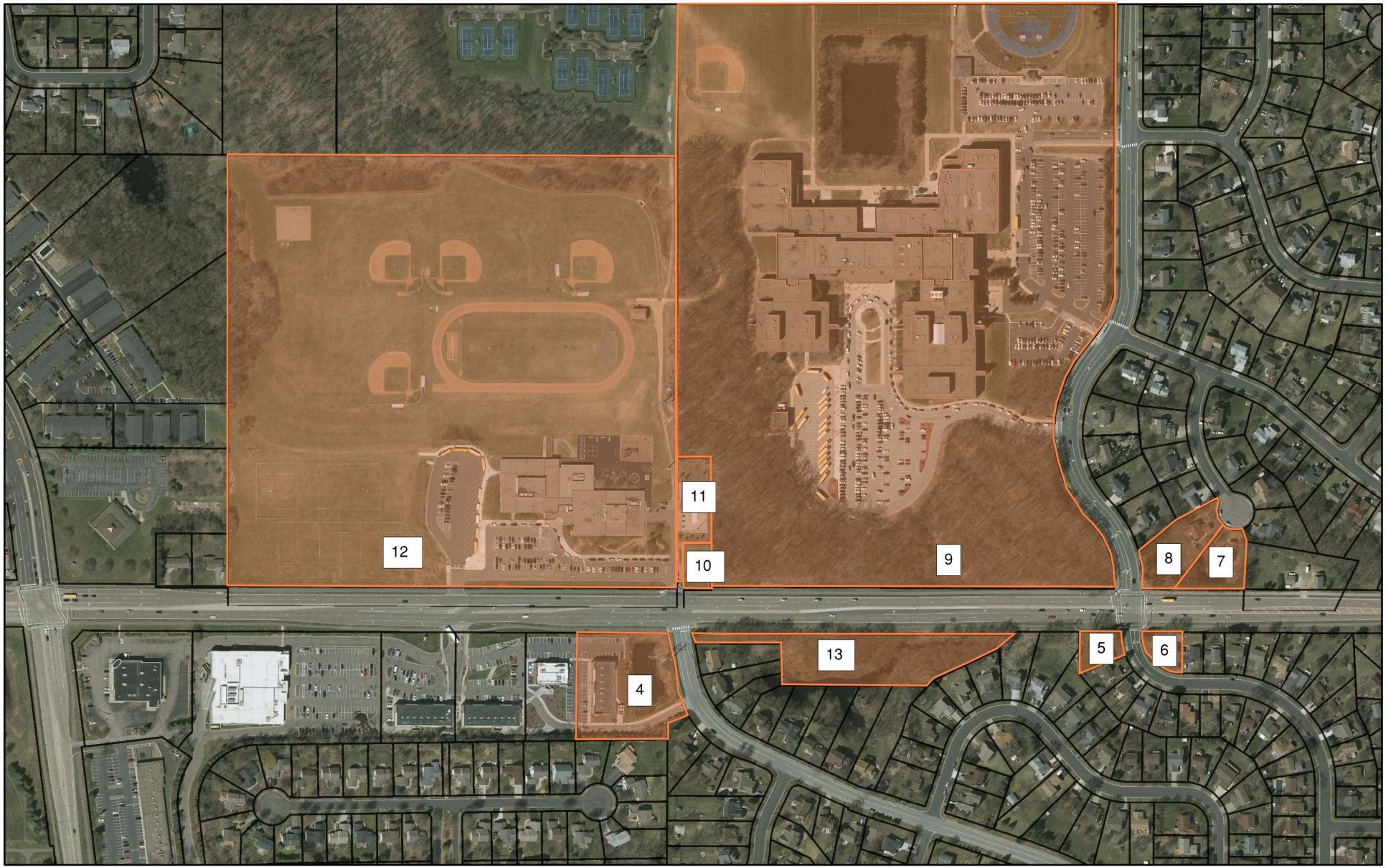
Prepared by the Dakota County Transportation Department

County Project 30-39

Proposed Concept Project



CP 30-39 - Proposed ROW Parcels



October 22, 2020

1:4,800

0 225 450 900 ft

0 65 130 260 m

Property Information

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search,appraisal, survey, or for zoning verification.

Project 30-39

Year	Expense Budget			Funding Sources Budget						
	Budget	Proposed RBA	Revised Budget	Current County's Share	Proposed RBA	Revised County's Share	Current Non-County Funding	Proposed RBA	Revised Non-County Funding	**Total Revised Project Funding**
Prior to 2020	-	-	-	-	-	-	-	-	-	**-**
2020 Budget	525,000	249,000	774,000	270,000	249,000	519,000	255,000	-	255,000	**774,000**
2021 Plan	-		-	-	-	-	-	-	-	**-**
2022 Plan	-		-	-	-	-	-	-	-	**-**
2023 Plan	-		-	-	-	-	-	-	-	**-**
2024 Plan	-		-	-	-	-	-	-	-	**-**
Current CIP Total	*525,000*	*249,000*	*774,000*	*270,000*	*249,000*	*519,000*	*255,000*	-	*255,000*	***774,000***
Costs Beyond Current CIP	-		-	-		-	-		-	**-**
Total	***525,000***	***249,000***	***774,000***	***270,000***	***249,000***	***519,000***	***255,000***	***-***	***255,000***	***774,000***

9.1 - Attachment D.pdf

DAKOTA COUNTY BOARD OF COMMISSIONERS

Award Of Bid And Authorization To Execute Contract With Fitzgerald Excavating & Trucking Incorporated For Bridge Replacement Project In Greenvale Township, County Project 97-198

Meeting Date: 11/3/2020
Item Type: Consent-Action
Division: Physical Development
Department: Transportation
Contact: Krebsbach, Mark
Contact Phone: (952) 891-7102
Prepared by: Rezac, Jacob

Fiscal/FTE Impact:
☒ None ☐ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: Excellence in public service
Public Engagement Level: Level 2 - Discuss

PURPOSE/ACTION REQUESTED
Award bid and authorize a contract with Fitzgerald Excavating & Trucking Incorporated for County Project (CP) 97-198, bridge replacement in Greenvale Township.

SUMMARY
To provide a safe and efficient transportation system throughout the County, substandard bridges within the County need to be reviewed and replaced. In CP 97-198, the Transportation Department is assisting Greenvale Township with the replacement of deficient bridge L3267 with new bridge 19J79 located on Isle Avenue just south of 305th Street (Attachment A). The existing steel arches have a low sufficiency rating, making replacement eligible for Town Bridge funding. The new bridge 19J79 will be a 10'-wide-by-5'-high precast concrete box culvert. The County has been monitoring this bridge for some time, and the existing bridge recently became eligible for funding.

The County, on behalf of the Township, has applied for and will receive Town Bridge funds for this project from the Minnesota Department of Transportation (MnDOT). The County oversees the design and construction of the project and is reimbursed for those costs from the Town Bridge Account and from Greenvale Township. By Resolution No. 19-790 (October 29, 2019), the County Board approved execution of a joint powers agreement with the Township. In accordance with the executed agreement and State Aid rules, the Township is responsible for $10,000 in engineering costs and $10,000 for construction.

Project Timeline: The construction of the new bridge is scheduled to begin in April 2021 and be completed by the end of May 2021. The road closure period will be limited to a maximum of three weeks.

Bids Received: Bids were received and tabulated on October 22, 2020. Ten bidders submitted bids as follows:

Bidder	Bid Amount	Bidder	Bid Amount
Fitzgerald Excavating & Trucking Incorporated	$211,960.80	Peterson Companies, Inc.	$328,126.26
Midwest Contracting, LLC	$264,792.15	Meyer Contracting Inc.	$336,739.64
McNamara Contracting, Inc.	$275,952.00	Max Steininger, Inc.	$349,263.36
Northland Grading and Excavating LLC	$295,948.20	Rachel Contracting, LLC	$349,989.10
New Look Contracting, Inc.	$322,607.00	Park Construction Company	$425,178.70

The engineer's estimate for CP 97-198 is $228,139. The lowest responsive and responsible bid is $211,960.80 from Fitzgerald Excavating & Trucking Incorporated, which is 7 percent under the estimate.

RECOMMENDATION
Staff recommends awarding the bid to Fitzgerald Excavating & Trucking Incorporated.

EXPLANATION OF FISCAL/FTE IMPACTS
The 2020 Transportation Capital Improvement Program Adopted Budget includes $200,000 ($180,000 MnDOT and $20,000 Township) for the costs to construct the new bridge in CP 97-198 (Attachment B). Based on the low bid, MnDOT has notified the County that $248,139 in Town Bridge Account funds will be provided for the project. Greenvale Township's construction share will be $10,000, and the Township will also be responsible for $10,000 in engineering costs. Dakota County has no cost responsibility in this project. The Township will reimburse the County for their share of the construction and engineering in accordance with the joint powers agreement for the project.

Supporting Documents:
Attachment A: Project Location Map
Attachment B: Financial Summary

Previous Board Action(s):
19-790; 10/29/19

RESOLUTION

WHEREAS, the County is assisting Greenvale Township with the replacement of deficient bridge L3267 with new bridge 19J79 located on Isle Boulevard just south of 305th Street, County Project (CP) 97-198; and

WHEREAS, the 2020 Transportation Capital Improvement Program Budget includes $200,000 ($180,000 Town Bridge and $20,000 Greenvale Township) for a new bridge in CP 97-198; and

WHEREAS, the bid of Fitzgerald Excavating & Trucking Incorporated in the amount of $211,960.80 was the lowest responsive and responsible bid received; and

WHEREAS, the Minnesota Department of Transportation has notified the County that $248,139 in Town Bridge Account funds are available for this project; and

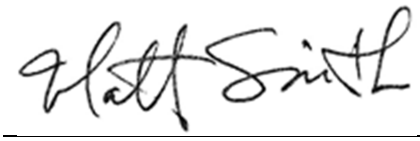
WHEREAS, Dakota County will have no cost responsibility in this project, and Greenvale Township's share will be $20,000 ($10,000 construction and $10,000 engineering) in accordance with the joint powers agreement for the project; and

WHEREAS, staff recommends awarding the bid to Fitzgerald Excavating & Trucking Incorporated.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with Fitzgerald Excavating & Trucking Incorporated for County Project 97-198 in the amount of $211,960.80 based on their low bid, subject to approval by the County Attorney's Office as to form.

County Manager's Comments:

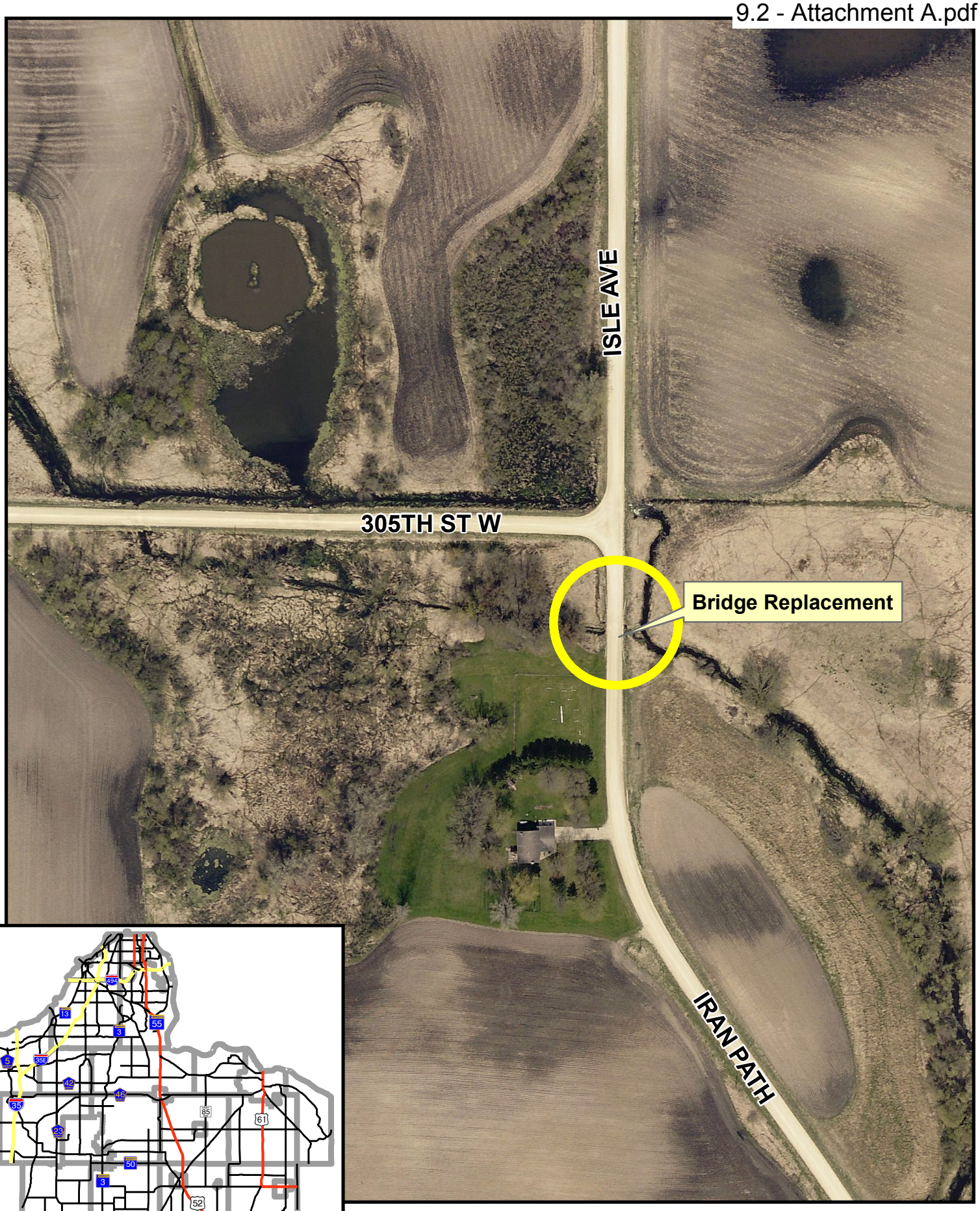
- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request

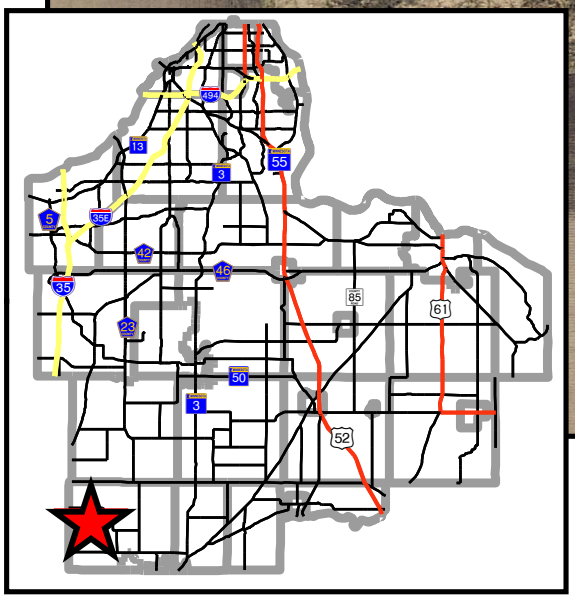


County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management





Prepared by the Dakota County Transportation Department

County Project 97-198
Bridge Replacement

Project 97-198

Year	Expense Budget			Funding Sources Budget						
	Budget	Proposed RBA	Revised Budget	Current County's Share	Proposed RBA	Revised County's Share	Current Non-County Funding	Proposed RBA	Revised Non-County Funding	**Total Revised Project Funding**
Prior to 2020	-	-	-	-	-	-	-	-	-	**-**
2020 Budget	200,000	-	200,000	-	-	-	200,000	-	200,000	**200,000**
2021 Plan	-		-	-	-	-	-	-	-	**-**
2022 Plan	-		-	-	-	-	-	-	-	**-**
2023 Plan	-		-	-	-	-	-	-	-	**-**
2024 Plan	-		-	-	-	-	-	-	-	**-**
Current CIP Total	*200,000*	-	*200,000*	-	-	-	*200,000*	-	*200,000*	***200,000***
Costs Beyond Current CIP	-		-	-		-	-		-	**-**
Total	***200,000***	***-***	***200,000***	***-***	***-***	***-***	***200,000***	***-***	***200,000***	***200,000***

9.2 - Attachment B.pdf

DAKOTA COUNTY BOARD OF COMMISSIONERS

Scheduling Of Public Hearing To Receive Comments On Eligible Projects For County Transportation Sales And Use Tax Funds

Meeting Date: 11/3/2020
Item Type: Consent-Action
Division: Physical Development
Department: Transportation
Contact: Krebsbach, Mark
Contact Phone: (952) 891-7102
Prepared by: Mitteco, Gina

Fiscal/FTE Impact:
☐ None ☒ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: A great place to live
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Schedule a public hearing pursuant to Minn. Stat. § 297A.993 to receive comments on the proposed list of eligible projects for County Transportation Sales and Use Tax funds.

SUMMARY
To provide a safe and efficient multi-modal transportation system, Dakota County identifies priority transportation projects needed to improve safety, mobility, and economic development. The Transportation Sales and Use Tax, authorized by Minn. Stat. § 297A.993 (The Act) (Attachment A), enables counties to levy up to one-half of one percent sales and use tax and an excise tax of $20 per motor vehicle to fund statutorily defined transportation and transit projects. The transportation or transit projects or improvements must be designated by the County Board following a public hearing.

Except for taxes for operating costs of a transit project or improvement, or for transit operations, the taxes must terminate when revenues raised are sufficient to finance the project. The Act allows the taxes to be used on more than one project or improvement. The County Board may dedicate the proceeds of the Transportation Sales and Use Tax to a new project by resolution after a public hearing.

Dakota County enacted a quarter-cent sales tax and $20 excise tax on new vehicle sales starting October 1, 2017 by Resolution No.17-364 (June 20, 2017). The funds generated by the Transportation Sales and Use Tax have been used to invest in transitway, transit expansion, regional County highway, trail, and trunk highway transportation projects. With the recent completion of the Draft 2040 Transportation Plan (Draft Plan), the County proposes updating the list of projects eligible for Transportation Sales and Use Tax funds to represent projected future transportation system needs. The Draft Plan identified fewer future expansion needs with a greater focus on roadway modernization, reconstruction, and spot mobility improvements. The proposed revised list of eligible projects total project cost estimates is shown in Attachment B. A map of proposed projects is shown in Attachment C.

The proposed revisions generally include:
- eliminating projects and funding commitments that have since been completed;
- updating total project cost estimates and descriptions where new information is available;
- updating project descriptions to include safety and mobility improvements that may not necessarily result in lane additions or expansions pending results of preliminary engineering efforts;
- adding projects that were identified as needs through the Draft 2040 Transportation Plan Update.

The public hearing will be advertised in the Dakota County Tribune for at least ten days prior to the hearing. The revised list of projects with associated map will be posted on the Dakota County website for review.

RECOMMENDATION
Staff recommends that the County Board schedule a public hearing at their meeting on December 1, 2020, to receive comments and adopt an updated list of eligible projects for County Transportation Sales and Use Tax Funds.

EXPLANATION OF FISCAL/FTE IMPACTS
None.

Supporting Documents:
Attachment A: Minn. Stat. § 297A.993
Attachment B: List of Proposed Eligible Projects
Attachment C: Map of Proposed Eligible Projects

Previous Board Action(s):
17-364; 6/20/17

RESOLUTION

WHEREAS, Minn. Stat. § 297A.993 (the Act) authorizes the Dakota County Board to levy up to one-half of one percent sales and use tax and an excise tax of $20 per motor vehicle to fund statutorily defined transportation and transit projects; and

WHEREAS, by Resolution No. 17-364 (June 20, 2017), the Dakota County Board enacted a quarter-cent sales tax and $20 excise tax on new vehicle sales starting October 1, 2017, to fund identified transitway, transit expansion, regional County highway, trail, and trunk highway transportation projects; and

WHEREAS, Dakota County has recently updated its Draft 2040 Transportation Plan, which identifies long-term transportation system needs; and

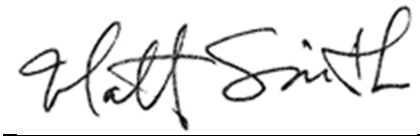
WHEREAS, Dakota County has identified a proposed updated list of transportation projects eligible for Transportation Sales and Use Tax funds based on the needs identified in the Draft 2040 Transportation Plan; and

WHEREAS, the Act allows the County Board to dedicate the proceeds of the Transportation Sales and Use Tax to a new enumerated project by resolution after a public hearing.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing for December 1, 2020, at 9:00 a.m. in the Boardroom, Dakota County Administration Center, 1590 Highway 55, Hastings, Minnesota for the purpose of receiving comments on an updated list of eligible projects for County Transportation Sales and Use Tax Funds.

County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request



County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

297A.993 COUNTY TRANSPORTATION SALES AND USE TAX.

Subdivision 1.**Authorization; rates.**

Notwithstanding section 297A.99, subdivisions 1, 2, 3, 5, and 13, or 477A.016, or any other law, the board of a county, or more than one county acting under a joint powers agreement, may by resolution of the county board, or each of the county boards, following a public hearing impose (1) a transportation sales tax at a rate of up to one-half of one percent on retail sales and uses taxable under this chapter, and (2) an excise tax of $20 per motor vehicle, as defined in section 297B.01, subdivision 11, purchased or acquired from any person engaged in the business of selling motor vehicles at retail, occurring within the jurisdiction of the taxing authority.

Subd. 2.**Allocation; termination.**

The proceeds of the taxes must be dedicated exclusively to: (1) payment of the capital cost of a specific transportation project or improvement; (2) payment of the costs, which may include both capital and operating costs, of a specific transit project or improvement; (3) payment of the capital costs of a safe routes to school program under section 174.40; or (4) payment of transit operating costs. The transportation or transit project or improvement must be designated by the board of the county, or more than one county acting under a joint powers agreement. Except for taxes for operating costs of a transit project or improvement, or for transit operations, the taxes must terminate when revenues raised are sufficient to finance the project. Nothing in this subdivision prohibits the exclusive dedication of the proceeds of the taxes to payments for more than one project or improvement. After a public hearing a county may, by resolution, dedicate the proceeds of the tax for a new enumerated project.

Transportation Sales and Use Tax 2020-2030

The Dakota County Transportation Sales and Use Tax (Sales and Use Tax) fund provides investments in regional and multi-modal transportation projects as part of the broader county transportation system. The funds are collected through a quarter-cent sales tax and $20 excise tax on new vehicle sales authorized under Minn. Stat. §297A.993. The Sales and Use Tax was enacted on October 1, 2017.

Dakota County designated the use of the Sales and Use Tax for regional multi-modal transportation projects. These types of projects have been defined by the County as those that meet the following criteria:

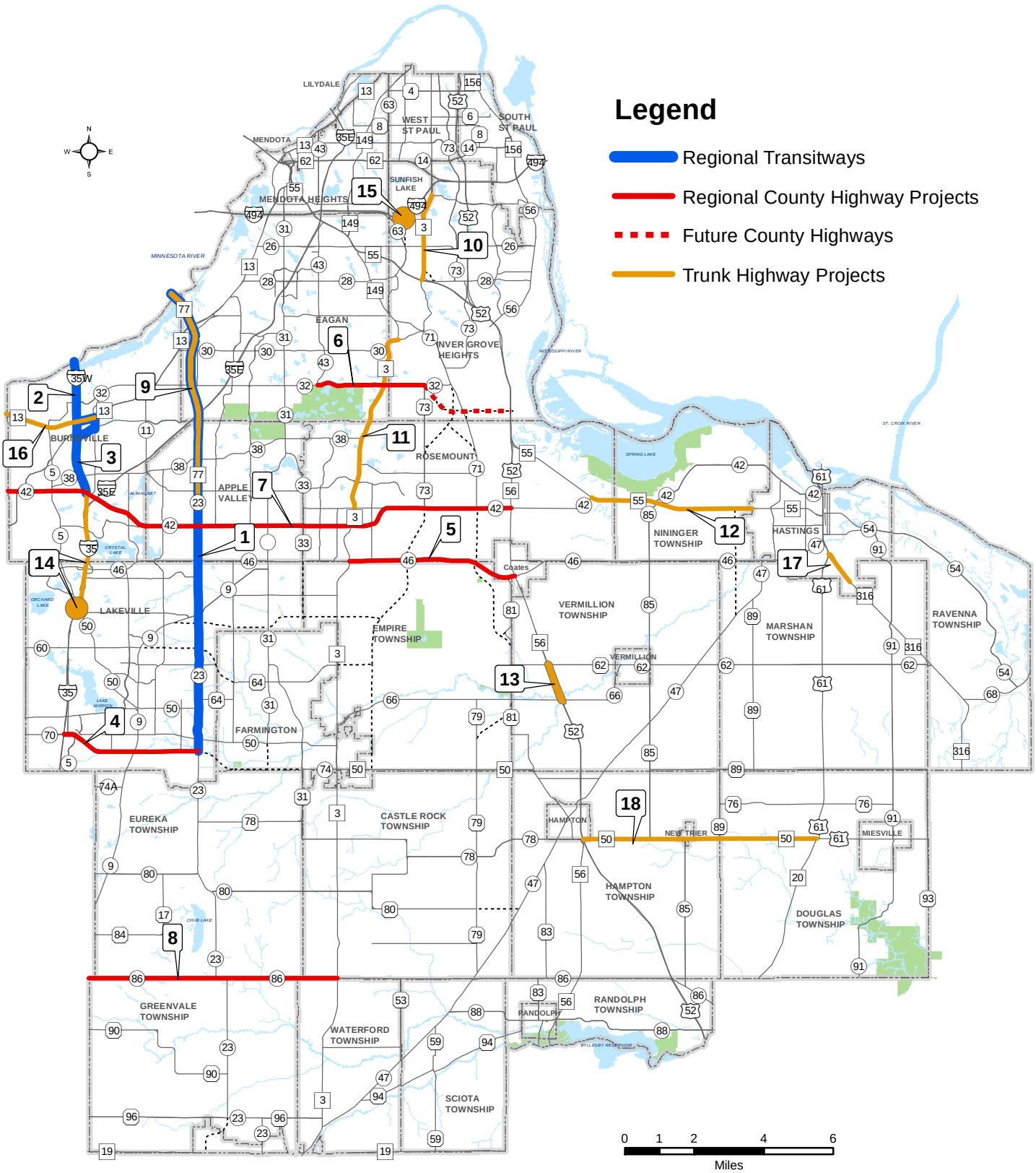
- Regional transitway capital and operating costs
- Regional county highway projects
  - Principal Arterials
  - Highways with greater than one-half mile access spacing
  - 10-ton highway replacement and modernization, and expansion projects
  - 4-lane County Highways on new alignment
- Trunk Highway projects within Dakota County
- Transit service expansion capital and operating costs
- Regional trail projects to match federal transportation funds

Proposed List of Eligible Projects for Transportation Sales and Use Tax Funds: 2020-2030

Project Description	Total Estimated Project Cost
REGIONAL TRANSITWAY CAPITAL AND OPERATION COSTS	
1. METRO Red Line (Cedar Avenue Bus Rapid Transit) capital costs	~~$17,300,000~~ $12,700,000
~~2. Assumption of CTIB 2017 Operating Grant Agreement for the METRO Red Line Service (Cedar Avenue Bus Rapid Transit) with the Metropolitan Council (#06-2017-01)~~	
~~3.~~2. METRO Orange Line (I-35 Bus Rapid Transit) capital and operating costs	~~$6,800,000~~ $3,800,000
~~4.~~3. METRO Orange Line Extension (I-35 Bus Rapid Transit) capital and operating costs	~~$10,900,000~~ $13,700,000
~~5. Assumption of 14% of the remaining balance of CTIB's full funding commitment to the capital costs of Phase 1 of the I-35W South BRT (METRO Orange Line) project, 14% of the remaining balance of the State's share of the capital costs of the project (recognizing any reductions for additional legislative contributions), and 14% of the CTIB Share of net operating costs (for reference see CTIB Resolution #41-2016 as amended by Resolution #18-2017).~~	
~~6. Consistent with CTIB Resolution #55-2014: 14% of the remaining balance of CTIB's Project Development commitment to the capital costs of Phase 1 of the I-35W South BRT (METRO Orange Line) project.~~	
~~7. Assumption of 2017 Operating Grant Agreement for the Cedar Avenue Express Service with the Metropolitan Council (#07-2017-01)~~	

~~8. Assumption of 2017 Operating Grant Agreement for the I-35W South Express Service with the Metropolitan Council (#10-2017-01)~~	
REGIONAL COUNTY HIGHWAY PROJECTS	
~~9.~~4. CSAH 70: 2 to 4 lane expansion from I-35 to CSAH 23 in Lakeville	$30,000,000 ~~$24,000,000~~
~~10.~~5. CSAH 46: 2 to 4 lane expansion from TH 3 to TH 52 in Rosemount and Empire Township	$29,000,000 ~~$25,000,000~~
~~11. CSAH 42: 4 to 6 lane expansion from I-35E east to city border in Burnsville~~	~~$19,000,000~~
~~12.~~6. CSAH 32: 2 to 3 or 4 lane expansion from CSAH 43 to TH 52 in Eagan and Inver Grove Heights	$35,000,000
~~13.~~7. CSAH 42: safety, access, and mobility improvements in Burnsville, Apple Valley, Rosemount	$30,000,000
~~14.~~8. CSAH 86: reconstruction from the western County line to Trunk Highway 3 in Greenvale, Eureka, and Castle Rock Townships	$22,000,000
TRUNK HIGHWAY PROJECTS	
~~15.~~9. TH 77: mobility improvements/MnPASS expansion in Apple Valley and Eagan	$48,000,000
~~16.~~10. TH 3: ~~2 to 4 lane expansion~~safety and mobility improvements from 55th Street to TH 55 in Inver Grove Heights	$24,000,000
~~17.~~11. TH 3: ~~2 to 4 lane expansion~~safety and mobility improvements from TH 149 to downtown Rosemount in Eagan, Inver Grove Heights, and Rosemount	$42,000,000
~~18.~~12. TH 55: ~~2 to 4 lane expansion~~safety and mobility improvements from CSAH 42 to Hastings in Rosemount and Nininger Township	$48,000,000
~~19.~~13. TH 52 and CSAH 66 interchange in Vermillion Township	$24,000,000
~~20.~~14. I-35 ~~Managed lane~~mobility improvements/MnPASS extension to CSAH 50 in Burnsville and Lakeville including I-35 and CSAH 50 interchange reconstruction in Lakeville	$100,000,000
~~21.~~15. I-494 and Future CSAH 63 interchange in Inver Grove Heights	$75,000,000
~~22.~~16. TH 13: corridor improvements from county line to ~~CSAH 5~~Nicollet Avenue in Burnsville	$30,000,000
~~23.~~17. TH 316 safety and mobility improvements in Hastings	$1,100,000
~~24.~~18. TH 50: safety improvements from TH 52 to TH 20/61 in Hampton and Douglas Townships	$10,000,000
TRANSIT SERVICE EXPANSION CAPITAL AND OPERATING COSTS	
~~25.~~19. Up to ~~$1~~ $420,000 ~~million~~ annually for non-transitway transit service expansion capital and operating costs	$4,200,000 ~~$10,000,000~~
REGIONAL TRAIL PROJECTS TO MATCH FEDERAL TRANSPORTATION FUNDS	
~~26.~~20. Up to $1 million annually to match federal aid transportation funds for regional trails	$10,000,000

Greater Minnesota Transportatio 9.3 - Attachment C.pdf
Sales and Use Tax - Eligible Projects



Prepared by:
Dakota County Office of GIS, 10/2020.

DAKOTA COUNTY BOARD OF COMMISSIONERS

Approval Of Final Plats Recommended By Plat Commission

Meeting Date: 11/3/2020
Item Type: Consent-Action
Division: Physical Development
Department: Transportation
Contact: Tollefson, Todd
Contact Phone: (952) 891-7070
Prepared by: Tollefson, Todd

Fiscal/FTE Impact:
☒ None ☐ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: A great place to live
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Approve final plats contiguous to County Roads as recommended by the Plat Commission.

SUMMARY
To provide for the orderly development of property in Dakota County, new subdivisions adjoining County highways are reviewed under the Dakota County Contiguous Plat Ordinance No. 108. The Ordinance requires new subdivisions adjoining County highways to comply with the County's access spacing and right of way guidelines in order that existing and future highway corridors are preserved to accommodate existing and forecasted traffic volumes safely and efficiently.

The Plat Commission examines plats prior to the time they are submitted for County Board approval. The Plat Commission has reviewed and recommends approval of the final plats by the County Board. The final plat approval by the County Board is subject to the conditions established by the Plat Commission review (Attachments A and B).

RECOMMENDATION
Staff recommends approval of the final plats by the County Board as recommended by the Plat Commission.

EXPLANATION OF FISCAL/FTE IMPACTS
None.

Supporting Documents:
Attachment A: Meeting Notes
Attachment B: Location Maps

Previous Board Action(s):

RESOLUTION
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

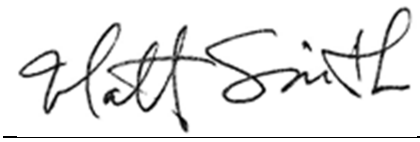
WHEREAS, the final plat approval by the County Board is subject to the conditions established by the Plat Commission review; and

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:

HARLOW ADDITION	South St. Paul
RIDGECREST ADDITION	Eagan
TOWN CENTER 100 TWENTY-FIRST ADDITION	Eagan

County Manager's Comments:
- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request



County Manager

Reviewed by (if required):
- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

DAKOTA COUNTY PLAT COMMISSION
MEETING SUMMARY
October 14, 2020

The Plat Commission meeting began at 2:00 p.m. via Zoom. Members present included: Todd Tollefson, Kristi Sebastian, and Kurt Chatfield. Others present: Butch McConnell

Plat Name:	**HARLOW ADDITION**
FNA:	BREMER BANK
PID:	**367515000291**
City:	**South St. Paul**
County Road:	Future County Road (Concord Blvd)
Current ADT (2017):	10,700
Projected ADT (2030):	13,100
Current Type:	4-lane divided
Proposed Type:	4-lane divided
R/W Guideline:	75ft (½ ROW)
Spacing Guideline:	½ mile full access
Posted Speed Limit:	40 mph
Proposed Use:	Commercial
Status:	Final
Location:	SE ¼; Sec. 27-28-22
In attendance (07/22/20):	Michael Healy (city); Jon Fahning (owner)
In attendance (10/14/20):	Michael Healy (city); Jon Fahning (owner); Ryan Garcia (city)

REVIEW 07/22/20:
The plat includes two lots, one proposed bank building and one existing building. The future right-of-way needs for a 4-lane divided roadway along future County Road (Concord Blvd) are 75 feet of ½ right of way. The existing right of way is about 55 feet of half right of way. With the existing buildings in the area and Concord already built as a 4-lane roadway, the Plat Commission will not require additional right of way. However, the Plat Commission requires a 5-foot trial, drainage, and utility easement along the future County Road (Concord Blvd) for Lot 1. The County will provide the language for the trail easement.

RECOMMENDED 07/22/20:
The Plat Commission has approved the preliminary plat provided that the described conditions are met. The Ordinance requires submittal of a final plat for review by the Plat Commission before a recommendation is made to the County Board of Commissioners.

REVIEW 10/14/20:
The Plat Commission requires a 5-foot trail, drainage, and utility easement along the future County Road (Concord Blvd) for Lot 1 and the north 100 feet of Lot 2 to provide a clear zone for the existing trail. Dakota County will supply the template and language for the Trail, Drainage, and Utility Easement. Restricted access should be shown along all of future County Road (Concord Blvd). A quit claim deed to Dakota County for restricted is required at the time of recording the plat mylars.

RECOMMENDED 10/14/20:
The Plat Commission has approved the final plat provided that the described conditions are met and will recommend approval to the County Board of Commissioners.

Plat Name:	**RIDGECREST ADDITION**
FNA:	EMAGINE EAGAN THEATER
PID:	**10-56730-010-10**
City:	**Eagan**
County Road:	CSAH 32 (Cliff Rd.)
Current ADT (2017):	30,000
Projected ADT (2030):	37,000
Current Type:	6-lane, divided
Proposed Type:	6-lane, divided
R/W Guideline:	100ft, ½ R/W
Spacing Guideline:	½ mi, full access
Posted Speed Limit:	45 mph
Proposed Use:	Commercial
Status:	Preliminary
Location:	SE ¼, 30-27-23, SW ¼, 29-27-23
In attendance (04/15/19):	Aaron Nelson (city)
In attendance (10/14/20):	John Gorder (city); Trent Mayberry (developer); Joe Larson (engineer)

REVIEW 04/15/19

This is a redevelopment proposal for the existing movie theatre/parking lot. The site plans to add two retail buildings and one restaurant to the existing site. The future right-of-way needs along CSAH 32 for a six-lane divided roadway are 100 feet of half right-of-way, which is shown on the plat. Existing access to the site is via Cliff Lake Road (City) and Park Center Drive (City). Access restriction along CSAH 32 is shown on the underlying plat.

Future access along CSAH 32 will require closure to the easterly Park Center Drive access and a restricted ¾ intersection at the westerly Park Center Drive access. These accesses will be modified with a future reconstruction project of CSAH 32 or when there are any safety concerns at these access locations. As noted, the County does not have a reconstruction project planned along CSAH 32 for the next 5-years.

RECOMMENDATION 04/15/19

The Plat Commission has approved the preliminary and final plat, provided that the described conditions are met, and will recommend approval to the County Board of Commissioners.

REVIEW 10/14/20:

This is a redevelopment proposal for the existing movie theatre/parking lot, which has been revised from the last meeting on April 15, 2019. The site plan proposes two lots with one existing site (movie theater) and one new commercial building. The future right-of-way needs along CSAH 32 for a six-lane divided roadway are 100 feet of half right-of-way, which is shown on the plat. Existing access to the site is via Cliff Lake Road (City) and Park Center Drive (City). Access restriction along CSAH 32 is shown on the underlying plat.

Future access along CSAH 32 will require closure to the easterly Park Center Drive access and a restricted ¾ intersection is planned at the westerly Park Center Drive access. These accesses will be modified with a future reconstruction project of CSAH 32 or when there are any safety concerns at these access locations. As noted, the County does not have a reconstruction project planned along CSAH 32 for the next 5-year plan.

RECOMMENDED 10/14/20:

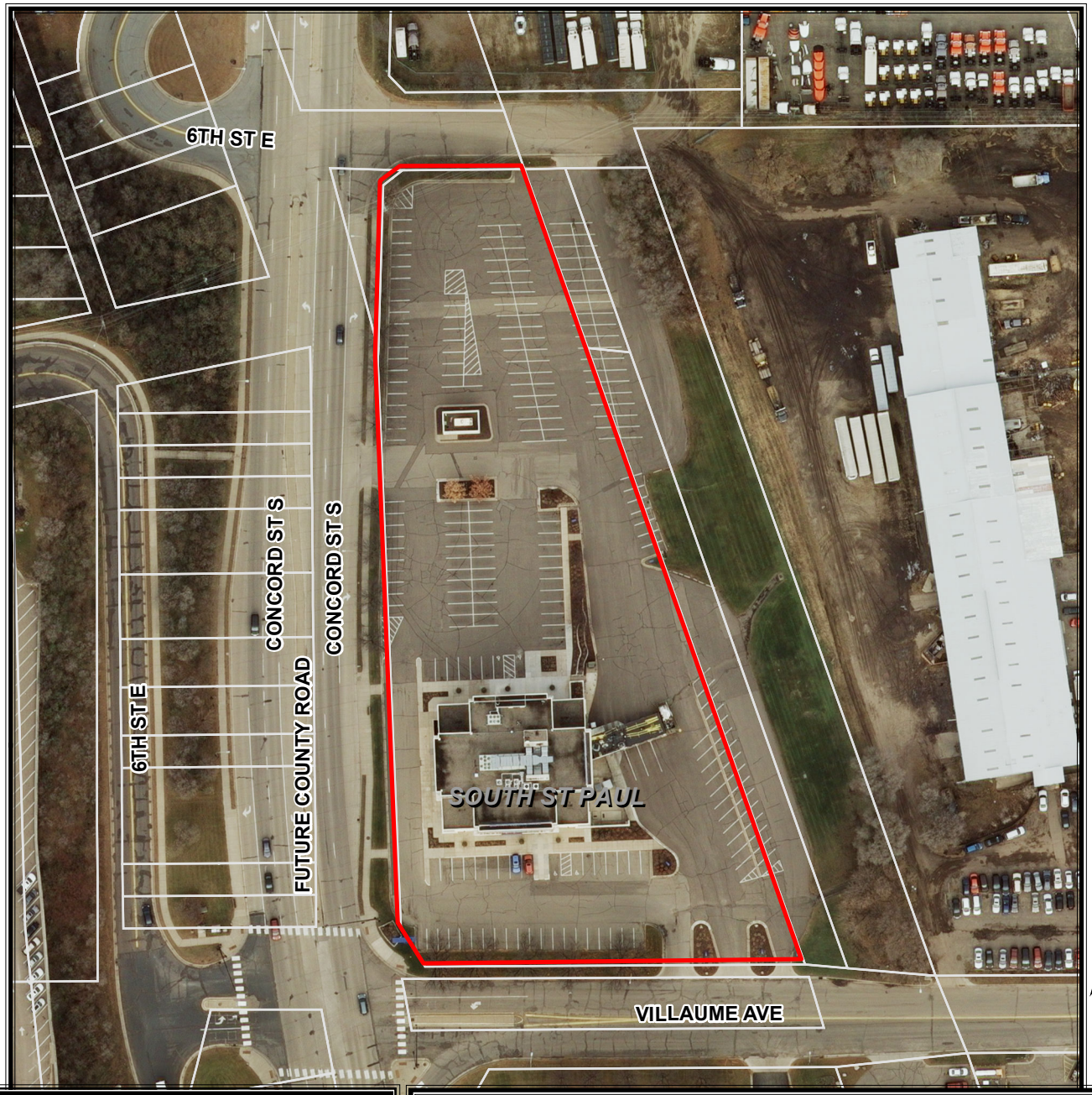
The Plat Commission has approved the preliminary and final plat and will recommend approval to the County Board of Commissioners

Plat Name:	**TOWN CENTRE 100 TWENTY-FIRST ADDITION**
PID:	**107705101010, 107705101020**
City:	**Eagan**
County Road:	CSAH 28 (Yankee Doodle Rd.)
Current ADT (2017):	21,700
Projected ADT (2030):	40,000
Current Type:	6-lane, divided
Proposed Type:	6-lane, divided
R/W Guideline:	100ft, ½ R/W
Spacing Guideline:	½ mi, full access
Posted Speed Limit:	50 mph
Proposed Use:	Commercial
Status:	Preliminary
Location:	NW ¼, Sec. 15-27-23
In attendance (10/14/20):	Chad Lockwood (developer); Patrick Daly (developer); John Gorder (city)

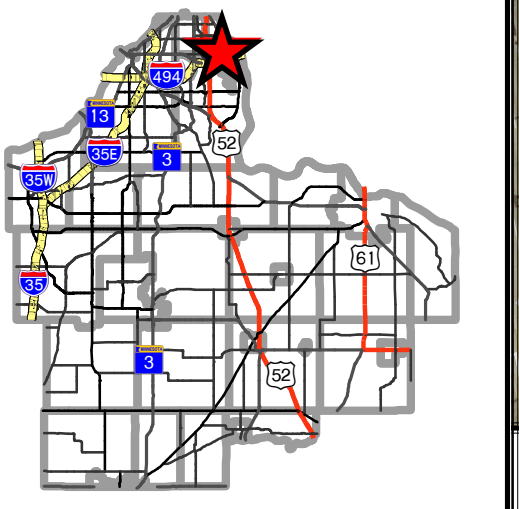
REVIEW 10/14/20:
The right-of-way needs for a 6-lane divided roadway along CSAH 28 are 100 feet of half right of way. The existing ROW along CSAH 28, including the existing highway easements, are 75 feet of half right of way. Due to the existing conditions in the area and CSAH 28 currently built as a 6-lane roadway, the Plat Commission would not require the 25-feet of additional ROW along all of CSAH 28 but requires an additional 10-foot trail, drainage, and utility easement along with dedication of additional right of way in the northwest corner for future pedestrian ramp reconstruction. Dakota County will supply the template and language for the Trail, Drainage, and Utility Easement. Restricted access should be shown along all of CSAH 28. A quit claim deed to Dakota County for restricted is required at the time of recording the plat mylars.

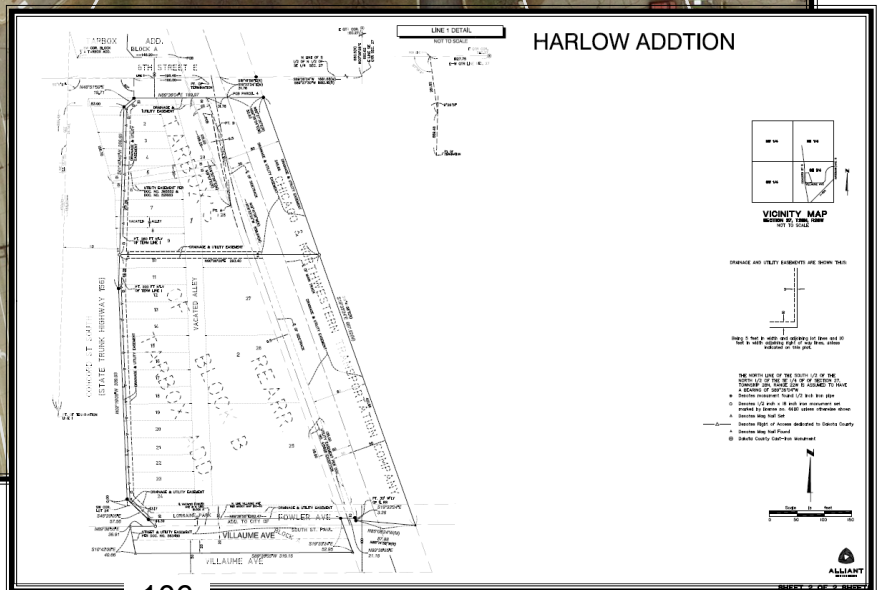
RECOMMENDED 10/14/20:
The Plat Commission has approved the preliminary and final plat, provided that the described conditions are met, and will recommend approval to the County Board of Commissioners.

HARLOW ADDITION



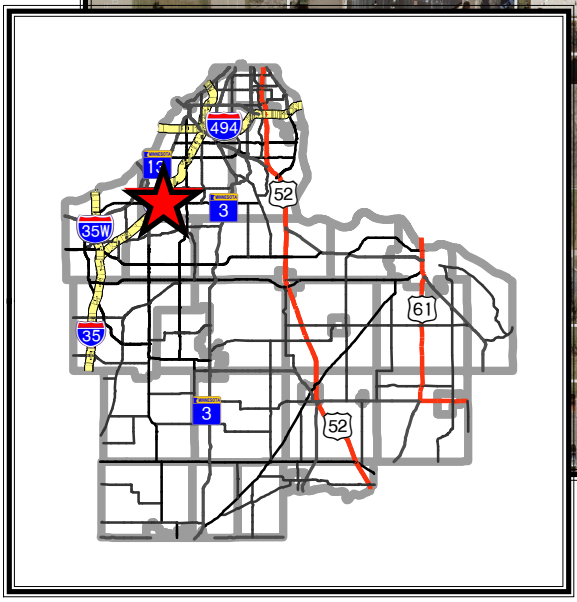
Prepared by Dakota County Physical Development Division

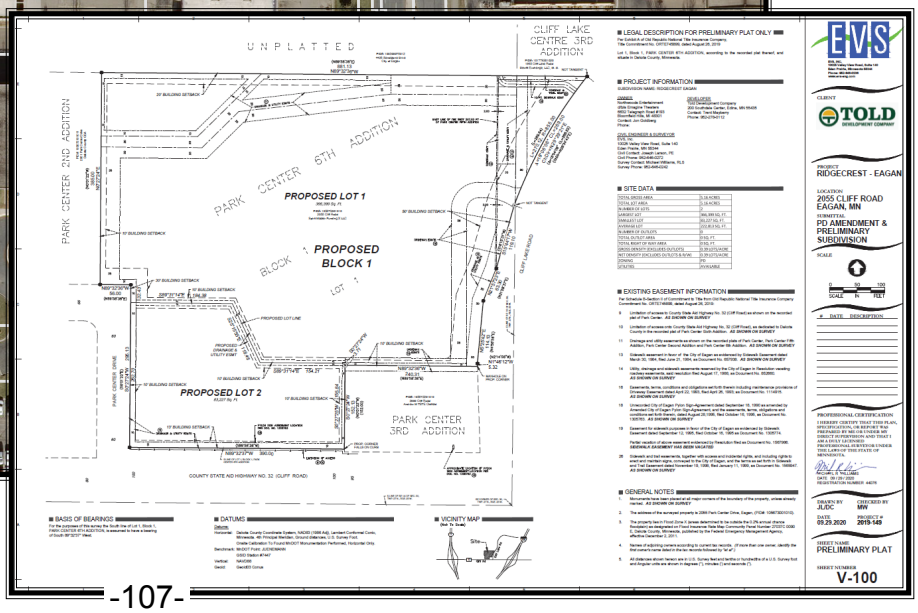




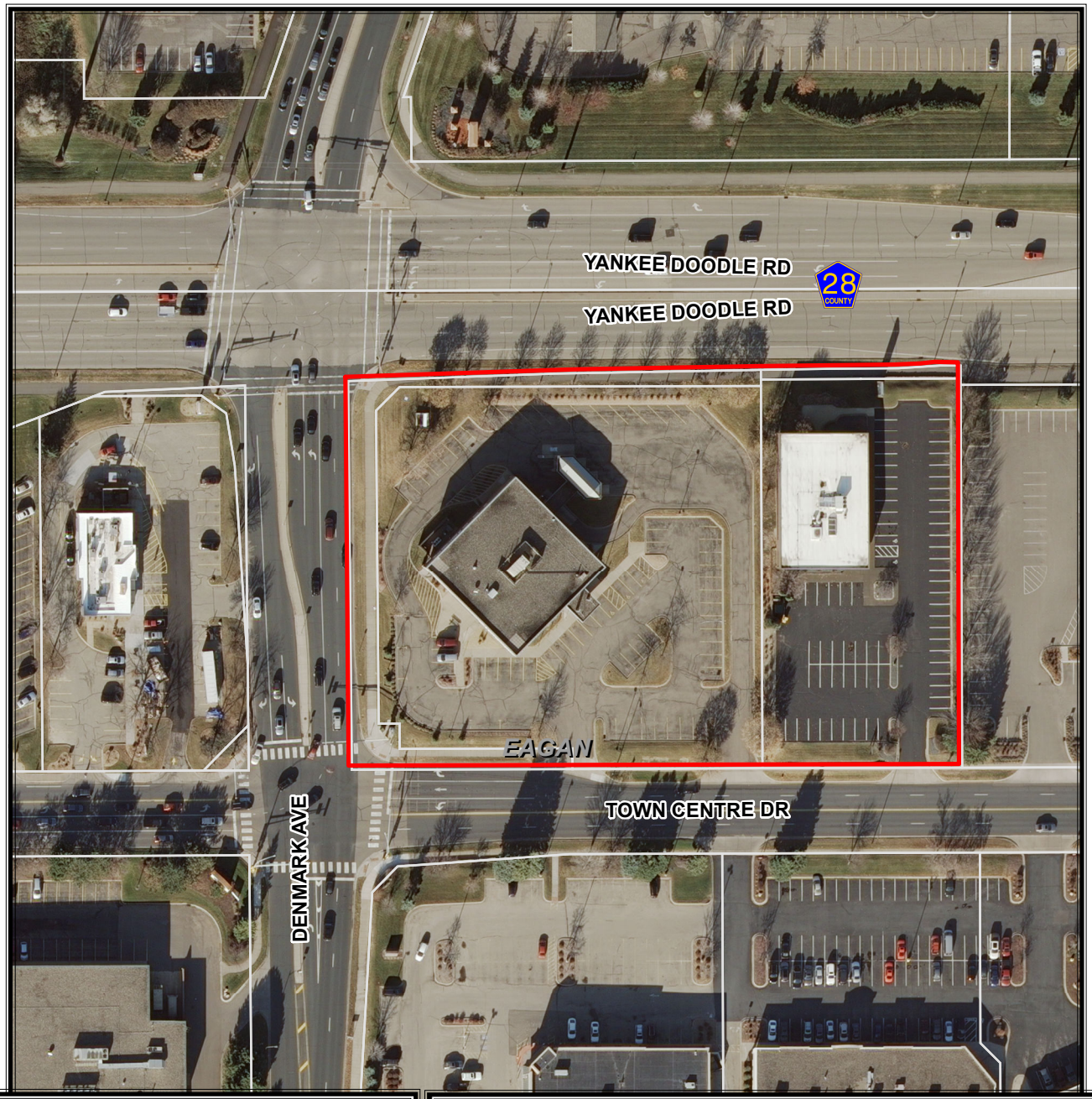
RIDGECREST ADDITION

Prepared by Dakota County Physical Development Division





TOWN CENTRE 100 TWENTY-FIRST ADDITION



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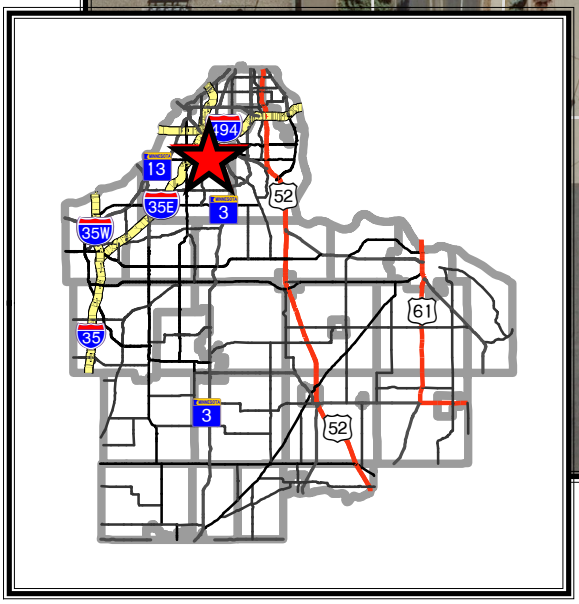
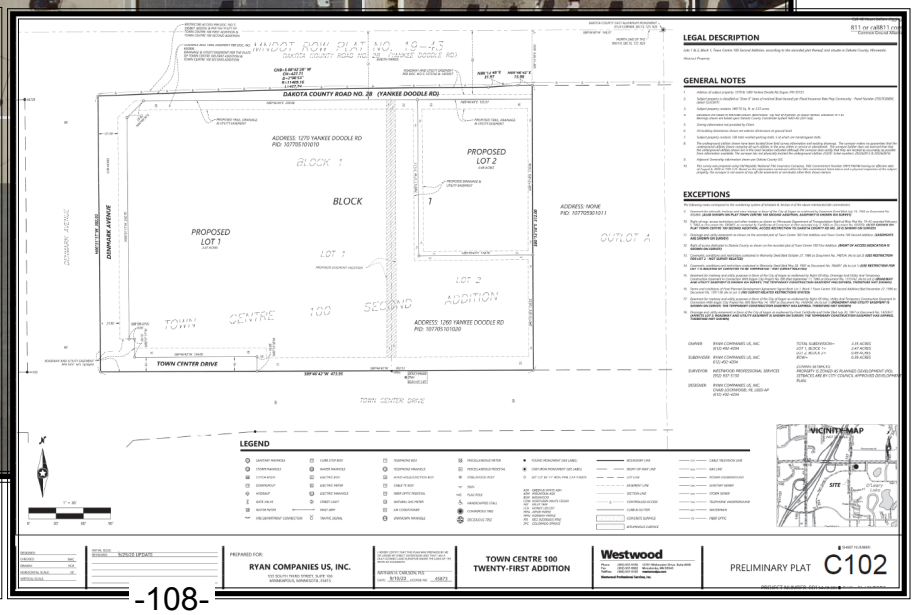




DAKOTA COUNTY BOARD OF COMMISSIONERS

Authorization To Execute First Amendment To Joint Powers Agreement And First Amended Subrecipient Agreement Between Dakota County And Dakota County Community Development Agency For Collaboration On Small Business Relief Grant Program

Meeting Date: 11/3/2020
Item Type: Consent-Action
Division: Physical Development
Department: Physical Development Administration
Contact: Stwora, Erin
Contact Phone: (952) 891-7153
Prepared by: Dykes, Maggie

Fiscal/FTE Impact:
☐ None ☒ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: A successful place for business and jobs

Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Authorize execution of the first amendment to the joint powers agreement and the first amended subrecipient agreement between Dakota County and the Dakota County Community Development Agency (CDA) for the Dakota County Small Business Relief Grant Program.

SUMMARY
By Resolution No. 20-346 (July 14, 2020), the Dakota County Board of Commissioners (Board) established the Dakota County Small Business Relief Grant Program (County Program), funded with $10 million of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds, Coronavirus Relief Fund (CRF) for grants directly to small businesses, and up to $400,000 for administrative expenses. The resolution also authorized the Dakota County CDA to implement the program on behalf of Dakota County.

By Resolution No. 20-413 (August 25, 2020), the Board authorized the County to enter into a joint powers agreement and subrecipient agreement with the Dakota County CDA, establishing the terms of the partnership and the roles and responsibilities of the County and CDA to implement the County Program.

By Resolution No. 20-475 (September 22, 2020), the Board authorized the expansion of the County Program to include Dakota County businesses not funded by the Minnesota Department of Employment and Economic Development (DEED) Small Business Relief Grants Program. Staff identified 294 DEED applicants that were not selected in DEED's lottery, who had also agreed to provide their contact information to potential funders. With the increase in the number of applicants, the Board also authorized an increase in the County Program budget by $3 million for a total Program budget of $13.4 million.

The County Attorney's Office has drafted the first amendment to the joint powers agreement and the first amended subrecipient agreement between Dakota County and the CDA to reflect the increased County Program budget.

RECOMMENDATION
Staff recommends the Board authorize the execution of the first amendment to the joint powers agreement and the first amended subrecipient agreement between Dakota County and the Dakota County Community Development Agency for collaboration on the Dakota County Small Business Relief Grant Program.

EXPLANATION OF FISCAL/FTE IMPACTS
The total budget for the Dakota County Small Business Relief Grant Program is $13.4 million and is funded through the County's CARES Act CRF allocation.

Supporting Documents:
Attachment A: First amendment to joint powers agreement
Attachment B: First amended subrecipient agreement

Previous Board Action(s):
20-346; 7/14/20
20-413; 8/25/20
20-475; 09/22/20

RESOLUTION

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

WHEREAS, by Resolution No. 20-346 the County Board also authorized the Dakota County Community Development Agency (CDA) to implement the Program on behalf of Dakota County; and

WHEREAS, by Resolution No. 20-413 (August 25, 2020), the Board authorized the County to enter into a joint powers agreement and subrecipient agreement with the CDA, establishing the terms of the partnership and the roles and responsibilities of the County and CDA to implement the County Program; 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; and

WHEREAS, by Resolution No. 20-475 the County Board increased the County Program budget by $3 million to ensure sufficient funding to the increased applicant pool; and

WHEREAS, the County Attorney's Office has drafted the first amendment to the joint powers agreement and the first amended subrecipient agreement between Dakota County and the CDA to reflect the increased program budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Manager to execute the first amendment to the joint powers agreement and the first amended subrecipient agreement between Dakota County and the Dakota County Community Development Agency for collaboration on the Dakota County Small Business Relief Grant Program.

County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request

County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

FIRST AMENDMENT TO JOINT POWERS AGREEMENT BETWEEN COUNTY OF DAKOTA AND THE DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY FOR COLLABORATION OF THE SMALL BUSINESS RELIEF GRANT PROGRAM FUNDED WITH CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDS

PARTIES

The parties to this First Amendment are the County of Dakota (County), a political subdivision of the State of Minnesota, and the Dakota County Community Development Agency (CDA), collective referred to as "the Parties". This Agreement is made pursuant to the authority conferred upon the parties by Minn. Stat. § 471.59.

RECITALS

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

WHEREAS, Dakota County received $52 million of CARES Act, Coronavirus Relief Funds (CRF) from the State of Minnesota that must meet the eligibility criteria established by the U.S. Department of Treasury; and

WHEREAS, the creation of a small business relief grant program is an eligible CRF expenditure to reimburse the costs of business interruption caused by required closures; and

WHEREAS, creation of the Dakota County Small Business Relief Grant Program (Program) was approved by the Dakota County Board of Commissioners on July 14, 2020 (Resolution No. 20-346) authorizing the Dakota County CDA to implement the program on behalf of Dakota County, to be funded with CARES dollars; and

WHEREAS, Dakota County authorized up to $10 million to fund grant awards and up to $400,000 for administrative expenses related to the Program; and

WHEREAS, the County and CDA enter into a joint powers agreement effective July 14, 2020, to implement the Program; and

WHEREAS, on September 22, 2020, by Resolution No. 20-475, the County Board of Commissioners authorized an expansion of the Program to include those eligible businesses located in Dakota County that applied to the Minnesota Department of Employment and Economic Development (DEED) Small Business Relief Grants Program but were not funded through the DEED Program and increase the budget for the program by $3,000,000 to a total of $13,400,000

WHEREAS, the CARES fund allocation must be expended by December 1, 2020 or returned to the State of Minnesota; and

WHEREAS, the parties desire to amend the JPA to allow expansion of the Program; and

WHEREAS, the JPA provides that any amendments shall be valid only when expressed in writing and duly signed authorized representatives of both parties.

NOW, THEREFORE, in consideration of the mutual covenants contained herein the parties agree as follows:

1. To amend Section 3.1.1 of the Duties of County to state:
   3.1.1 Make direct payments (via check) to businesses awarded grants up to a total of $_____ for all grants awarded
2. To amend Section 3.1.2 of the Duties of County to state:
   3.1.2 Make payments to CDA for Program administrative costs up to a total of $_____ to implement and administer the program, including associated contract cost and CDA staff time.
3. To amend Section 3.2.5 of the Duties of the CDA to state:
   3.2.5 The CDA agrees to receive the fully executed grant agreements and associated documentation from Contractor, review each grant agreement and documentation, and then submit to County's designee for distribution of funds to individual grantees.
4. To amend Section 4.1 to state:
   4.1 The County will allocate $13.4 million to fund grant awards and administrative expenses related to the Small Business Relief Grant Program.

5. All other terms of the JPA between the County and CDA shall remain in full force and effect unless otherwise amended or terminated in accordance with law or the terms of the Agreement.

6. In any case where this First Amendment conflicts with the earlier Agreement, this First Amendment shall govern.

IN WITNESS WHEREOF, the parties have executed this First Amendment on the dates indicated below.

APPROVED AS TO FORM:

_____
Assistant County Attorney/Date

DAKOTA COUNTY

By: _____
Matt Smith, County Manager
Date of Signature: _____

DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY

By: _____
Tony Schertler, Executive Director
Date of Signature: _____

FIRST AMENDED SUBRECIPIENT AGREEMENT BETWEEN THE COUNTY OF DAKOTA AND THE DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY FOR COLLABORATION OF THE SMALL BUSINESS RELIEF GRANT PROGRAM
FUNDED WITH CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDS

July 14, 2020 – February 15, 2021

The parties to this Agreement are the County of Dakota (County), a political subdivision of the State of Minnesota, and the Dakota County Community Development Agency (CDA), collective referred to as "the Parties". This Agreement is made pursuant to the authority conferred upon the parties by Minn. Stat. § 471.59.

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act as signed into law by President Trump on March 27, 2020;

WHEREAS, the CARES Act established the Coronavirus Relief Fund (Fund) and appropriated $150 billion to the Fund; and

WHEREAS, the Fund is to be used to make payments for specific uses to State and certain local governments; and

WHEREAS, Dakota County received an allocation of $52 million of the Fund (the Dakota County Allocation) from the State of Minnesota that must meet the eligibility criteria established by the U.S. Department of Treasury (Exhibit A); and

WHEREAS, Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act, requires States, Tribal governments, or units of local governments use the funds received to cover only those costs that (1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) (2) were not accounted for in the budget most recently approved as of March 27, 2020, for the State or government and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020;

WHEREAS, the COVID-19 coronavirus pandemic has created emergency and exigent circumstances for individuals and businesses necessitating immediate response and implementation of programs to provide relief aid to impacted communities and business; and

WHEREAS, the creation of a small business relief grant program is an eligible Fund expenditure to reimburse the costs of business interruption caused by required closures; and

WHEREAS, creation of the Dakota County Small Business Relief Grant Program (Program) was approved by the Dakota County Board of Commissioners on July 14, 2020 (Resolution No. 20-346) authorizing the Dakota County CDA to implement the program on behalf of Dakota County, to be funded with the Dakota County Allocation; and

WHEREAS, Dakota County authorized up to $10 million to fund grant awards and up to $400,000 for administrative expenses related to the Program; and

WHEREAS, on September 22, 2020, by Resolution No. 20-475, the County Board of Commissioners authorized an expansion of the Program to include those eligible businesses located in Dakota County that applied to the Minnesota Department of Employment and Economic Development (DEED) Small Business Relief Grants Program but were not funded through the DEED Program and increase the budget for the program by $3,000,000 to a total of $13,400,000

WHEREAS, the Dakota County Allocation must be expended by December 1, 2020 or returned to the State of Minnesota.

Now, therefore, in consideration of the mutual covenants and promises contained in this Agreement, the County and the CDA agree with all of the recitals set forth above, and agree to the following:

I. Scope of Services to be provided by the CDA

A. The CDA agrees to act as the subrecipient for the County in the Dakota County Small Business Relief Grant Program (Program), which the County received funds from the State of Minnesota. As the subrecipient, the CDA agrees to oversee the program and processes.

B. The CDA agrees to comply with federal procurement provisions to procure and enter into a contractual agreement with a qualified contractor to implement the Program.

C. The CDA agrees to develop marketing materials and advertise the Program in collaboration with Dakota County, cities, chambers of commerce, and business associations, to reach as many eligible businesses as possible to apply for the Program.

D. The CDA agrees to oversee the work of the Contractor on every stage of the Program from applications development, to selection, review, and award of grants, to audit of grantees.

E. The CDA agrees to receive the fully executed grant agreements and associated documentation from Contractor, review each grant agreement, and then submit to County's designee for distribution of funds to individual grantees.

F. The CDA shall keep detailed records of the Program and provide regular updates to the County Commissioners, County Manager, and Financial Services Director.

G. Pursuant to Minn. Stat. §16C.05, subd. 5, the CDA agrees that the County, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, et., which are pertinent to the accounting practices and procedures of the CDA and involve transactions relating to this Agreement. CDA agrees to maintain these records for a period of six years from the date of termination of this Agreement and will require the Contractor to comply with this requirement.

II. Time of Performance

The services to be provided pursuant to the Agreement shall commence on or after July 14,2020 and continue until February 15, 2021, or until all obligations have been satisfactorily fulfilled, whichever occurs first. Presently, the Dakota County Allocation must be expended by December 1, 2020 or returned to the State of Minnesota. Dakota County and the CDA acknowledge the COVID-19 coronavirus pandemic has created emergency and exigent circumstances necessitating expedited response and implementation of programs, including the Program, to provide relief aid to impacted communities and business.

III. Duties of the County

In consideration of the performance of the duties and obligations of the CDA, the County hereby authorizes the CDA ability to reimburse the actual administrative and project-related costs of carrying out its duties and obligations hereunder out of the Dakota County Allocation up to an amount allowable by the Joint Power Agreement Between the County of Dakota and the Dakota County Community Development Agency for Collaboration of the Small Business Relief Grant Program Funded with Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds, as amended by the First Amendment thereto. Such costs include the following:

A. Contractor costs incurred in order to carry out its duties and obligations pursuant to this Agreement;

B. Reasonable and necessary administrative expenses, such as marketing costs.

IV. Financial Recordkeeping

The CDA shall:

A. Obtain, review, and pay regular invoices for services incurred by Contractor.

B. Maintain records and documentation on reasonable and necessary administrative expenses.

C. Submit a report on November 15, 2020 identifying the amounts of any outstanding Program reimbursement requests eligible for reimbursement from the Dakota County to be paid before December 1, 2020.

D. Submit regular Program reimbursement requests to the County in a timely manner. No reimbursement requests will be submitted to the County later than January 15, 2021.

E. Receive the fully executed grant agreements and associated documentation from Contractor, review each grant agreement and documentation, and then submit to County's designee for distribution of funds to individual grantees.

V. General Provisions

A. Compliance with Laws. CDA shall abide by all federal, state or local laws, statutes, ordinances, rules and regulations now in effect or hereunder adopted pertaining to activities governed by the Agreement. This includes, but is not limited to, all Standard Assurances, attached as Exhibit B.

B. Minnesota Law to Govern. This Agreement shall be governed by and construed in accordance with the substantive and procedural laws of the State of Minnesota, without giving effect to the principles of conflict of laws. All proceedings related to this Agreement shall be venued in the State of Minnesota.

C. Independent Contractor. The CDA is an independent contractor and nothing herein shall be construed to create the relationship of employer and employee between the County and the CDA or any employee of the CDA. The CDA shall at all times be free to exercise initiative, judgment and discretion as to how best to provide the services pursuant to this Agreement. The CDA acknowledges and agrees that the CDA is not entitled to receive any of the benefits received by County employees and is not eligible for workers or reemployment compensation benefits.

D. Indemnification. Any and all claims that arise or may arise on behalf of the CDA, its agents, servants, or employees as a consequence of any act or omission on the part of the CDA or its agents, servants, or employees while engaged in the performance of this Agreement shall in no way be the obligation or responsibility of the County. The CDA shall indemnify, hold harmless and defend the County, its officers and employees against any and all liability, loss, costs, damages, expenses, claims or actions, including attorneys' fees which the county, its officers or employees may hereafter sustain, incur or be required to pay, arising out of or by reason of any negligent or willful act or omission of the CDA, its agents, servants, or employee, in the execution, performance or failure to adequately perform the CDA's obligations pursuant to this Agreement.

E. Waiver. Waiver of any default shall not be deemed a waiver of any subsequent default. Waiver of breach of any provision of this Agreement shall not be construed to be a modification of the terms of this Agreement unless stated to be such.

F. Modifications. Any alterations, variations, modifications or waivers of the provisions of this Agreement, and incorporated attachments, shall only be valid when they have been reduced to writing and signed by authorized representatives of the County and the CDA.

G. Severability. The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid, or unenforceable, such rendering shall not affect the validity or enforceability of the remainder of this Agreement unless the part or parts which are void, invalid, or otherwise unenforceable shall substantially impair the value of the entire Agreement with respect to either party.

H. Merger. This Agreement is the final expression of the agreement of the County and the CDA and the complete and exclusive statement of the terms agreed upon and shall not supersede all prior negotiations, understandings or agreements. There are not representations, warranties, stipulations, either oral or written, not herein contained.

I. Assignment. The CDA shall not enter into any subcontract for the performance of the services contemplated under this Agreement or assign any interest in the Agreement without prior written consent of the County and subject to such conditions as the County deems necessary. The CDA shall be responsible for the performance of its subcontractors or assignees unless otherwise agreed in writing.

J. Subrecipient Agreements. If the CDA operates as the administrative agent for any other municipality for a small business assistance program similar to the Program, the CDA will enter into a separate subrecipient agreements with those entities. .

K. Records and Reports. The CDA shall maintain all records as prescribed by applicable federal regulations. The CDA further agrees to maintain records relating to all services provided by it pursuant to the Agreement and shall retain all such documentation for a period of six (6) years from the date services were last provided pursuant to this Agreement or longer if any audit in progress requires a longer retention period. Such records are subject to the examination, duplications, transcription and audit by the County, and Legislative or State Auditor, pursuant to Minn. Stat. §16C.05, subd. 5, and duly authorized officials and officers of the United States government.

L. Audits. Compliance with Single Audit Act. The CDA understands that these funds are subject to the requirements under the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

M. Termination. If the CDA materially fails to comply with any term of this Agreement, the County may take one or more of the actions identified in 24 CFR §85.43, as appropriate in the circumstances. The County may terminate this Agreement in whole or in part for convenience, as provided in 24 CFR §85.44.

N. Rights and Remedies. All remedies available to either the County or the CDA under the terms of this Agreement or by law are cumulative and may be exercised concurrently or separately, and the exercise of any one remedy shall not be deemed an election of such remedy to the exclusion of other remedies. Waiver of any default shall not be deemed a waiver of any subsequent default. Waiver or breach of any provision of this Agreement shall not be construed to modify the terms of this Agreement unless stated to be such in writing and signed by authorized representatives of the County and the CDA.

O. Notices. Notification required to be provided pursuant to this Agreement shall be provided to the following named persons and addresses unless otherwise stated in the Agreement or in an amendment to this Agreement:

To County:
Matt Smith
Dakota County Manager
Dakota County Administration
1590 Highway 55
Hastings, MN 55033

To CDA:
Tony Schertler
Executive Director
Dakota County CDA
1228Town Centre Drive
Eagan, MN 55123

In addition, notification to the County regarding termination shall be provided to the Office of the Dakota County Attorney, 1560 Highway 55, Hastings, MN 55033.

P. Liaison. To assist the parties in the day-to-day performance of this Agreement, a liaison shall be designated by the County and the CDA. The parties shall keep each other continually informed. At the time of the execution of this Agreement, the following persons are the designated liaisons:

County's Liaison: Peter Skwira
Phone Number: 651-438-8318

CDA Liaison: Lisa Alfson
Phone Number: 651-675-4400

Q. Certifications. The CDA certifies to the best of its knowledge and belief that:

1. No federally appropriated funds have been paid or will be paid by or behalf of the CDA to any person or persons for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreements.

2. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress, in connection with this federal contract, grant, loan, or cooperative agreement, the CDA shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.

3. The CDA shall require that the language of this certification be included in the award documents for all the subawards at all tiers (including subcontractors, subgrants, and contracts) under grants, loans, and cooperative agreements and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon with reliance was placed when this Agreement was made or entering. Submission of this certification is a prerequisite for making or entering into this Agreement imposed by 31 U.S.C. §1332. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

R. Survivability. The right and obligations found in I.G.; V.D. Indemnification, V.K Records and Reports; and V.L. Audits shall survive expiration or termination of this agreement.

[SIGNATURE PAGE TO FOLLOW]

Approved as to form:

COUNTY OF DAKOTA

_____
Assistant County Attorney/Date

By: _____
Title: County Manager

Board Resolution: _____

Date: _____

Contract No.: _____

Date: _____

DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY

_____
Tony Schertler, Executive Director

Date: _____

Exhibit A
Funding Approval Agreement between County and State of Minnesota

Exhibit B
Standard Assurances

DAKOTA COUNTY BOARD OF COMMISSIONERS

Authorization To Purchase Fuel From State Of Minnesota Fuel Consortium Program

Meeting Date: 11/3/2020
Item Type: Consent-Action
Division: Physical Development
Department: Parks, Facilities, and Fleet Management
Contact: Hoopingarner, Taud
Contact Phone: (952) 891-7004, (651) 438-4416
Prepared by: Schlangen, Kevin

Fiscal/FTE Impact:
☐ None ☐ Other
☒ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: Excellence in public service
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Authorize the purchase of 70 percent of the County's anticipated unleaded and diesel fuel needs for the period of February 1, 2021, to January 31, 2022, on a fixed price basis from the State of Minnesota Fuel Consortium Program (Consortium) with the remainder being purchased under the State or local spot price purchasing programs.

SUMMARY
In 2020, Dakota County Fleet Management participated in the 12th year of the Consortium, which provides an option to purchase fuels at a fixed price. Prior to 2009, all County unleaded and diesel fuel needs were met through purchases on the spot price market. For 2020, participation in this State program enabled the County to lock in a fixed price of $1.92 a gallon for 70 percent of its unleaded fuel needs and a fixed price of $2.42 a gallon for 70 percent of its diesel fuel needs. In comparison with purchasing on the spot market, the ability to lock in fuel purchases at competitive prices via the Consortium helped ensure accurate County budget planning as well as budget stability.

Due to the continuing success of the Consortium, the State will continue to offer this program to all its Cooperative Purchasing Venture (CPV) members in the nine-county metropolitan area. In 2020, this program has over 50 municipalities joining together to purchase over 15 million gallons of fuel. By joining together, these municipalities have been able to secure lower prices per gallon over purchasing individually.

In 2021, the Consortium will provide CPV members with opportunities to purchase fuel based on two pricing strategies that include fixed pricing and spot pricing. Fixed pricing is a fixed amount per gallon for an exact number of gallons to be purchased. Spot pricing is a fixed markup on the current open market rail price per gallon at the refinery. The current program pricing will expire on January 31, 2021. The new program will run for 12 months: from February 1, 2021, to January 31, 2022. Solicitation for CPV members is taking place in November so they can react quickly to market conditions that would affect fuel prices for the new program term.

While the primary intent of this program is to manage the County's fuel costs within budget, Dakota County has, since 2009, saved over $383,000 when comparing the State contract price per gallon to the average annual open market rates, not including the savings in staff time due to use of the State contract (Attachment A).

Current State mandates require all unleaded fuel sold in Minnesota to contain 10 percent ethanol and all diesel fuel sold starting in 2018 from April to September to contain 20 percent biofuel blend with all diesel purchased from October to March to contain a five percent biofuel blend.

RECOMMENDATION
Given the volatility of the fuel markets and the uncertainty regarding fuel price levels in 2021, staff recommends that the County reduce the potential variability of County fuel expenses in 2021 by again participating in the State fixed price Fuel Consortium Program. More specifically, the Fleet Management staff and Budget staff recommend that Dakota County purchase 70 percent of its estimated unleaded gas supplies and diesel fuel supplies through the Consortium. Based on average fuel use, staff estimates this would equate to the purchase of 136,300 gallons of unleaded fuel and 125,200 gallons of diesel fuel through the program. This would require the County to commit to expending approximately $791,475 of an estimated $1,180,679 fuel budget for 2021 on the fixed price program, with the remaining fuel purchases completed on the spot price market.

EXPLANATION OF FISCAL/FTE IMPACTS
The proposed 2021 Fleet fuel budget for unleaded and diesel fuel is $1,180,679. Purchasing a fixed percentage of the Dakota County fuel needs on a fixed price basis will better position the County to maintain total fuel expenditures within the 2021 County Manager's recommended budget for this line item

Supporting Documents:
Attachment A: Fuel Cost Comparison

Previous Board Action(s):
19-817; 11/12/19

RESOLUTION

WHEREAS, Dakota County has experienced significant variability in spot market fuel prices in the past; and

WHEREAS, the State of Minnesota is offering participants in the Fuel Consortium Program (Consortium) an opportunity to purchase fuel on a fixed price basis for the period of February 1, 2021, to January 31, 2022; and

WHEREAS, the fixed prices available under the Consortium program are expected to be lower than prices available through the spot market; and

WHEREAS, purchasing fuel on a fixed price basis will help ensure accurate County budget planning and budget stability; and

WHEREAS, Dakota County holds a cooperative purchase agreement with the State of Minnesota that allows the County to purchase from vendors under contract with the State of Minnesota; and

WHEREAS, use of the Consortium will reduce Dakota County administrative costs associated with the competitive bidding process and avoid duplication of activity.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to purchase 70 percent (136,300 gallons) of the County's estimated unleaded fuel needs and 70 percent (125,200 gallons) of the County's estimated diesel fuel needs for the period of February 1, 2021, to January 31, 2022, through the State Fuel Consortium Program, at the rates approved by the State of Minnesota; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the Parks, Facilities, and Fleet Management Director to purchase the remaining amount of fuel necessary for County operations from the State Spot Price Program or through local spot price vendors.

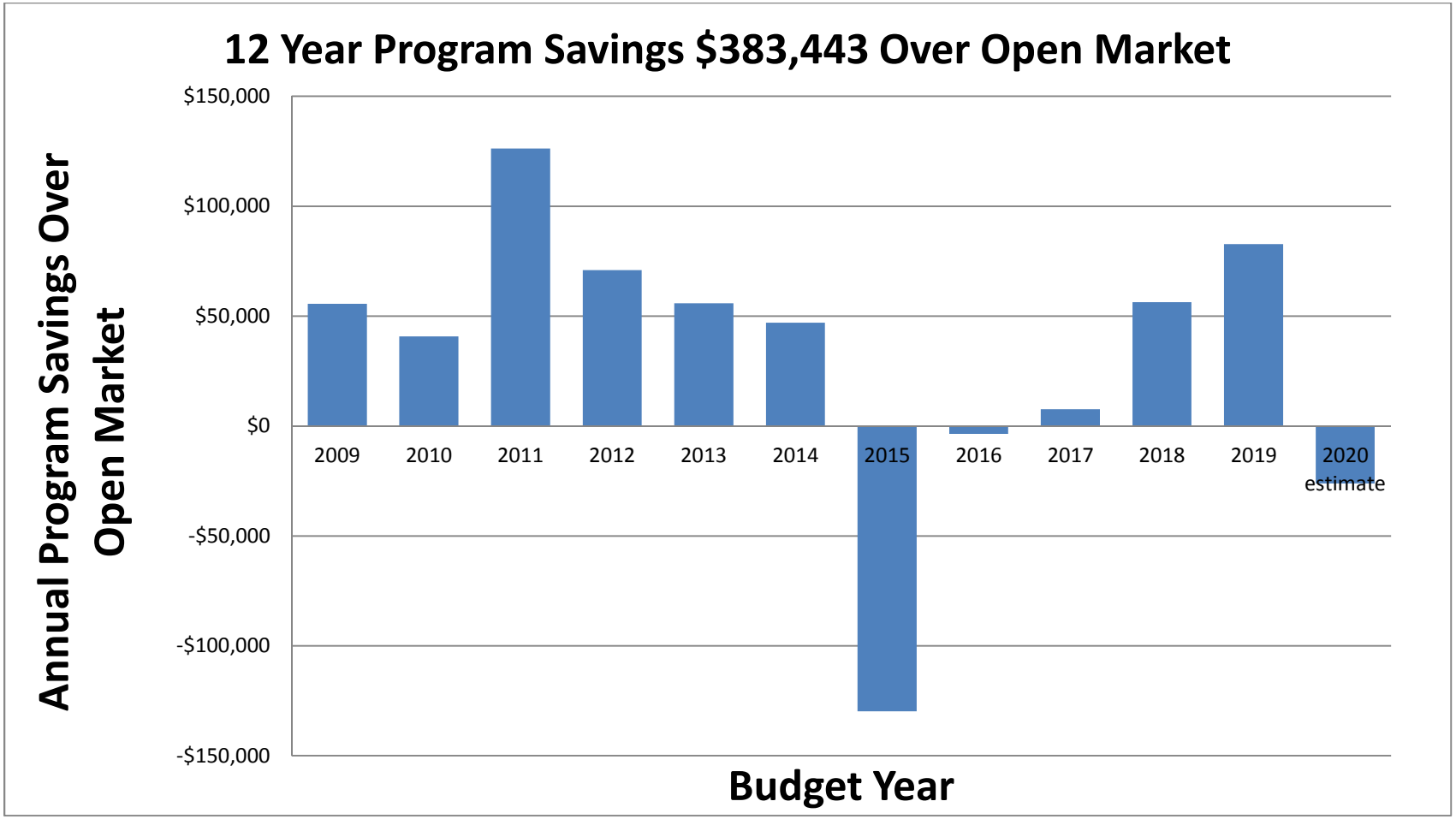
County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request

County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management


12 Year Program Savings $383,443 Over Open Market
Annual Program Savings Over Open Market
$150,000
$100,000
$50,000
$0
-$50,000
-$100,000
-$150,000
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020 estimate
Budget Year

DAKOTA COUNTY BOARD OF COMMISSIONERS

Authorization To Execute Contracts With Premium Electrical Services, LLC, And A&J Electric Corporation For Electrical Maintenance Services

Meeting Date: 11/3/2020
Item Type: Consent-Action
Division: Physical Development
Department: Parks, Facilities, and Fleet Management
Contact: Hoopingarner, Taud
Contact Phone: (952) 891-7004, (651) 438-4416
Prepared by: Lexvold, Michael

Fiscal/FTE Impact:
☐ None ☐ Other
☒ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: Excellence in public service
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Authorize execution of three contracts for electrical maintenance work for Dakota County Facilities and Parks.

SUMMARY
Facilities Management contracts for licensed electrician services for a variety of electrical maintenance and repair tasks, small projects, and emergency work. Staff estimates that there will be approximately 3,560 hours of electrical maintenance and repair work for the next 12-month period, based upon review of the past 11 years of expenses.

Due to the need to provide timely completion of electrical repairs and have a backup contractor available in the event of emergencies, three electrical contracts are to be awarded. One contract will be for the North and East Regions, one contract will be for the South and West Regions, and the third contract will be for all of the Parks locations. Each contractor will serve as a backup to the other contractor should the need arise.

Facilities Management solicited formal bids for a three-year contract for electrical services to be provided at 20 County Facilities, leased spaces, communication towers, parks facilities, and new facilities when constructed. Bid results are tabulated in Attachment A.

Based upon the bid evaluation criteria as contained in the bid document, Premium Electrical Services, LLC, has the lowest cost for the combination of labor rate and material markup for the North and East Regions. A&J Electric Corporation has the lowest cost for the combination of labor rate and material markup for the South and West Regions. A&J Electric Corporation also has the lowest cost for the Parks facilities.

RECOMMENDATION
Facilities Management staff recommends that a contract be awarded to Premium Electrical Services, LLC, for the North and East Regions and two contracts be awarded to A&J Electric Corporation for 1.) South and West Regions and 2.) Parks facilities.
Facilities Management will continue to solicit separate quotations for clearly defined projects that are estimated to exceed $2,500.

EXPLANATION OF FISCAL/FTE IMPACTS
Sufficient funds in the amount of $387,000 are included in the 2021 County Manager's recommended Facilities Management operating budget for electrical maintenance services. It is anticipated that similar amounts will be included in subsequent years. The contract maximum for these three contracts range from $308,000 to $464,000 and align with available budgets for electrical maintenance services.

Supporting Documents:
Attachment A: Hourly Cost Comparison

Previous Board Action(s):

RESOLUTION

WHEREAS, pursuant to advertisement, two qualified bids for electrical maintenance services for Dakota County facilities were received on October 9, 2020; and

WHEREAS, Premium Electrical Services, LLC, submitted the lowest responsive and responsible bid for the North and East Region of $72.25/hr. (days), $80.00/hr. (evenings), $80.00/hr. (weekends and holidays), and a zero percent markup on parts and materials; and

WHEREAS, A&J Electric Corporation submitted the lowest responsive and responsible bids for both 1.) South and West Region and 2.) Parks facilities of $68.50/hr (days), $78.50/hr (evenings), $88.50/hr (weekend and holidays), and a five percent markup on parts and materials; and

WHEREAS, staff recommends to award three electrical contracts in order to facilitate timely response to work requests and provide for the availability of multiple contractors in the event of an emergency; and

WHEREAS, funds for electrical maintenance, repair, and installation services are included in the 2021 County Manager's recommended budget.

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 Premium Electrical Services, LLC, for electrical maintenance, repair, and installation services at various Dakota County buildings in the North and East Regions for of period of December 1, 2020, through November 30, 2023, at an hourly labor rate of $72.25/hr. (days), $80.00/hr. (evenings), $80.00/hr. (weekends and holidays), and a zero percent markup on parts and materials, subject to available funding and approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract with A&J Electric Corporation for electrical maintenance, repair, and installation services at various Dakota County buildings in the South and East Regions for the period of December 1, 2020, through November 30, 2023, at an hourly labor rate of $68.50/hr (days), $78.50/hr (evenings), $88.50/hr (weekend and holidays), and a five percent markup on parts and materials, subject to available funding and approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract with A&J Electric Corporation for electrical maintenance, repair, and installation services at various Dakota County Parks facilities for the period of December 1, 2020, through November 30, 2023, at an hourly labor rate of $68.50/hr (days), $78.50/hr (evenings), $88.50/hr (weekend and holidays), and a five percent markup on parts and materials, subject to available funding and approval by the County Attorney's Office as to form.

County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request

County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

ELECTRICAL SERVICES HOURLY COST COMPARISON and TOTAL COST ESTIMATE BY REGION

NORTH & EAST REGIONS					
Bidder	**Hourly Day Rate**	**Hourly Evening Rate**	**Hourly Weekend /Holiday Rate**	**Material Markup**	**Three Year Total Cost Estimate**
A&J Electric	$ 68.50	$ 78.50	$ 88.50	5%	$ 470,704.50
Premium Electric	$ 72.25	$ 80.00	$ 80.00	0%	$ 463,800.00
SOUTH & WEST REGIONS					
Bidder	**Hourly Day Rate**	**Hourly Evening Rate**	**Hourly Weekend /Holiday Rate**	**Material Markup**	**Three Year Total Cost Estimate**
A&J Electric	$ 68.50	$ 78.50	$ 88.50	5%	$ 428,179.50

PARKS FACILTIES					
Bidder	**Hourly Day Rate**	**Hourly Evening Rate**	**Hourly Weekend /Holiday Rate**	**Material Markup**	**Three Year Total Cost Estimate**
A&J Electric	$ 68.50	$ 78.50	$ 88.50	5%	$ 307,912.50

DAKOTA COUNTY BOARD OF COMMISSIONERS

Update On Monitoring And Responses To Coronavirus Outbreak

Meeting Date: 11/3/2020
Item Type: Regular-Information
Division: County Administration/County Board
Department: County Administration
Contact: Smith, Matt
Contact Phone: (651) 438-4590
Prepared by: Reynolds, Jennifer

Fiscal/FTE Impact:
☒ None ☐ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: Excellence in public service
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Update in response to the coronavirus (COVID-19) outbreak.

SUMMARY
Staff from the County's Public Health Department and the Operations, Management and Budget Division will provide an update at the meeting.

Dakota County is working with local, state and federal health officials in response to the novel coronavirus (COVID-19) outbreak.

Dakota County Public Health has activated a system that assigns emergency roles to staff and involves regular meetings to share COVID-19 updates. County staff is also communicating with the Minnesota Department of Health (MDH) and the federal Centers for Disease Control and Prevention (CDC). This information is being communicated to hospitals, schools, city emergency managers, and other community partners. In addition, the Public Health Department has a COVID-19 hotline for County residents to call with questions and concerns. Health care providers in the County are screening patients for signs and symptoms of the virus. In partnership with MDH, Public Health staff is doing case investigation and contact tracing for COVID-19 positive cases within the County. Public Health staff have been working with the Dakota Child and Family Clinic to provide COVID-19 drive-thru testing that is accessible and affordable for Dakota County residents. Staff are also planning for vaccination clinics to be held in 2021.

While those public health efforts continue, County staff are also actively responding to expanded community needs brought about by COVID-19. Through Dakota County's Emergency Operations Center (EOC), County staff are distributing personal protective equipment (PPE) to cities and first responders, operating a centralized resource hotline to triage external requests for resources available to the public, conducting outreach to long term care facilities, promoting mental health resources available to the community during a time of increased need and working with state staff on coordination and outreach efforts for testing being done in the County.

The County has activated the Continuity of Operations Plan. The Operations Team has been meeting regularly. The Team has focused on delivery of essential services while continuing to protect the health and safety of the public and staff. Long term plans are being developed as the timeframe of this event continues to extend. This includes strategies for when staff are able to return to County buildings and reopen to the public. It includes reviewing both policies/procedures as well as any necessary changes to workspaces. Expenditures associated with the response are being tracked.

RECOMMENDATION
Information only; no action requested.

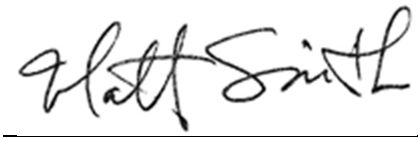
EXPLANATION OF FISCAL/FTE IMPACTS
None.

Supporting Documents:

Previous Board Action(s):

RESOLUTION
Information only; no action requested.

County Manager's Comments:	**Reviewed by (if required):**
☐ Recommend Action	☒ County Attorney's Office
☐ Do Not Recommend Action	☒ Financial Services
☐ Reviewed---No Recommendation	☒ Risk Management
☒ Reviewed---Information Only	☐ Employee Relations
☐ Submitted at Commissioner Request	☐ Information Technology
	☐ Facilities Management



County Manager

DAKOTA COUNTY BOARD OF COMMISSIONERS

County Manager's 2021 Recommended Budget

Meeting Date: 11/3/2020
Item Type: Regular-Information
Division: Operations, Management and Budget
Department: Budget Office
Contact: Sikorski, Paul
Contact Phone: (651) 438-4612
Prepared by: Cater, Karen

Fiscal/FTE Impact:
☐ None ☒ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: A successful place for business and jobs

Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Presentation of County Manager's 2021 recommended County budget and property tax levy.

SUMMARY
The 2021 recommended budget ensures the County can continue to provide its current services at high quality in the face of many uncertainties related to the COVID-19 pandemic, economic downturn, state budget deficit, and unsettled collective bargaining agreements. The 2021 recommended budget creates flexibility for future Board decisions depending on the outcome of these uncertainties.

The 2021 budget begins from a strong position established in prior Board decisions and management of County operations. The County maintains high overall service and satisfaction ratings as reported by residents, the lowest Statewide County property tax per capita and the lowest tax rate among metro counties in 2020, and a long history of sound budget planning and management.

The 2021 recommended budget and tax levy reflects long-term, disciplined financial and tax levy planning aimed at sustainable low growth in taxes and the capacity to maintain reliable services. The recommended property tax is unchanged form 2020 and is expected to maintain Dakota County's tax rate as the lowest among all the metro counties and will decrease the County portion of a median home's tax bill by about $11 annually.

RECOMMENDATION
The 2021 County total budget is recommended at $416,126,723 and funds 1,917.85 Full-Time Equivalents (FTEs). Total operating spending is recommended at $285,070,994. The budget is funded by a recommended property tax levy of $144,613,647 which is unchanged from 2020.

EXPLANATION OF FISCAL/FTE IMPACTS
The recommended 2021 Dakota County budget totals $416,126,723 and funds 1,917.85 FTEs.

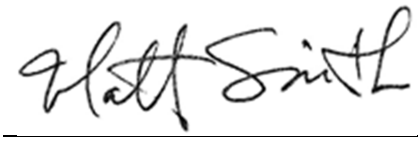
Supporting Documents:

Previous Board Action(s):

RESOLUTION
Information only; no action requested.

County Manager's Comments:

- ☐ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☒ Reviewed---Information Only
- ☐ Submitted at Commissioner Request



County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

DAKOTA COUNTY BOARD OF COMMISSIONERS

Reaffirmation Of Base Levy And Approval Of 2021 Incremental Levy For Dakota County Community Development Agency

Meeting Date: 11/3/2020
Item Type: Regular-Action
Division: Physical Development
Department: Physical Development Administration
Contact: Stwora, Erin
Contact Phone: (952) 891-7153
Prepared by: Dykes, Maggie

Fiscal/FTE Impact:
☐ None ☒ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: A great place to live
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Reaffirm the base levy to provide ongoing debt service payments for the Dakota County Community Development Agency's (CDA) Senior Housing Development Program and approve the 2021 levy increment for the CDA.

SUMMARY
Minn. Stat. § 383D.41 authorize the CDA to levy special benefit taxes at the higher of the rates allowable under Statutes § 383D.41, § 469.033, and § 469.107, with approval by the Dakota County Board (County Board). Of the applicable statutes, the highest rate is in Minn. Stat. § 469.033, which provides that the current maximum amount the CDA is permitted to levy is .0185 percent of County Estimated Market Value.

In 1994, the County Board granted the CDA the authority to request levy funds up to the amount permitted by law without subsequent approval from the County (Resolution No. 94-926). This ongoing authority provides stability for debt service payments required by the common bond fund for the CDA's Senior Housing Development Program. Historically, the CDA has sought County Board approval for the levy increment beyond the .0144 percent limit that was in place at the time of Resolution No. 94-926. The incremental levy is the difference between the maximum permitted by statute (.0185 percent) and the ongoing amount previously authorized by the County Board (.0144 percent).

For 2021, the CDA's total levy rate is decreasing by .0012 percent from 2020 approved levy. The levy dollar amount is unchanged from 2020. The incremental levy authority would be .002 percent. The approval of this levy request applies only to the levy of taxes payable in 2021, and the levy amount is based on the final pay year 2020 Estimated Market Value in the County. The requested incremental levy authority is projected to provide approximately $1,079,486 for CDA-supported programs.

RECOMMENDATION
CDA and County staff recommend reaffirmation of the .0144 percent base levy and approval of the .002 percent incremental special benefit levy for the Dakota County CDA to address affordable housing needs in Dakota County.

EXPLANATION OF FISCAL/FTE IMPACTS
The requested 2021 incremental levy rate of .002 percent of Estimated Market Value is expected to generate $1,079,486 in revenue for the CDA. If the incremental levy is approved, it will be added to the .0144 percent base levy rate, for a total CDA levy rate of .0164 percent of Estimated Market Value. This total levy is expected to generate $8,786,895 in revenue for the CDA, of which $5,600,000 will be used to pay debt service on existing bonds for the CDA's Senior Housing Program. The 2021 levy funds will be included in the CDA's Fiscal Year 2022 budget, which runs from July 1, 2021, to June 30, 2022.

Supporting Documents:
Attachment A: 2021 CDA Levy Budget

Previous Board Action(s):

RESOLUTION

WHEREAS, the Dakota County Board of Commissioners (County Board) has determined that the availability of accessible, affordable housing and economic development activities are a necessary component of a vital, sustainable economy in Dakota County; and

WHEREAS, the Dakota County Community Development Agency (CDA) has the powers of a Housing and Redevelopment Authority and Economic Development Authority within Dakota County; and

WHEREAS, there continues to be a substantial gap between the demand for affordable housing and economic development activities in Dakota County and financial resources for such activities, and additional capital for the CDA to support these activities is desired to contribute to a vital, sustainable economy in Dakota County; and

WHEREAS, the CDA's Senior Housing Program is financed through the use of housing revenue bonds with the pledge of general obligation backing by Dakota County, as approved by the Board; and

WHEREAS, the County Board has previously approved the ongoing base levy by the CDA of special benefit taxes at a rate of .0144 percent of Estimated Market Value to support debt service payments for the CDA's Senior Housing Program; and

WHEREAS, the CDA is authorized under Minn. Stat. § 469.033, subd. 6, with the approval of the County Board, to levy additional special benefit taxes, up to an amount of .0041 percent of Estimated Market Value (the incremental levy) for a total levy of .0185 percent; and

WHEREAS, the CDA is requesting approval of an incremental levy of .002 percent for a total levy of .0164 percent of Estimated Market Value; and

WHEREAS, the incremental levy would provide the CDA with an estimated $1,079,486 for CDA-supported programs; and

WHEREAS, the approval of the incremental levy applies only to taxes payable in 2021.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby reaffirms the Dakota County Community Development Agency's base levy rate of .0144 percent of Estimated Market Value and approves the Community Development Agency's incremental levy of .002 percent of Estimated Market Value, for a total Community Development Agency levy rate of .0164 percent of Estimated Market Value for taxes payable in 2021 for the purpose of providing affordable housing and supporting economic development activities in Dakota County through the Community Development Agency's Senior Housing Development program and other Community Development Agency-supported programs.

County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request

County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

2021 Special Benefit Tax Levy Budget
Dakota County Community Development Agency

Program: Housing Development and Enhancement Programs

Objective: To provide quality, affordable housing for low- to moderate-income households and support economic development initiatives in Dakota County.

Budget Detail:

Bond-funded CDA Developments	$5,600,000

Funds will be used for the payment of debt service on bonds issued for the development of affordable housing by the CDA.

CDA Initiatives	$3,186,895

Funds will be used in support of CDA initiatives to further the mission of the CDA and budgeted through the CDA's FYE22 budget process.

TOTAL BUDGET REQUEST	$8,786,895

DAKOTA COUNTY BOARD OF COMMISSIONERS

Authorization To Increase Maximum Award Amount For Dakota County Small Business Relief Grant Program, Round 1 And Round 2

Meeting Date: 11/3/2020
Item Type: Regular-Action
Division: Physical Development
Department: Physical Development Administration
Contact: Stwora, Erin
Contact Phone: (952) 891-7153
Prepared by: Dykes, Maggie

Fiscal/FTE Impact:
☐ None ☒ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: A successful place for business and jobs

Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED

Authorize an increase of maximum award amount for the Dakota County Small Business Relief Grant Program (the Program), Round 1 and Round 2, and direct the Dakota County Community Development Agency (CDA) to amend its contract with the third-party Program Administrator for Program Round 1.

SUMMARY

By Resolution No. 20-346 (July 14, 2020), the Dakota County Board of Commissioners (Board) established the Program funded with Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Fund (CRF) to award eligible small businesses up to $10,000 grants for eligible operating expenses. By Resolution No. 20-503 (October 13, 2020), the Board established Program Round 2 with the same eligibility requirements as Program Round 1 but expanded it to include home-based businesses.

Round 1. A total of $13.4 million CARES CRF was budgeted for Program Round 1. NextStage, the Program Administrator, has verified the funding eligibility of 1,616 applicants in Round 1. As of October 23, NextStage has approved 706 applicants for funding. Of the 706 applicants that have been approved, 129 of them will be funded by participating cities (Eagan, Farmington, Hastings, Inver Grove Heights, and Mendota Heights). The remaining 577 will be funded by County CARES CRF. The County has paid out a total of $2,630,300 to 272 of those businesses thus far. Based on the current approval and rejection rates of Program Round 1 applicants, staff believes there is flexibility within the $13.4 million Round 1 budget to increase the maximum award to further assist grantees.

Many of the grantees have demonstrated a financial need to justify an increased award. Each grantee is required to complete a budget showing their eligible operating expenses from March to August and if they received any financial assistance in addition to the Program award. Staff tracked the additional eligible expenses, and, of the 272 businesses that received awards as part of Round 1, 226 (83%) listed amounts from $103 to more than $1million of additional eligible expenses incurred from March to August. To feasibly offer additional funds to grantees that have already signed grant agreements within a short timeframe, NextStage has developed an online tool that could be used to simplify the budget amendment process. For the Round 1 recipients that have been approved but not yet signed grant agreements, the increased amount can be included in the original grant agreement.

Round 2. A total of $5 million CARES CRF is allocated to Round 2. The application period opened October 26 and ends November 6. Staff will update the Board on November 3 with the number and status of applicants to date. Grant agreements for Round 2 will not be signed until after the November 3 conversation. If the Board increases the grant awards beyond the original $10,000, that amount will be included in the original grant agreement.

Staff will present financial projections and budget impact if the maximum award amount is increased above the current $10,000 limit. Staff will seek Board direction on a revised cap amount (if any) so that any changes to grant award amounts can be processed timely within the CARES Act spending deadline.

RECOMMENDATION

Staff recommends the Board authorize an increase of the maximum award amount for the Program to fully maximize the total $18.4 budget (Round 1 and Round 2) to further assist grantees. Staff also recommends the Board direct the CDA to amend the contract with NextStage to expand the scope of work for amendment process but within the original contract amount ($344,300). The Board may also consider reallocating unspent funds from other CARES programs into business grants.

EXPLANATION OF FISCAL/FTE IMPACTS

The total budget for the Dakota County Small Business Relief Grant Program is $18.4 million (Round 1 and Round 2) and is funded through the County's CARES Act CRF allocation. Should the Board choose to reallocate additional unspent CARES funds to business grants, there is no net impact to the overall CARES budget.

Supporting Documents:

Previous Board Action(s):
20-346; 7/14/20
20-475; 9/22/20
20-503; 10/13/20

RESOLUTION

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 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, by Resolution No. 20-346, the Dakota County Board of Commissioners (County Board) established the Dakota County Small Business Relief Grant Program (Program Round 1) (July 14, 2020), and funded it with Dakota County's allocation of CARES CRF; and

WHEREAS, by Resolution No. 20-503 (October 13, 2020), the County Board established Program Round 2 with the same eligibility requirements as Program Round 1 with the exception that the Program include home-based businesses; and

WHEREAS, a total of $18.4 million of the Dakota County allocation of CARES CRF has been budgeted for Program Round 1 and 2 to award up to 1,500 eligible small businesses up to $10,000 grants for eligible operating expenses; and

WHEREAS, based upon the to-date approval and rejections rates of Round 1 applicants and demonstrated financial need by the grantees, staff has determined there is demonstrated flexibility in the $18.4 million budget to increase the maximum award amount to further assist grantees; and

WHEREAS, a process has been developed to amend executed grant agreements with grantees to provide the additional funding via an online tool established by NextStage, the Round 1 Program Administrator.

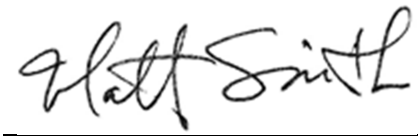
NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Manager to increase of the maximum award amounts for the Dakota County Small Business Relief Grant Program Rounds 1 and 2 grantees to maximize the use of CARES Coronavirus Relief Funds allocated to the program; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Manager to increase the CARES Coronavirus Relief Funds allocated to the Dakota County Small Business Relief Grant Program Rounds 1 and 2 by up to an additional $_____ if the County has available unallocated funds; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby directs the Dakota County Community Development Agency, as the County's Program Round 1 Administrator, to amend their contract with the third-party administrator, NextStage, to revise the scope of work to include a budget amendment process for grantees but not increase the original contract amount of $344,300.

County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request



County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

DAKOTA COUNTY BOARD OF COMMISSIONERS

Closed Executive Session: Acquisition Of Property From Ole And Janice Carlson In Hampton And Hampton And Castle Rock Townships For County Project 78-12

Meeting Date: 11/3/2020
Item Type: Regular-Action
Division: County Administration/County Board
Department: County Administration
Contact: Smith, Matt
Contact Phone: (651) 438-4590
Prepared by: Reynolds, Jennifer

Fiscal/FTE Impact:
☒ None ☐ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: Excellence in public service
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Hold a closed executive session.

SUMMARY
The Dakota County Attorney has advised that prior to closing a County Board meeting, pursuant to the Open Meeting Law, Minn. Stat. Ch. 13D, the County Board must resolve by majority vote to close the meeting.

RECOMMENDATION
The County Manager has recommended that a closed executive session be held pursuant to attorney-client privilege during the Dakota County Board meeting of November 3, 2020, to discuss the following:

- the legal strategy of accomplishing Dakota County's acquisition of certain property rights from Ole and Janice Carlson identified in Dakota County Right of Way Map No. 489 as Parcel 19 for County Project 78-12.

EXPLANATION OF FISCAL/FTE IMPACTS
Fiscal impact will be discussed in closed session.

Supporting Documents: **Previous Board Action(s):**

RESOLUTION

WHEREAS, Dakota County (County) is proceeding with County Project (CP) 78-12 to improve and reconstruct County State Aid Highway (CSAH) 78 (240th Street) from CSAH 79 (Blaine Avenue) to County Road 47 (Northfield Boulevard) in Hampton and Hampton and Castle Rock Townships; and

WHEREAS, CP 78-12 involves the reconstruction of County State Aid Highway 78 from CSAH 79 to County Road 47 to address safety and mobility issues along the Project corridor, create an efficient East to West County highway corridor, and reconstruction of the intersection of CSAH 78 and CSAH 47 to improve safety; and

WHEREAS, to construct the recommended improvements, Dakota County must acquire certain property rights from Ole and Janice Carlson identified in Dakota County Right of Way Map No. 489 as Parcel 19; and

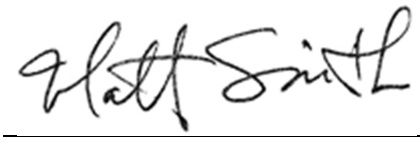
WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to the strategy of accomplishing the acquisition of the property rights for CP 78-12, the public disclosure of which would benefit the landowners to the detriment of Dakota County's position in 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 November 3, 2020, and recesses to a confidential conference call, to discuss with the County Attorney the legal strategy of accomplishing Dakota County's acquisition of certain property rights from Ole and Janice Carlson identified in Dakota County Right of Way Map No. 489 as Parcel 19 for County Project 78-12.

County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request



County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

DAKOTA COUNTY BOARD OF COMMISSIONERS

Closed Executive Session: Acquisition Of Property From Richard L. Jacoby In Hampton And Hampton And Castle Rock Townships For County Project 78-12

Meeting Date: 11/3/2020
Item Type: Regular-Action
Division: County Administration/County Board
Department: County Administration
Contact: Smith, Matt
Contact Phone: (651) 438-4590
Prepared by: Reynolds, Jennifer

Fiscal/FTE Impact:
☒ None ☐ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: Excellence in public service
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Hold a closed executive session.

SUMMARY
The Dakota County Attorney has advised that prior to closing a County Board meeting, pursuant to the Open Meeting Law, Minn. Stat. Ch. 13D, the County Board must resolve by majority vote to close the meeting.

RECOMMENDATION
The County Manager has recommended that a closed executive session be held pursuant to attorney-client privilege during the Dakota County Board meeting of November 3, 2020, to discuss the following:

- the legal strategy of accomplishing Dakota County's acquisition of certain property rights from Richard L. Jacoby identified in Dakota County Right of Way Map No. 489 as Parcel 31 for County Project 78-12.

EXPLANATION OF FISCAL/FTE IMPACTS
Fiscal impact will be discussed in closed session.

Supporting Documents: **Previous Board Action(s):**

RESOLUTION

WHEREAS, Dakota County (County) is proceeding with County Project (CP) 78-12 to improve and reconstruct County State Aid Highway (CSAH) 78 (240th Street) from CSAH 79 (Blaine Avenue) to County Road 47 (Northfield Boulevard) in Hampton and Hampton and Castle Rock Townships; and

WHEREAS, CP 78-12 involves the reconstruction of County State Aid Highway 78 from CSAH 79 to County Road 47 to address safety and mobility issues along the Project corridor, create an efficient East to West County highway corridor, and reconstruction of the intersection of CSAH 78 and CSAH 47 to improve safety; and

WHEREAS, to construct the recommended improvements, Dakota County must acquire certain property rights from Richard L. Jacoby identified in Dakota County Right of Way Map No. 489 as Parcel 31; and

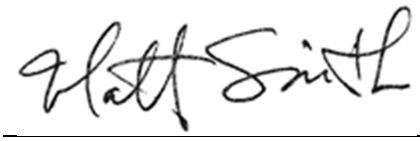
WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to the strategy of accomplishing the acquisition of the property rights for CP 78-12, the public disclosure of which would benefit the landowners to the detriment of Dakota County's position in 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 November 3, 2020, and recesses to a confidential conference call, to discuss with the County Attorney the legal strategy of accomplishing Dakota County's acquisition of certain property rights from Richard L. Jacoby identified in Dakota County Right of Way Map No. 489 as Parcel 31 for County Project 78-12.

County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request



County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

DAKOTA COUNTY BOARD OF COMMISSIONERS

Closed Executive Session: Legal Strategy For Acquisition Of Property From Timothy McInerny, Todd McInerny, Michael McInerny, And Darlene McInerny In City Of Inver Grove Heights And City Of Eagan For County Projects 26-54 And 63-27

Meeting Date: 11/3/2020
Item Type: Regular-Action
Division: County Administration/County Board
Department: County Administration
Contact: Smith, Matt
Contact Phone: (651) 438-4590
Prepared by: Reynolds, Jennifer

Fiscal/FTE Impact:
☒ None ☐ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: Excellence in public service
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Hold a closed executive session.

SUMMARY
The Dakota County Attorney has advised that prior to closing a County Board meeting, pursuant to the Open Meeting Law, Minn. Stat. Ch. 13D, the County Board must resolve by majority vote to close the meeting.

RECOMMENDATION
The County Manager has recommended that a closed executive session be held pursuant to attorney-client privilege during the Dakota County Board meeting of November 3, 2020, to discuss the following:

- the legal strategy of accomplishing Dakota County's acquisition of certain property rights from Timothy McInerny, Todd McInerny, Michael McInerny, and Darlene McInerny identified in Dakota County Right of Way Map No. 471 as Parcel 29 for County Projects 26-54 and 63-27.

EXPLANATION OF FISCAL/FTE IMPACTS
Fiscal impact will be discussed in closed session.

Supporting Documents: **Previous Board Action(s):**

RESOLUTION

WHEREAS, Dakota County (County) is proceeding with County Project (CP) 26-54 and County Project 63-27 in the Cities of Inver Grove Heights and Eagan to provide a safe and efficient transportation system; and

WHEREAS, CP 26-54 and 63-27 will expand approximately two miles of County State Aid Highway (CSAH) 26 (Loan Oak Road in Eagan, 70th Street in Inver Grove Heights) from Trunk Highway (TH) 55 to TH 3 from an existing two-lane roadway rural section to a four-lane divided urban roadway; and

WHEREAS, CP 63-27 will construct on a new alignment CSAH 62 (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, to construct the recommended improvements, Dakota County must acquire certain property rights from Timothy McInerny, Todd McInerny, Michael McInerny, and Darlene McInerny identified in Dakota County Right of Way Map No. 471 as Parcel 29; and

WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to the strategy of accomplishing the acquisition of the property rights for CP 26-54 and 63-27 the public disclosure of which would benefit the landowners to the detriment of Dakota County's position in 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 November 3, 2020, and recesses to a confidential conference call, to discuss with the County Attorney the legal strategy of accomplishing Dakota County's acquisition of certain property rights from Timothy McInerny, Todd McInerny, Michael McInerny, and Darlene McInerny identified in Dakota County Right of Way Map No. 471 as Parcel 29 for County Projects 26-54 and 63-27.

County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request

County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management

DAKOTA COUNTY BOARD OF COMMISSIONERS

Closed Executive Session: Acquisition Of Property From Roger Kimmes And Mary Kimmes, As Trustees, In City Of Miesville For County Project 91-25

Meeting Date: 11/3/2020
Item Type: Regular-Action
Division: County Administration/County Board
Department: County Administration
Contact: Smith, Matt
Contact Phone: (651) 438-4590
Prepared by: Reynolds, Jennifer

Fiscal/FTE Impact:
☒ None ☐ Other
☐ Current budget ☐ Amendment requested
☐ New FTE(s) requested
Board Goal: Excellence in public service
Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED
Hold a closed executive session.

SUMMARY
The Dakota County Attorney has advised that prior to closing a County Board meeting, pursuant to the Open Meeting Law, Minn. Stat. Ch. 13D, the County Board must resolve by majority vote to close the meeting.

RECOMMENDATION
The County Manager has recommended that a closed executive session be held pursuant to attorney-client privilege during the Dakota County Board meeting of October 20, 2020, to discuss the following:

- the legal strategy of accomplishing Dakota County's acquisition of certain property rights from Roger Kimmes and Mary Kimmes, as Trustees, identified in the Dakota County Right of Way Map No. 485 as Parcel 17, 21, and 22 for County Project 91-25.

EXPLANATION OF FISCAL/FTE IMPACTS
Fiscal impact will be discussed in closed session.

Supporting Documents: **Previous Board Action(s):**

RESOLUTION

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 91-25; and

WHEREAS, CP 91-25 is the reconstruction of County Road (CR) 91 from Trunk Highway (TH) 61 in the City of Miesville to 210th Street in Marshan Township; and

WHEREAS, the reconstruction includes pavement replacement, turn lane construction, and drainage improvements and is scheduled to begin in 2021; and

WHEREAS, to construct the recommended improvements, Dakota County must acquire certain property rights from Roger Kimmes and Mary Kimmes, as Trustees, identified in the Dakota County Right of Way Map No. 485 as Parcels 17, 21, and 22; and

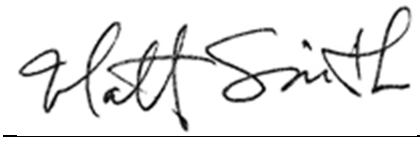
WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to the strategy of accomplishing the acquisition of the property rights for CP 91-25, the public disclosure of which would benefit the landowners to the detriment of Dakota County's position in 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 accomplishing Dakota County's acquisition of certain property rights from Roger Kimmes and Mary Kimmes, as Trustees, identified in the Dakota County Right of Way Map No. 485 as Parcel 17, 21, and 22 for County Project 91-25.

County Manager's Comments:

- ☒ Recommend Action
- ☐ Do Not Recommend Action
- ☐ Reviewed---No Recommendation
- ☐ Reviewed---Information Only
- ☐ Submitted at Commissioner Request



County Manager

Reviewed by (if required):

- ☒ County Attorney's Office
- ☒ Financial Services
- ☒ Risk Management
- ☐ Employee Relations
- ☐ Information Technology
- ☐ Facilities Management