

June 8, 2021

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

Call To Order And Roll Call

Commissioner Mike Slavik
Commissioner Kathleen A. Gaylord
Commissioner Laurie Halverson
Commissioner Joe Atkins
Commissioner Liz Workman
Commissioner Mary Liz Holberg
Commissioner Mary Hamann-Roland

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

Pledge Of Allegiance

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

Audience

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

21-282

Approval Of Agenda (Additions/Corrections/Deletions)

Motion: Kathleen A. Gaylord

Second: Mike Slavik

On a motion by Commissioner Kathleen A. Gaylord, seconded by Commissioner Mike Slavik, the agenda was unanimously approved.

CONSENT AGENDA

Motion: Mary Hamann-Roland

Second: Liz Workman

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

21-283

Approval Of Minutes Of Meeting Held On May 18, 2021

County Board/County Administration

21-284

Authorization To Amend 2021 County Board/Committee Of The Whole Meeting Schedule

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby amends Resolution Nos. 20-510 (October 20, 2020) and 21-179 (April 6, 2021), and approves the time and location changes for the Community Services Committees of the Whole and Physical Development Committee of the Whole meetings; and

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

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- General Government and Policy (GGP) Committee meetings will be held at 9:30 a.m. (or following the County Board meeting) in Conference Room 3A, Administration Center in Hastings.
- Physical Development (9:00 a.m.) and Community Services (at 10:00 a.m. or following). Committee meetings will be held in Conference Room 110 A,B,C at the Northern Service Center in West St. Paul, for the remaining 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 110 A,B,C, Northern Service Center in West St. Paul.

21-285

Acceptance Of Resignation From Member Of Special Board Of Appeal And Equalization

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the resignation received from Dustin Bower, District 4 representative on the Special Board of Appeal and Equalization and authorizes staff to begin the process to fill this vacancy.

21-286

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

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the resignation received from Ivan Youssef, Private sector representative and Steven Ditschler, Public-Community Based sector representative on the Dakota-Scott Workforce Development Board and authorizes staff to begin the process to fill the vacancies.

21-287

Appointment To Dakota-Scott Workforce Development Board

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individuals to the Dakota-Scott Workforce Development Board for a two-year term ending June 30, 2023.

Representing	Name
Private	Mike Farren

Operations, Management And Budget

21-288

Approval To Continue Participation In State Standard Measures Program

WHEREAS, the Minnesota Legislature created the Council on Local Results and Innovation in 2010, and the Council released a standard set of performance measures for cities and counties in 2011; and

WHEREAS, the Dakota County Board of Commissioners adopted Resolution No. 11-318 (June 21, 2011), to participate in the voluntary performance measurement program and began assembling the necessary data; and

WHEREAS, Dakota County values the use of performance measurement to continually improve program and services for the residents of Dakota County; and

WHEREAS, participation in the standard measures program by a city or county is voluntary, but those who choose to participate in the program must officially adopt the corresponding performance measures developed by the Council, and file a report with the Office of the State Auditor by July 1, 2021, as part of annual reporting requirements; and

WHEREAS, cities and counties who participate in the program must implement a local performance measurement system as defined by the Council on Local Results and Innovation, to include: outcome goals; outcome and

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output performance measures; and reporting on results of the performance measures to their residents.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the following standard performance measures developed by the Council on Local Results and Innovation and authorized by the Minnesota Legislature:

- Part I and II Crime
- Average County Pavement Condition Rating
- Workforce Participation Rate Among Minnesota Family Investment Program and Diversionary Work Program Participants
- Percentage of Children Where There Is a Recurrence of Maltreatment Within 12 Months Following an Intervention
- Level of Assessment Ratio
- Accuracy of Post-Election Audit
- Dollars Brought into the County for Veterans' Benefits
- Bond Rating
- Citizens' Rating of the Quality of County Park, Recreational Programs, and/or Facilities
- Amount of Hazardous Household Waste and Electronics Collected

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby directs the County Manager to cause the collection, maintenance, and publication of the set of performance measures, as defined by the Council on Local Results and Innovation.

Physical Development

21-289

Authorization To Execute Fourth Amendment To Contract With Voith Hydro, Inc., For Design And Fabrication Of Water-To-Wire Equipment For Byllesby Dam Turbine Upgrade Project

WHEREAS, Dakota County owns the Lake Byllesby Dam and operates its hydroelectric facility under the Federal Energy Regulatory Commission (FERC) safety regulations; and

WHEREAS, over the past decade, the Dakota County Board of Commissioners has approved significant capital investments to the project for FERC-required dam safety improvements; and

WHEREAS, by Resolution No. 15-532 (October 20, 2015), the Dakota County Board of Commissioners authorized staff to execute a contract for preliminary design tasks on a turbine upgrade project to replace the existing century-old equipment in the dam; and

WHEREAS, to complete this project, County staff developed a team including an engineering consultant to provide project design, a turbine manufacturer to provide turbine and generation equipment in a complete package (e.g., water-to-wire equipment), and a general contractor for installation of the equipment and modification to the powerhouse structure; and

WHEREAS, by Resolution No. 18-111 (February 13, 2018), County staff developed prequalification requirements for turbine manufacturers through a request for qualifications, in which Voith Hydro, Inc., was selected utilizing the Best Value Contracting process authorized by State statute in the amount of \$4,220,436.00; and

WHEREAS, Voith's first contract amendment was addressed administratively in fall 2019 for small changes to their design and modifications during fabrication in the amount of \$76,793.74, bringing the total contract amount to \$4,297,229.74; and

WHEREAS, by Resolution No. 20-072 (February 4, 2020), the County Board authorized a second contract amendment for changes in the electric equipment to address powering Byllesby Regional Park and modifications

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in the penstocks to make construction more cost-effective; and

WHEREAS, by Resolution No. 20-402 (August 18, 2020), the County Board authorized a second contract amendment for changes in the electric equipment to address powering Byllesby Regional Park and modifications in the penstocks to make construction more cost-effective; and

WHEREAS, the costs associated with this third amendment are for customs and duties for shipping the equipment from overseas to Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract amendment with Voith Hydro, Inc., in the amount of \$6,630.00, bringing the total contract amount not to exceed \$4,496,395.94, subject to approval by the County Attorney's Office as to form.

21-290

Award Of Bid And Authorization To Execute Contract With Central Roofing Company For Western Service Center Copper Roof Replacement Project

WHEREAS, replacement of the Western Service Center (WSC) and Galaxie Library copper roof was not included in the 2021–2025 Building Capital Improvement Program (CIP) Adopted Budget but has become a priority project for this year with the majority of costs being offered in funding from a recent insurance claim; and

WHEREAS, County staff has worked with the County's insurance carrier (FM Global) to create a set of bid documents that apportions the costs for replacement associated with an August 2020 hailstorm insurance claim; and

WHEREAS, FM Global has committed to fund \$1,177,600 for this roof replacement project in settlement of the insurance claim; and

WHEREAS, the balance of funding is from 2020 Roof Replacement Program project savings; and

WHEREAS, bid document and specifications were prepared by Roof Spec, Inc.; and

WHEREAS, three competitive bids were received on May 11, 2021; and

WHEREAS, Central Roofing Company has submitted the low bid of \$1,521,900; and

WHEREAS, staff has reviewed the qualifications of the bidder and recommend award to Central Roofing Company as the lowest responsive and responsible bidder in an amount not to exceed \$1,521,900 for the WSC Copper Roof Replacement project; and

WHEREAS, sufficient funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract for the Western Service Center Roof Replacement project to Central Roofing Company, 4550 Main Street NE, Minneapolis, MN 55421, in an amount not to exceed \$1,521,900, subject to approval by the County Attorney's office as to form.

21-291

Award Of Bid And Authorization To Execute Contract With CM Construction Company, Inc. For Judicial Center Lower Level Courts Renovation Project

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

WHEREAS, Wold Architects and Engineers was hired as the design consultant tasked with developing this

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project through a selective Request for Proposal process; and

WHEREAS, bid documents were prepared by Wold and reviewed by staff; and

WHEREAS, the Project was formally advertised from April 23, 2021, to May 13, 2021; and

WHEREAS, seven competitive bids were received on May 18, 2021; and

WHEREAS, CM Construction Company, Inc. has submitted the low bid of \$586,896; and

WHEREAS, staff and the design consultant have reviewed the qualifications of the low bidder and recommend award to CM Construction Company, Inc., as the lowest responsive and responsible bidder in an amount not to exceed \$586,896 for the Judicial Center Lower Level Courts Renovation Project; and

WHEREAS, sufficient funds are available within the 2021 Amended Building CIP Budget for this project.

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 CM Construction Company, Inc., 12215 Nicollet Avenue South, Burnsville, MN 55337, for the Judicial Center Lower Level Courts Renovation Project, in an amount not to exceed \$586,896, subject to approval by the County Attorney's Office as to form.

21-292

Authorization To Execute Contract With KLJ Engineering LLC For Survey And Right Of Way Mapping Services For County Project 98-020 (P00147) In Cities Of Eagan And Inver Grove Heights

WHEREAS, as part of the implementation of the County's Greenway system, Dakota County is proceeding with the County Project 98-020 (P00147); and

WHEREAS, County Project 98-020 is the Veteran's Memorial Greenway that extends from Dodd Road in Eagan east to the Mississippi River Greenway (MRG) in Inver Grove Heights; and

WHEREAS, this greenway segment will connect Lebanon Hills Regional Park and MRG; and

WHEREAS, by Resolution No. 20-430 (September 1, 2020), the County Board authorized a preliminary and final design contract with SEH, Inc., for design of the greenway; and

WHEREAS, SEH, Inc., has reviewed the feasibility study completed in 2020 and has developed a preliminary alignment for the greenway; and

WHEREAS, to continue design work and begin the right of way acquisition process, the existing right of way along the corridor must be mapped; and

WHEREAS, staff sent a request for proposal to four qualified professional consultants for survey and right of way mapping for CP 98-020 (P00147); and

WHEREAS, three proposals received were evaluated by staff; and

WHEREAS, the adopted Parks Capital Improvement Program (CIP) Budget includes \$5,000,000 of County revenue and \$5,000,000 of secured State Bonding from the ML20 legislative session for a total of \$10,000,000; and

WHEREAS, staff recommends execution of a contract with KLJ Engineering LLC for professional survey and right of way mapping services for CP 98-020 (P00147) for actual costs not to exceed \$163,654.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the

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Physical Development Director to execute a contract with KLJ Engineering LLC to perform survey and right of way mapping services for County Project 98-020 (P00147) in an amount not to exceed \$163,654 subject to approval by the County Attorney's Office as to form.

21-293

Rejection Of Bids Received For Law Enforcement 3100 And 7100 Cell Block Upgrades

WHEREAS, the Dakota County Board of Commissioners approved funding in the 2021–2025 Capital Improvement Program (CIP) in the amount of \$540,000 for Law Enforcement Center (LEC) housing unit replacement finishes project; and

WHEREAS, bid documents were prepared for the LEC 3100 and 7100 Cell Block Upgrade Project and were competitively advertised on April 23, April 30, and May 7, 2021; and

WHEREAS, four bids were received on May 18, 2021, and all four bids are over budget; and

WHEREAS, the lowest bid received is \$78,000 (15.6 percent) over the approved budget of \$500,000 allotted for construction; and

WHEREAS, staff recommends that all the bids received be rejected for the LEC 3100 and 7100 Cell Block Upgrade Project as substantially in excess of the budget for this project; and

WHEREAS, if the bids are rejected, staff will prepare a new Request for Bids with greater flexibility in awarding the work within the project budget and re-advertise for bids.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby rejects all bids for the Law Enforcement Center 3100 and 7100 Cell Block Upgrade Project.

21-294

Authorization To Execute Agreement No. 1046821 And No. 1046822 With Minnesota Department Of Transportation For Federal Participation In Advanced Construction County Projects 26-54, 63-27, And 86-34

WHEREAS, to provide a safe and efficient transportation system, Dakota County (County) is proceeding with County Projects (CP) 86-34, 26-54, and 63-27; and

WHEREAS, County Project 86-34 is the reconstruction of County State Aid Highway (CSAH) 86 from CSAH 23 (Galaxie Ave) to Trunk Highway (TH) 3 to replace aged pavement, turn lanes, eight-foot shoulders, and drainage improvements; 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 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, an agreement for federal participation with the Minnesota Department of Transportation (MnDOT) is necessary for the County to advance funds for reimbursement by MnDOT in 2022 for CP 86-34; and

WHEREAS, an agreement for federal participation with MnDOT is necessary for the County to advance funds for reimbursement by MnDOT in 2022 for CP 26-54 and 63-27; and

WHEREAS, staff recommends execution of Agreement No. 1046821 with MnDOT for advanced construction on

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CP 86-34 and Agreement No. 1046822 with MnDOT for advanced construction on CP 26-54 and 63-27.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute Agreement No. 1046821 with the Minnesota Department of Transportation for advanced construction for County Project 86-34, subject to approval by the County Attorney's Office as to Form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute Agreement No. 1046822 with the Minnesota Department of Transportation for advanced construction for County Project 26-54 and 63-27, subject to approval by the County Attorney's Office as to Form.

Public Services And Revenue

21-295

Approval Of Intoxicating Liquor Consumption And Display (Set Up) Permit For United Steel Workers, Local 662

WHEREAS, the United Steel Workers, Local 662 has submitted to the Commissioner of Public Safety an application for an on-business-premises intoxicating liquor Consumption and Display (Set Up) Permit for the period of April 1, 2021 through March 31, 2022; and

WHEREAS, pursuant to Minn. Stat. § 340A.414, a Consumption and Display Permit issued by the Commissioner of Public Safety is not effective until approved by the local government where the establishment is located; and

WHEREAS, the United Steel Workers, Local 662 businesses premises is located in Vermillion Township in Dakota County; and

WHEREAS, the County Attorney and County Sheriff have reviewed the application and find that the applicant is eligible to receive a permit.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following application for an on premises intoxicating liquor Consumption and Display permit for the period of April 1, 2021 through March 31, 2022, and recommends issuance of the permit by the State Alcohol and Gambling Enforcement Division upon payment of the proper fees:

Vermillion Township:

United Steelworkers, Local 662	\$255.00	Consumption and Display (Set Up)
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21-296

Scheduling Of Public Meeting To Hear Comments On Classification Of Tax-Forfeited Properties As Non-Conservation

WHEREAS, Minn. Stat. § 282.01 Subd. 1 requires the County Board to hold a public meeting regarding the classification of tax-forfeited property as conservation or non-conservation; and

WHEREAS, notice of the public meeting date must be mailed, delivered, or made available electronically at least 60, but no more than 90, days before the meeting date and published at least 30 days before the public meeting in a newspaper of general circulation in the County; and

WHEREAS, the public meeting will be added to the agenda of the regularly scheduled meeting.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public meeting for August 24, 2021, at 9:00 a.m. in the Boardroom, Administration Center, 1590 Highway 55 Hastings, MN 55033, to receive comments regarding the classification of tax-forfeited property as conservation or

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non-conservation; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby directs the staff to mail notices to interested parties, adjacent owners, municipalities, and County Departments, as well as post on the County's website and publish notice of the public hearing in a newspaper of general circulation and list tax-forfeited properties being classified by dates necessary to comply with Minn. Stat. § 282.01 Subd. 1.

21-297

Approval Of Application For Assemblage Of Large Numbers Of People License For Little Log House Properties, Inc.

WHEREAS, an application has been submitted by Little Log House Properties, Inc., for a gathering located at 21889 Michael Avenue in Marshan Township; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed license; and

WHEREAS, the application has been reviewed for compliance with County Ordinance No. 112 and is recommended for approval by the Public Services and Revenue Division, Public Health Department, Risk Management and Sheriff's Office; and

WHEREAS, Marshan Township approved this application on May 18, 2021.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application for Assemblage of Large Numbers of People license received from Little Log House Properties, Inc., to hold a gathering at 21889 Michael Avenue in Marshan Township on July 23, 24, and 25, 2021, during the hours of, 9:00 a.m. to 5:00 p.m. on Friday, July 23 and Sunday, July 25 and 9:00 a.m. to 10:00 p.m. on Saturday, July 24, as recommended by County staff and authorizes Public Services and Revenue Division to issue the license.

REGULAR AGENDA

County Board/County Administration

21-298

Recognition Of Pride Month And Contributions Made By LGBTQ+ Residents And Employees Of Dakota County

Representatives from the Dakota County Employee Resource Group United and Proud (UP!) Steve Thronson and Kaaren Hensrud briefed this item and responded to questions.

Motion: Joe Atkins

Second: Mary Hamann-Roland

WHEREAS, the County endeavors to maintain a workplace that is welcoming of diversity and a workforce that is culturally competent and reflective of the County population that we serve; and

WHEREAS, Pride Month is an opportunity for the County to recognize the important history and contributions of the County's LGBTQ+residents and employees; and

WHEREAS, the United and Proud (UP!) Employee Resource Group was formed to support LGBTQ+residents in Dakota County; and

WHEREAS, the group was formed to help create a welcoming, inclusive, and sustainable work environment for Lesbian, Gay, Bisexual, Transgender, and Queer employees of Dakota County and their allies, as well as equip all employees to provide excellent public service to all residents.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recognizes

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Pride Month and the contributions made by the LGBTQ+residents and employees of Dakota County.

Ayes: 7

Nays: 0

Update On Coronavirus Public Health Response, Vaccinations, And County Operational Impacts

Director of Public Health Gina Adasiewicz, 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.

Legislative Update

Paul Cassidy with Stinson LLP gave a brief update on the State legislature and responded to questions. Mike Erlandson with Downs Government Affairs gave a brief update at the Federal level. This item was on the agenda for informational purposes only. No staff direction was given by Board members.

Public Services And Revenue

21-299

Authorization To Execute Contract With Qmatic Corporation For Customer Queuing Technology In Service And License Centers

Director of Service and License Centers Kasha McLay briefed this item and responded to questions.

Motion: Mike Slavik

Second: Kathleen A. Gaylord

WHEREAS, the Service and License Centers identified the need for a customer queuing system to control line management; and

WHEREAS, several surrounding Counties such as Carver, Hennepin, Ramsey, Stearns, and Washington as well as the City of Minneapolis already have Qmatic technology in place; and

WHEREAS, Qmatic technology can provide a queuing system where customer communication is at the forefront of everyday business; and

WHEREAS, Qmatic is available through OMNIA Partners- Insight Public Sector cooperative purchasing contract which was secured through a formal solicitation RFP process; and

WHEREAS, staff recommend Qmatic Queuing Systems be installed in the Burnsville, Lakeville and Rosemount License Centers as well as the Administration Center and Western Service Center; and

WHEREAS, the total cost of the contract is \$203,256 with annual operating costs in year two of \$45,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Service and License Center Director to execute a contract with Qmatic Corporation to implement customer queuing technology in an amount not to exceed \$203,256, subject to approval by the County Attorney's Office as to form.

Ayes: 7

Nays: 0

Closed Executive Session

21-300

Settlement Authority For Acquisition Of Certain Property Rights From Brandon Kunimura And Maxine Kunimura For County Project 26-54 And County Project 63-27

This item did not go into closed session.

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Motion: Kathleen A. Gaylord

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 of 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 2020-2021 for construction to begin in 2021; and

WHEREAS, by Resolution Nos. 20-330, 20-399, and 20-425, the Dakota 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 20, 2020, by Resolution No. 20-534, the County Board of Commissioners authorized 2nd written offers of the certain properties identified in the resolutions; and

WHEREAS, Brandon Kunimura and Maxine Kunimura have agreed to settle all damages caused by the taking whereby the County will pay owners \$165,000 subject to approval by the County Board; and

WHEREAS, the County Attorney and Transportation staff recommend approval of the proposed settlement as being a fair and equitable settlement of the claims 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 Brandon Kunimura and Maxine Kunimura identified in County Project 26-54/63-27 as Parcel 56 (471), in the amount of \$165,000 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

21-301

Authorization To Approve Settlement With Adam Royle And Joylee Royle (Parcel 2) For County Project 96-07 Acquisition

This item did not go into closed session.

Motion: Mike Slavik

Second: Liz Workman

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WHEREAS, Dakota County (County) is proposing Dakota County Project (DCP) 96-07; and

WHEREAS, to provide a safe and efficient transportation system, Dakota County and Rice County are proceeding with DCP 96-07/Rice County Project (RCP) 101-01; and

WHEREAS, DCP 96-07/RCP 101-01 will reconstruct approximately a half-mile of Rice County Road (RCR) 101 (70th Street West) in Webster Township, Rice County, and approximately four miles of Dakota County Road (DCR) 96 (320th Street West) in Greenvale Township, Dakota County; and

WHEREAS, the purpose and need for the project is to improve roadway quality, increase safety, and provide for multi-modal mobility on RCR 101/DCR 96; and

WHEREAS, to address the purpose and need for this Project, safety will be improved along the corridor by paving the roadway, realigning the roadway to remove horizontal curves, adding turn lanes, and providing paved shoulders; and

WHEREAS, Dakota County is the lead agency for DCP 96-07/ RCP 101-01; and

WHEREAS, to construct the recommended improvements, the County must acquire property from Adam and Joylee Royle ("owners") identified Parcel 2 and legally described as:

16-01900-50-012 – Parcel 2

A permanent easement for highway purposes over the following described subject property: The south 330.00 feet of the west 630.00 feet of the east 1705.00 feet and the west 274.00 feet of the east 1705.00 feet of the north 230.00 feet of the south 560.00 feet of the Southwest Quarter of Section 19, Township 112 North, Range 20 West, Dakota County, Minnesota.

Said highway easement lies southerly of the following described line: Commencing at the southeast corner of said Southwest Quarter; thence North 00 degrees 18 minutes 42 seconds East, assumed bearing, along the east line of said Southwest Quarter a distance of 55.00 feet to the point of beginning of the line to be described; thence North 89 degrees 22 minutes 07 seconds West a distance of 1705.03 feet; thence North 00 degrees 18 minutes 42 seconds East a distance of 15.00 feet; thence North 89 degrees 22 minutes 07 seconds West a distance of 237.44 feet; thence South 00 degrees 37 minutes 53 seconds West a distance of 15.00 feet; thence North 89 degrees 22 minutes 07 seconds West a distance of 536.05 feet to the west line of said Southwest Quarter and said line there terminating.

Excepting from said highway easement that part of said Southwest Quarter lying southerly of the northerly right of way line of County Road No. 96 described as follows: Commencing at the southeast corner of said Southwest Quarter; thence North 00 degrees 18 minutes 42 seconds East, assumed bearing, along the east line of said Southwest Quarter a distance of 33.00 feet to the point of beginning of said northerly right of way line; thence North 89 degrees 52 minutes 43 seconds West a distance of 1264.57 feet; thence westerly a distance of 212.82 feet along a tangential curve concave to the north having a radius of 3326.41 feet and a central angle of 03 degrees 39 minutes 56 seconds; thence North 86 degrees 12 minutes 47 seconds West tangent to said curve a distance of 341.24 feet; thence westerly a distance of 527.71 feet along a tangential curve concave to the south having a radius of 4525.00 feet and a central angle of 06 degrees 40 minutes 55 seconds; thence South 87 degrees 06 minutes 18 seconds West tangent to said curve a distance of 133.36 feet to the west line of said Southwest Quarter and said northerly right of way line there terminating.

New Permanent Easement area contains approximately 17,963 square feet

A temporary easement for highway purposes over the north 15.00 feet of the south 70.00 feet of the east 274.44 feet of the Southwest Quarter of the Southwest Quarter of Section 19, Township 112 North, Range 20 West, Dakota County, Minnesota.

Temporary Easement area contains approximately 4,117 square feet

; and

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WHEREAS, the County originally offered the owners a total of \$61,400 in compensation; and

WHEREAS, the owners 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 owners \$131,400, subject to approval by the County Board; and

WHEREAS, the County Attorney and Transportation 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 Adam Royle and Joylee Royle identified as Parcel 2 and in the amount of \$131,400 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

Interagency Announcements/Reports

Interagency announcements and reports were then presented.

County Manager's Report

County Manager Matt Smith gave a brief update on the following:

- Thank you to the United and Proud representatives for presenting today.
- Update on the Zero Balance Project (Rental Assistance Program)
- At the June 22, 2021 County Board meeting, there will be the ceremonial swearing in of newly elected Commissioners, reelected Commissioners, and the new County Attorney. The ceremony has been delayed due to the COVID-19 pandemic.
- A Budget Workshop will be held on June 22, 2021, following the County Board meeting.

Information

See Attachment A - Future Board Meetings And Other Board Activities

21-302

Adjournment

Motion: Kathleen A. Gaylord

Second: Mike Slavik

On a motion by Commissioner Kathleen A. Gaylord, seconded by Mike Slavik, the meeting was adjourned at 10:00 a.m.

Mary Liz Holberg
Chair

ATTEST

Matt Smith
County Manager