

November 3, 2020

STATE OF MINNESOTA)
COUNTY OF DAKOTA)
OFFICE OF COUNTY BOARD)

Call To Order And Roll Call

Commissioner Mike Slavik
Commissioner Kathleen A. Gaylord
Commissioner Thomas A. Egan
Commissioner Joe Atkins
Commissioner Liz Workman
Commissioner Mary Liz Holberg
Commissioner Chris Gerlach

Also in attendance were: Matt Smith, County Manager; James Backstrom, County Attorney; Tom Donely, First Assistant County Attorney; and Jeni Reynolds, Sr. Administrative Coordinator to the Board.

Due to the local state of emergency and social distancing, Commissioners participated in this meeting in a hybrid manner, via both virtual and in-person. The Board meeting was conducted under Minn. Stat. § 13D.021. Video and audio of this County Board meeting are available on the Dakota County website.

Pledge Of Allegiance

The meeting was called to order at 9:00 a.m. by Chair Mike Slavik who welcomed everyone and opened the meeting with the Pledge of Allegiance.

Audience

Chair Slavik noted that all public comments can be sent to CountyAdmin@co.dakota.mn.us
No comments were received.

20-538

Approval Of Agenda (Additions/Corrections/Deletions)

Motion: Thomas A. Egan

Second: Joe Atkins

Item 12.2 Authorization To Increase Maximum Award Amount For Dakota County Small Business Relief Grant Program, Round 1 And Round 2 has revised resolution language. This revision was distributed to all Commissioners and placed on the County website.

Attachment A-Future Board Meetings and Other Activities should be revised to update the meeting times for the November 10, 2020 meetings.

On a motion by Commissioner Thomas A. Egan, seconded by Commissioner Joe Atkins, the agenda was unanimously approved.

Public Hearing

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

The time being 9:11 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on 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. Property Taxation and Records Director Amy Koethe spoke to this item. Interested parties desiring to be heard were afforded the opportunity to address the County Board. No one came forward

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20-539
Closing of Public Hearing

Motion: Thomas A. Egan

Second: Liz Workman

BE IT RESOLVED, That the public hearing is closed.

Ayes: 7

Nays: 0

20-540
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

Motion: Liz Workman

Second: Mary Liz Holberg

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 require 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

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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.

Ayes: 7

Nays: 0

CONSENT AGENDA

Motion: Joe Atkins

Second: Liz Workman

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

20-541

Approval Of Minutes Of Meeting Held On October 20, 2020

County Board/County Administration

20-542

Authorization To Reschedule December 2020 Committee Of The Whole Meetings

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.

20-543

Scheduling Of Dakota County Board Of Commissioners Governance Workshop

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.

Operations, Management And Budget

20-544

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

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.

Physical Development

20-545

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

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

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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

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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

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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:

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Expense

County Project 30-39: Right of Way Acquisition	<u>\$249,000</u>
Total Expense	\$249,000

Revenue

Transportation Fund Balance	<u>\$249,000</u>
Total Revenue	\$249,000

20-546

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

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.

20-547

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

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.

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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.

20-548

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:

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

20-549

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

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

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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.

20-550

Authorization To Purchase Fuel From State Of Minnesota Fuel Consortium Program

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.

20-551

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

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

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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.

REGULAR AGENDA

County Board/County Administration

Update On Monitoring And Responses To Coronavirus Outbreak

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

Operations, Management And Budget

County Manager's 2021 Recommended Budget

County Manager Matt Smith briefed this item and responded to questions. This item was on the agenda for informational purposes.

Physical Development

20-552

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

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

Motion: Chris Gerlach

Second: Thomas A. Egan

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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.

Ayes: 7

Nays: 0

20-553

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

County Manager Matt Smith and Community Development Agency Executive Director Tony Schertler briefed this item and responded to questions.

Motion: Mary Liz Holberg

Second: Joe Atkins

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

November 3, 2020

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 up to a total of \$15,000 per grantee to further assist grantees in both rounds; 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; and

WHEREAS, grant awards have not been finalized in Round 2, so any approved increase in the award amounts will be included in the original grant award for Round 2 grantees; and

WHEREAS, if the budget of \$18.4 million for the Program is not sufficient after receiving supplemental requests by grantees, the County Board will have an opportunity to amend the budget with additional CARES CRF on November 17, 2020.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the increase of the maximum award amount from \$10,000 to \$15,000 for the Dakota County Small Business Relief Grant Program Rounds 1 and 2 grantees; 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.

Ayes: 7

Nays: 0

Closed Executive Session

20-554

Authorization To Approve Settlement With Ole Carlson And Janice Carlson (Parcel 19) For County Project 78-12 Acquisition

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Liz Workman

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, Dakota County is the lead agency for CP 78-12; and

November 3, 2020

WHEREAS, by Resolution No. 20-331, the County Board of Commissioners authorized the acquisition of certain properties identified in the resolution and initiation of quick-take eminent domain pursuant to Minn. Stat. § 117.042, if necessary, to construct the recommended improvements; and

WHEREAS, to construct the recommended improvements, Dakota County must acquire certain property rights from Ole Carlson and Janice Carlson (Landowner) identified in Dakota County Right of Way Map 489 as Parcel 19; and

WHEREAS, the County's appraisal and offer to the Landowner for Parcel 19 was \$15,900; and

WHEREAS, the Landowner rejected the offer seeking additional damages related to the property; and

WHEREAS, the parties in this action have agreed to settle all damages caused by the taking whereby the County will pay the Landowner \$38,110, 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 Commissioners' hearing.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of property from Ole Carlson and Janice Carlson identified in County Project 78-12 as Parcel 19 (489), in the amount of \$38,110 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

20-555

Authorization To Approve Settlement With Richard Jacoby (Parcel 31) For County Project 78-12 Acquisition

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Joe Atkins

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, Dakota County is the lead agency for CP 78-12; and

WHEREAS, by Resolution No. 20-331, the County Board of Commissioners authorized the acquisition of certain properties identified in the resolution and initiation of quick-take eminent domain pursuant to Minn. Stat. §117.042, if necessary, to construct the recommended improvements; and

WHEREAS, to construct the recommended improvements, Dakota County must acquire certain property rights from Richard Jacoby (Landowner) identified in Dakota County Right of Way Map 489 as Parcel 31; and

WHEREAS, the County's appraisal and offer to the Landowner for Parcel 31 was \$54,300; and

WHEREAS, the Landowner rejected the offer seeking additional damages related to the property; and

November 3, 2020

WHEREAS, the parties in this action have agreed to settle all damages caused by the taking whereby the County will pay the Landowner \$78,400, 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 Commissioners' hearing.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of property from Richard Jacoby identified in CP 78-12 as Parcel 31 (489), in the amount of \$78,400 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

20-556

Authorization To Approve Settlement With Timothy B. McInerny, Todd J. McInerny, And Michael P. McInerny Parcel 29 1120 – 70th Street West Inver Grove Heights, Minnesota For County Projects 26-54 And 63-27

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Mary Liz Holberg

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

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

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

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

WHEREAS, the purpose 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 CP 26-54 and CP 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, the acquisition of right of way is recommended to move forward with CP 26-54 and CP 63-27; and

WHEREAS, to construct the recommended improvements, the County must acquire property from Timothy B. McInerny, Todd J. McInerny, and Michael P. McInerny (Owners) legally described as:

The North 287.5 feet of the East 780.00 feet of the Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼) of Section Seven (7), Township Twenty-seven North (T27N), Range Twenty-two West (R22W); Dakota County,

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Minnesota; excepting therefrom the East 405.0 feet thereof.

; and

WHEREAS, the County offered the Owners a total of \$395,000 in compensation for fee acquisition of the entire parcel; and

WHEREAS, the parties in this action have agreed to settle all damages caused by the taking whereby the County will pay the Owners \$425,000, 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 commissioners' hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners approves the fee acquisition of property from Timothy B. McInerney, Todd J. McInerney, and Michael P. McInerney, legally described above in the amount of \$425,000 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: Acquisition Of Property From Roger Kimmes And Mary Kimmes, As Trustees, In City Of Miesville For County Project 91-25

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

Commissioner Joe Atkins briefed this item. 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:

- 2020 Election – Thank you to all staff involved.

Information

See Attachment A - Future Board Meetings And Other Board Activities

20-557

Adjournment

Motion: Thomas A. Egan

Second: Joe Atkins

On a motion by Commissioner Thomas A. Egan, seconded by Commissioner Joe Atkins, the meeting was adjourned at 10:29 a.m.

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Mike Slavik
Chair

ATTEST

Matt Smith
County Manager