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: Matt Smith, County Manager; Tom Donely, Assistant County Attorney; Steve Mielke, Physical Development Division Director; Jessica Johnson, Administrative Coordinator.

The meeting was called to order at 10:41 a.m. by Chair Thomas A. Egan.

The audio recording of this meeting is available upon request.

Introductions
Commissioner Egan introduced three new staff members from Physical Development.

Audience
Commissioner Egan asked if there was anyone in the audience that wished to address the Physical Development Committee of the Whole on an item not on the agenda or an item on the consent agenda. No one came forward.

Approval Of Agenda (Additions/Corrections/Deletions)
On a motion by Commissioner Mary Liz Holberg, seconded by Commissioner Mike Slavik, the agenda was unanimously approved.

Consent Agenda
On a motion by Commissioner Joe Atkins, seconded by Commissioner Mike Slavik, the consent agenda was approved as follows:

5.1 Approval Of Minutes

5.2 Termination Of Financial Agreement With Rural Solid Waste Commission, Authorization To Implement A Rural Solid Waste Abatement Grant Program, And Authorization To Execute Annual Rural Solid Waste Abatement Grant Agreements

WHEREAS, by Resolution No. 18-493 (September 18, 2018), the 2018-2038 Dakota County Solid Waste Master Plan (Master Plan) was adopted by the County Board of Commissioners; and

WHEREAS, Dakota County Solid Waste Ordinance No. 110 requires each municipality in the County to have a
solid waste abatement program that is consistent with the Master Plan; and

WHEREAS, the Master Plan supports a performance-based funding program to assist municipalities with the implementation of landfill abatement programs within their operations and in their communities; and

WHEREAS, the Rural Solid Waste Commission (RSWC), a joint powers board established between Dakota County and its 13 townships and the cities of Coates, Hampton, Miesville, New Trier, Randolph, and Vermillion, has been responsible for developing a common solid waste abatement program on behalf of its defined rural area since 1989; and

WHEREAS, in 2018–2019, staff engaged municipal partners in a thorough review of the existing program activities to better align with the Master Plan; and

WHEREAS, the RSWC identified a preferred option to eliminate the current administrative structure of the RSWC while continuing to receive County support for solid waste abatement activities; and

WHEREAS, on August 2, 2019, RSWC members voted to begin termination proceedings of the RSWC; and

WHEREAS, on September 19, 2019, the Dakota County Township Association recommended termination; and

WHEREAS, it is anticipated that the County will receive a termination resolution from the RSWC by December 2019; and

WHEREAS, staff recommends terminating the existing financial services agreement between Dakota County and the RSWC upon receipt of official proceedings from the RSWC to terminate; and

WHEREAS, staff recommends authorizing implementation of a Rural Solid Waste Abatement Grant Program (Grant Program) to allow the rural area of Dakota County to continue to be served; and

WHEREAS, proposed Grant Program components include annual allocations, an application, and performance reporting; and

WHEREAS, staff recommends executing annual grant agreements with municipal applicants to implement local waste abatement projects and programs; and

WHEREAS, staff recommends providing County-coordinated services to deliver standardized education for rural residents and to facilitate collection days for recyclable materials (e.g., tires, mattresses).

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby terminates the financial agreement between Dakota County and the Rural Solid Waste Commission effective March 31, 2020; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes implementation of a Dakota County Rural Solid Waste Abatement Grant Program, as substantially presented to the Physical Development Committee of the Whole on October 15, 2019, that aligns with Dakota County Master Plan implementation priorities; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Environmental Resources Director to execute annual grant agreements with municipal applicants, or legal entities acting on their behalf, to implement local solid waste abatement projects and programs, subject to funding levels established by the County Board as part of the annual budget and subject to approval by the County Attorney’s Office as to form.
5.3 Scheduling Of Public Hearing To Receive Comments On Proposed Amendments To Ordinance No. 114, Well And Water Supply Management

WHEREAS, it is a goal of the Dakota County Board of Commissioners to maintain County ordinance regulatory authority that effectively minimizes potential negative impacts to the public’s health, safety, and welfare and the environment of Dakota County; and

WHEREAS, the Dakota County Board of Commissioners desires to amend Dakota County Ordinance No. 114, Well and Water Supply Management, for the purposes of ensuring consistency with Minnesota Statues 103H and 103I and Minnesota Rule 4725, incorporating modifications to water testing and water quality acceptance requirements, and applying other housekeeping modifications; and

WHEREAS, Dakota County Environmental Resources Department staff, in consultation with the Dakota County Attorney’s Office and Minnesota Department of Health, have prepared amendments to Ordinance No. 114, Well and Water Supply Management; and

WHEREAS, the Dakota County Board of Commissioners wishes to make these amendments effective immediately upon adoption.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing at 9:00 a.m., on November 12, 2019, in the Boardroom, Dakota County Administration Center, 1590 Highway 55, Hastings, Minnesota, to receive comments on the proposed amendments to Ordinance No. 114, Well and Water Supply Management; and

BE IT FURTHER RESOLVED, That the Dakota County Treasurer/Auditor is hereby directed to publish in the official County newspaper notice of the public hearing and the County Board’s intention to enact such amendments, pursuant to Minn. Stat. § 375.51.

5.4 Planning Commission Update

This item was on the agenda for informational purposes only.

5.5 Adoption Of Vermillion River Greenway – Hastings Master Plan

WHEREAS, the Vermillion River Regional Greenway – Hastings Master Plan (Master Plan) was prepared to:

- Provide strategic guidance for future greenway development.
- Integrate the multiple public purposes, including recreation, transportation, natural resource management, and improved water quality.
- Develop a preferred trail alignment, interpretive themes, and design elements.
- Estimate project costs.
- Meet regional guidelines.

; and

WHEREAS, by Resolution No. 08-162 (April 4, 2008), the County Board adopted the Dakota County Park System Plan that establishes a vision for a 200-mile network of connected greenways; and

WHEREAS, by Resolution No. 19-579 (June 18, 2019), the County Board authorized the release of the draft Master Plan for a 30-day public review period; and
WHEREAS, public comment was solicited by open houses, electronic news distribution, community presentations, stakeholder meetings, and on-the-project website; and

WHEREAS, the Master Plan has been revised to address staff, public, and agency comments; and

WHEREAS, the City of Hastings has provided resolution supporting the Master Plan; and

WHEREAS, the estimated cost to implement the greenway plans is $3.8 million including regional trail, trail reconstruction, trailheads, and trail amenities; and

WHEREAS, the County Board will determine implementation priorities and funding levels during the annual Parks Capital Improvement Program Budget process.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Vermillion River Regional Greenway – Hastings Master Plan as presented to the Physical Development Committee of the Whole on September 17, 2019; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby directs staff to forward the Vermillion River Regional Greenway – Hastings Master Plan to the Metropolitan Council for consideration and approval.

5.6 Authorization To Execute Statewide Health Improvement Program Joint Powers Agreements With Partner Cities And To Direct Use Of Statewide Health Improvement Partnership Funding For County Projects

WHEREAS, by Resolution No. 19-613, (July 23, 2019), the Dakota County Board of Commissioners authorized the Community Services Director to accept the Statewide Health Improvement Partnership (SHIP 4) funds from the Minnesota Department of Health (MDH) in the amount of $782,859 for the period of November 1, 2019, through October 31, 2020; and

WHEREAS, the Dakota County Board of Commissioners approved the SHIP 4 work plan in the grant application that includes funding for the County and cities for work in active living/healthy food access; and

WHEREAS, as part of the SHIP 4 active living strategy, Dakota County departments and cities were invited to submit applications for implementation subgrants; and

WHEREAS, a total of six applications were submitted from Dakota County departments and cities; and

WHEREAS, a committee of staff from the County (Planning and Public Health), the cities, and MDH met on September 19, 2020, to review and score the proposals and recommended approval of four of six projects, with some modifications; and

WHEREAS, the committee identified two projects to be funded if additional dollars within the SHIP 4 budget are available due to carry over from other program areas; and

WHEREAS, staff recommends the County Board of Commissioners execute joint powers agreements with three cities through October 31, 2020 and directing SHIP 4 funding to one County project in the amounts listed below:

<table>
<thead>
<tr>
<th>Project</th>
<th>Applicant</th>
<th>Proposed Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thompson/Oakdale Trail Feasibility Study</td>
<td>West St. Paul</td>
<td>$30,000</td>
</tr>
<tr>
<td>Pedestrian and Bicycle Plan</td>
<td>Hastings</td>
<td>$35,000</td>
</tr>
<tr>
<td>Kaposia Landing Bryant Avenue Bridge</td>
<td>South St. Paul</td>
<td>$26,000</td>
</tr>
<tr>
<td>Greenway Wayfinding Standards</td>
<td>Dakota County</td>
<td>$9,000</td>
</tr>
</tbody>
</table>
WHEREAS, staff recommended funding the full request for Dakota County’s Greenway Wayfinding Standards (additional $26,000), Burnsville’s Lake Marion Regional Trail: Mid-Burnsville Segment ($35,000) and Farmington’s Minnesota Trunk Highway 3 Trail Design Project ($35,000) as additional projects, in the order listed, if additional dollars within SHIP 4 budget are available due to carry over from other program areas.

NOW, THEREFORE, BE IT RESOLVED, That the Physical Development Director is hereby authorized to execute joint powers agreements in an amount not to exceed $91,000 for the period of November 1, 2019 to October 31, 2020, with the following: West St. Paul ($30,000), Hastings ($35,000), and South St. Paul ($26,000), subject to approval by the County Attorney’s Office as to form; and

BE IT FURTHER RESOLVED, That the Physical Development Director is hereby authorized to direct Statewide Health Improvement Partnership (SHIP 4) funds in an amount not to exceed $9,000 from November 1, 2019 to October 31, 2020 for the County project listed in the table above; and

BE IT FURTHER RESOLVED, That the Physical Development Director is hereby authorized to direct SHIP 4 funds in the amount not to exceed $26,000 to the County project listed in the table above should additional dollars within the SHIP budget become available due to carry over from other SHIP 4 program areas; and

BE IT FURTHER RESOLVED, That the Physical Development Director is hereby authorized to execute joint powers agreements for the period of November 1, 2019 to October 31, 2020 with Burnsville’s Lake Marion Regional Trail: Mid-Burnsville Segment ($35,000) and Farmington’s Minnesota Trunk Highway 3 Trail Design Project ($35,000) as additional projects to be funded, in the order listed, if additional dollars within SHIP 4 budget are available due to carry over from other SHIP program areas.

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

BE IT FURTHER RESOLVED, That the Physical Development Director is hereby authorized to amend said contract, within the amount budgeted, to alter the number and types of clients served, rates, and types of services provided and the contract term, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form.

Ayes: 6   Nayes: 1 (Commissioner Mary Liz Holberg)

5.7 Adoption Of Natural Resource Management Plan For Lebanon Hills Regional Park

WHEREAS, the Dakota County Board (Board) adopted an updated Master Plan (MP) for Lebanon Hills Regional Park (LHRP) that identified a conceptual vision for general vegetative cover type within LHRP; and

WHEREAS, the approved Natural Resource Management System Plan (NRMSP) recommended that a Natural Resource Management Plan (NRMP) be developed for each County Park and Greenway unit which would establish goals, priorities, a prioritized work plan, and associated costs for the management of the vegetation, water resources, and wildlife within the park/unit; and

WHEREAS, by Resolution No 17-429 (August 22, 2017), the Board approved the hiring of a consultant to prepare the NRMP for LHRP; and

WHEREAS, on February 27, 2018, the Board was updated on the draft research and findings phase of the LHRP
WHEREAS, on August 14, 2018, the Board was updated on the draft goals/objectives, strategic priorities, and preliminary recommendations for the management of the vegetation, water resources, and wildlife in LHRP and a prioritized work plan with associated cost estimates; and

WHEREAS, on April 23, 2019, the Board authorized the release of the draft LHRP NRMP to the public for a 45-day review period; and

WHEREAS, the public review period was from April 24 to June 11, 2019, during which time the draft NRMP was posted on the County website and provided at the Lebanon Hills Visitor Center and listserv items, and an information release announced the availability of the draft NRMP for public review; and two open houses were held on May 3, 2019, and June 7, 2019, with 25 people attending in total; and

WHEREAS, approximately 40 comments were received by email, telephone, and at open houses, of which the main themes that emerged from the comments were the following: 1) support of the plan, 2) questions on trails and additional visitor services improvement, 3) lack of language protecting natural resources, 4) questions on natural resource funding, 5) questions on natural resource management, and 5) general comments; and

WHEREAS, the comments were added to the draft NRMP in their entirety in Appendix I; and

WHEREAS, staff modified the plan based on the comments received, where all changes to the plan were highlighted in yellow throughout the document, which changes occurring in the following sections: Executive Summary (3 changes), Introduction (3 changes), Natural Resources Conservation, Management Prioritization, and Recommendations (4 changes), Work Plans (1 change), and Appendix I (addition of all comments); and

WHEREAS, the Dakota County Planning Commission reviewed comments and staff recommendations at its August 22, 2019 meeting and unanimously recommended adoption of the NRMP for LHRP.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Natural Resource Management Plan for Lebanon Hills Regional Park.

5.8 Authorization To Execute Contract Amendment With Short-Elliot-Hendrickson, Incorporated, For Services For Veterans Memorial Greenway Feasibility Study

WHEREAS, by Resolution No. 19-678 (August 8, 2019), the Dakota County Board of Commissioners provided direction to prepare a feasibility study for Veterans Memorial Greenway; and

WHEREAS, by Resolution No. 18-270 (May 22, 2018) Dakota County entered into a contract with Short-Elliot-Hendrickson, Incorporated, for feasibility study related to portions of the Veterans Memorial Greenway (Rich Valley Greenway); and

WHEREAS, the remaining contract balance of $50,000 from the 2018 contract can be directed to phase 1 preliminary design of the trail and grade-separated crossings of the Veterans Memorial Greenway; and

WHEREAS, the additional scope of $38,991 is required for preliminary design of the trail corridor and proposed grade-separated road crossings for the Veterans Memorial Greenway; and

WHEREAS, the total contract amendment would be $38,991; and

WHEREAS, staff recommends execution of a contract amendment with Short-Elliot-Hendrickson, Incorporated, for professional consulting services for the Veterans Memorial Greenway not to exceed $156,780.
NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioner hereby authorizes the Physical Development Director to execute a contract amendment with Short-Elliot-Hendrickson, Incorporated, to perform professional consulting services for the Veterans Memorial Greenway in an amount not to exceed $156,780, subject to approval by the County Attorney’s Office as to form.

5.9 Plat Commission Update

This item was on the agenda for informational purposes only.

5.10 Information On Proposed Changes To Metropolitan Council’s 2020 Regional Solicitation For Federal Transportation Funds

This item was on the agenda for informational purposes only.

Regular Agenda

6.1 Update On River To River Greenway: Robert Street Crossing

Matt Parent, Senior Project Manager, presented this item and responded to questions. This item was on the agenda for informational purposes only.

6.2 Scheduling Of Public Hearing To Receive Comments On Proposed Amendments To Ordinance No. 110, Solid Waste Management

Dave Magnuson, Waste Regulation Supervisor, presented this item and responded to questions.

On a motion by Commissioner Mike Slavik, seconded by Commissioner Liz Workman, the following resolution was unanimously recommended to the County Board:

WHEREAS, it is a goal of the Dakota County Board of Commissioners to maintain County ordinance regulatory authority that effectively minimizes potential negative impacts to the public’s health, safety, and welfare and the environment of Dakota County; and

WHEREAS, the Dakota County Board of Commissioners desires to amend Dakota County Ordinance No. 110, Solid Waste Management, to implement the 2018–2038 Dakota County Solid Waste Master Plan; and

WHEREAS, amendments include additions and revisions to definitions and requirements for waste generators, haulers, facilities, and municipalities; and

WHEREAS, Dakota County Environmental Resources Department staff, in consultation with the Dakota County Attorney’s Office, have prepared amendments to Ordinance No. 110, Solid Waste Management; and

WHEREAS, the Dakota County Board of Commissioners wishes to make these amendments effective immediately upon adoption.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing at 9:00 a.m. on November 26, 2019, in the Boardroom, Dakota County Administration Center, 1590 Highway 55, Hastings, Minnesota, to receive comments on the proposed amendments to Ordinance No. 110, Solid Waste Management; and

BE IT FURTHER RESOLVED, That the Dakota County Treasurer/Auditor is hereby directed to publish in the official County newspaper notice of the public hearing and the County Board’s intention to enact such amendments, pursuant to Minn. Stat. § 375.51.
6.3 **Authorization To Execute Fourth Amendment To Contract With Ayres Associates For Engineering And Design Services For Turbine And Powerhouse Upgrades Project**

Josh Petersen, Senior Water Resources Engineer, presented this item and responded to questions.

On a motion by Commissioner Joe Atkins, seconded by Commissioner Mike Slavik, the following resolution was unanimously recommended to the County Board:

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

WHEREAS, over the past few years, the Dakota County Board of Commissioners has made significant capital investments into the facility; and

WHEREAS, by Resolution No. 14-149 (March 18, 2014), the Dakota County Board of Commissioners authorized staff to complete a turbine efficiency study during the summer of 2014; and

WHEREAS, it was determined that the most feasible long-term option for energy production at Byllesby Dam was to replace the current equipment with new modernized vertical Kaplan turbine units; and

WHEREAS, it was concluded that to progress the project, a consultant would need to be retained to complete engineering and design services; and

WHEREAS, by Resolution No. 15-532 (October 20, 2015), the Dakota County Board of Commissioners authorized the execution of a contract with Ayres Associates for engineering and design services to complete turbine and powerhouse upgrades for the Byllesby Dam Water-to-Wire Redevelopment Project through a competitive request for proposal solicitation in an amount of $689,000; and

WHEREAS, by Resolution No. 18-325 (June 19, 2018), a previous first amendment for the contract was executed, bringing the total contract amount to $818,500; and

WHEREAS, by Resolution No. 19-439 (March 19, 2019), a previous second amendment for the contract was executed bringing the total contract amount to $987,500; and

WHEREAS, by Resolution No. 19-622 (July 23, 2019), a previous third amendment for the contract was executed bringing the total contract amount to $1,086,425; and

WHEREAS, the majority of additional costs associated with the fourth amendment to the Ayres Associates contract are for additional assistance through the Construction Manager General Contractor process and work with new developers and changes in design based upon the previous developer’s construction recommendations; and

WHEREAS, staff evaluated the requested amendment from Ayres Associates and found it to be sound and justified.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a fourth amendment to the contract with Ayres Associates for additional engineering and design services to complete the Byllesby Dam Water-to-Wire Redevelopment Project at the Byllesby Dam in the amount of $310,575 bringing the total contract amount to $1,397,000, subject to approval by the County Attorney’s Office as to form.

6.4 **Authorization To Execute Contract With Boldt Construction, LLC, For Construction**
Manager/General Contractor Services For Byllesby Dam Water-To-Wire Hydropower Redevelopment Project

Josh Petersen, Senior Water Resources Engineer, presented this item and responded to questions.

On a motion by Commissioner Kathleen A. Gaylord, seconded by Commissioner Liz Workman, the following resolution was unanimously recommended to the County Board:

WHEREAS, Dakota County owns the Byllesby Dam and operates its hydroelectric facility under the Federal Energy Regulatory Commission (FERC) safety regulations; 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 and engineering services on a multi-million dollar water-to-wire redevelopment project to renovate all power generation systems and equipment including replacing the existing 107-year-old turbines in the dam; and

WHEREAS, during the 2017 Legislative session, the Minnesota Legislature authorized and by Resolution No. 17-421 (September 1, 2017), Dakota County accepted $6,000,000 in state bonding dollars to supplement the County’s 2018–2022 Byllesby Dam Capital Improvement Program Adopted Budget which currently has a total project budget of $14,000,000; and

WHEREAS, due to the complexities involved in the design, construction, and installation of the water-to-wire facilities, County staff has proposed a process to solicit proposals from experienced firms to serve as the Construction Manager/General Contractor for this project; and

WHEREAS, Minn. Stat. § 103G.535 provides the County with authority and discretion to solicit and negotiate hydroelectric (water-to-wire) development or redevelopment project agreements; and

WHEREAS, by Resolution No. 18-538 (October 23, 2018), the County Board approved utilizing a special type of contractor relationship that can provide both construction management and general contractor services on the project and allowed staff to develop and solicit a request for qualification (RFQ) for services; and

WHEREAS, Boldt Construction, LLC, is a competent construction company that has several years of similar project experience to complete the project; and

WHEREAS, Boldt Construction, LLC, will provide technical services during the design for an amount not to exceed $125,000; and

WHEREAS, the work is identified in the 2019 Byllesby Dam Capital Improvement Program Adopted Budget, and the current balance is sufficient to cover the cost of technical services work.
NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Boldt Construction, LLC, to provide technical services for the water-to-wire Hydropower Redevelopment Package for the Byllesby Dam Upgrade Project in the amount of $125,000, subject to approval by the County Attorney’s Office as to form.

Division Director Update

Steve Mielke, Physical Development Director, provided the Committee with a Division update.

Adjournment

On a motion by Commissioner Mike Slavik, seconded by Commissioner Kathleen A. Gaylord, the meeting was adjourned at 11:48 a.m.

Respectfully submitted,
Jessica Johnson
Administrative Coordinator
Physical Development Division