

**DAKOTA COUNTY
PHYSICAL DEVELOPMENT COMMITTEE OF THE WHOLE**

Meeting Minutes

**July 7, 2020
Video Conferencing**

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 Director, and Liz Hansen Administrative Coordinator.

The meeting was called to order at 9:00 a.m. by Chair Thomas A. Egan.

Audience

Commissioner Egan asked if there was anyone in 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. Chair Egan noted that all public comments can be sent to CountyAdmin@co.dakota.mn.us. No one came forward.

Approval Of Agenda (Additions/Corrections/Deletions)

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

Consent Agenda

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

4.1 Approval Of Minutes

4.2 Authorization To Release For Public Review Final Draft Of Natural Resource Management Plan For Whitetail Woods Regional Park

WHEREAS, by Resolution No. 12-107 (February 28, 2012), the Dakota County Board (the Board) adopted a Master Plan for Whitetail Woods Regional Park (WWRP) in which was identified a conceptual vision for general vegetative cover type within WWRP; and

WHEREAS, alternatively, the approved Natural Resource Management System Plan (NRMSP) (2017) recommended that a Natural Resource Management Plan (NRMP) be developed for each County Park and Greenway unit, in which NRMPs would establish goals, priorities, prioritized work plans, and associated costs for the management of the vegetation, water resources, and wildlife within each unit; and

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

WHEREAS, on October 16, 2018, an informational update on Phase 1 regarding research and findings of the NRMP for WWRP was received by the Board; and

WHEREAS, on December 3, 2019, another informational update on Phase 2 of the NRMP was received by the Board that included vision, goals, and preliminary recommendations; and

WHEREAS, the project has advanced with the preparation of a final draft that includes a Work Plan for both 5 and 20 years, of which includes key natural resource management tasks and their associated estimated costs; and

WHEREAS, the work plan includes key natural resource management tasks and their associated estimated costs, a summary of the key points of which includes the following:

- The park was divided into Work Units
- Each Work Unit was evaluated for natural resource management needs
- Each Work Unit was assigned management tasks to be performed and a projected schedule
- Work Plans included estimated costs for each task; costs were based on recent quotes and bids for similar tasks from other County natural resource projects; and

WHEREAS, primary tasks include enhancements and maintenance such as tree removal and thinning, prescribed burning; establishing prairie and savanna; regenerating oak woodlands, restoring wetlands, diversifying Empire Lake vegetation, over-seeding uplands to enhance species diversity, continuing to control exotic and invasive plant species, increasing diversity of woodland and forest understories, diversifying conifer stands, performing wildlife conservation projects, assessing, monitoring, and evaluating; and WHEREAS, on May 28, 2020, the Planning Commission reviewed the final draft plan of the NRMP for WWRP and, although they had several questions, they supported it and approved its content and direction. They also unanimously recommended that the Board release it for a 30-day public review period.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota Board of Commissioners authorizes the final draft Natural Resources Management Plan for Whitetail Woods Regional Park be released to public review for a period of 30 days.

4.3 Authorization To Execute Joint Powers Agreement With City Of West St. Paul For Final Design Of River To River Greenway: Garlough And Marthaler Parks Segment

WHEREAS, by Resolution No. 15-431 (August 25, 2015), the County Board adopted the River to River Greenway Master Plan; and

WHEREAS, by Resolution No. 16-177 (March 22, 2016), the County Board authorized a Joint Powers Agreement with the City of West St. Paul for a feasibility study of the River to River Greenway: Garlough and Marthaler Parks Segment; and

WHEREAS, the River to River Greenway: Garlough and Marthaler Parks Segment does not currently meet regional design standards; and

WHEREAS, final design is required to complete the realignment and reconstruction of the River to River Greenway through Garlough and Marthaler Parks; and

WHEREAS, the final design is estimated at \$75,000; and

WHEREAS, Dakota County will contribute up to \$60,000 towards the final design; and

WHEREAS, the City of West St. Paul will lead the design and provide up to \$15,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement for an amount not to exceed \$60,000 with the City of West St. Paul for the River to River Greenway: Garlough and Marthaler Parks Segment final design, subject to approval by the County Attorney's Office as to form.

4.4 Update On County State Aid Highway 23 Pedestrian Bridge At 140Th Street (County Project 99-12) In City Of Apple Valley

This item was on the agenda for informational purposes only.

4.5 Planning Commission Update

This item was on the agenda for informational purposes only.

4.6 Authorization To Execute Cost Share Agreement With Xcel Energy For Construction Of Caisson Retaining Wall At Byllesby Dam And Xcel Energy Substation

WHEREAS, Dakota County owns the Lake 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 tasks on a turbine upgrade project to replace the existing century-old equipment in the dam; and

WHEREAS, by Resolution No. 17-421 (September 1, 2017), Dakota County accepted \$6,000,000 in State bonding dollars to supplement the County's approved 2018–2022 Byllesby Dam Capital Improvement Program (CIP) budget which currently has a total project budget of \$14,000,000; 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 redevelopment of the site with installation of the equipment and modification to the powerhouse structure; and

WHEREAS, by Resolution. No. 15-532 (October 20, 2015), the Dakota County Board of Commissioners authorized execution of a contract with Ayres Associates, Inc., for engineering design services to complete turbine and powerhouse upgrades for the Byllesby Dam Water-to-Wire Redevelopment Project; and

WHEREAS, by Resolution No. 19-773 (October 29, 2019), the Dakota County Board of Commissioners authorized execution of a contract with Boldt Construction, LLC, to perform Construction Manager/General Contractor Services related to the redevelopment of the site for the project; and

WHEREAS, Ayres Associates has prepared final design documents, and Boldt Construction is in the process of providing detailed pricing and scheduling for construction; and

WHEREAS, as a component of the Project, staff and Ayres Associates, Inc., have developed plans and specifications to construct a caisson retaining wall to support a portion of the Byllesby Dam powerhouse and the adjacent Xcel Energy substation; and

WHEREAS, staff has negotiated a cost-share agreement with Xcel Energy for the construction of the shared caisson retaining wall which has been calculated based on the engineer's construction estimate and benefits to

the County and Xcel Energy; and

WHEREAS, the costs for the caisson retaining wall are estimated to be \$936,000; and

WHEREAS, under the proposed cost-share agreement, Xcel Energy's share of the project's costs is \$350,000 and Dakota County's share is \$586,000; and

WHEREAS, staff has evaluated the proposed cost-share agreement and found it to be sound and justified; and

WHEREAS, the current balance of the Byllesby Dam CIP Budget is sufficient to cover the cost of the temporary easement agreement; and

WHEREAS, the project budget will be updated to include the additional amount of contribution from Xcel Energy toward the project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a cost-share agreement with Xcel Energy for the purpose of constructing a caisson retaining wall at the Byllesby Dam and Xcel Energy substation as a component of the Byllesby Dam Water-to-Wire Redevelopment Project, subject to the County Attorney's Office as to form.

4.7 Authorization To Execute Temporary Access Easement Agreement With Xcel Energy For Byllesby Substation

WHEREAS, Dakota County owns the Lake 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 tasks on a turbine upgrade project to replace the existing century-old equipment in the dam; and

WHEREAS, by Resolution No. 17-421 (September 1, 2017), Dakota County accepted \$6,000,000 in State bonding dollars to supplement the County's approved 2018–2022 Byllesby Dam Capital Improvement Program (CIP) budget which currently has a total project budget of \$14,000,000; and

WHEREAS, staff and consultants have finalized the engineering design documents and had begun work to enter initial phases of construction for the project; and

WHEREAS, by Resolution No. 19-773 (October 29, 2019), the Dakota County Board of Commissioners authorized execution of a contract with Boldt Construction, LLC, to perform Construction Manager/General Contractor Services related to the redevelopment of the site for the project; and

WHEREAS, during construction, access for the necessary crane and other large equipment has become constrained by the adjacent Xcel Energy substation; and

WHEREAS, staff has negotiated with Xcel Energy for the conveyance of a temporary access agreement to accommodate the construction project; and

WHEREAS, the costs associated with the temporary access easement agreement are \$24,000; and

WHEREAS, staff has evaluated the costs identified by Xcel Energy for the access easement and temporary relocation of facilities to be sound and justified; and

WHEREAS, sufficient funding for the temporary access easement agreement has been identified in the Byllesby Dam CIP budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with Xcel Energy to provide for the temporary access to the Xcel Energy properties necessary to accommodate the Byllesby Dam Water to Wire Redevelopment Project.

Regular Agenda

5.1 Authorization To Release Draft Of River To River Greenway Natural Resource Management Plan For Public Comment

Christian Klatt, Natural Resource Specialist and Tom Lewanski, Natural Resources Manager presented this item and responded to questions.

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

WHEREAS, the County Board adopted the Natural Resources Management System Plan, which determined that Natural Resource Management Plans (NRMPs) would be developed for all County Parks, Greenways, and Easements; and

WHEREAS, the River to River Greenway NRMP is the first of these Greenway NRMPs to be developed, and it addresses natural resource management on non-County lands in proximity to the Greenway; and

WHEREAS, a Technical Advisory Committee consisting of staff from host communities, other agencies, and major landowners convened on July 25, 2019, to discuss future development and natural resource management on these lands; and

WHEREAS, the cost-share guidelines were presented to the County's City Administrators and Managers during a meeting on June 26, 2020; and

WHEREAS, the Dakota County Planning Commission reviewed the River to River Greenway NRMP Study Area and initial findings on October 24, 2019, then reviewed the recommendations, restoration work plan, and proposed cost-share structure on February 27, 2020, and recommended the Draft be released to the public.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the release of the draft River to River Greenway Natural Resources Management Plan for a 30-day public review and comment period commencing July 14, 2020.

5.2 Authorization To Execute Contract With Boldt Company, LLC, For Construction Manager/General Contractor Services For Byllesby Dam Water-To-Wire Development Project

Josh Petersen, Sr. Water Resources Engineer, presented this item and responded to questions. Steve Mielke, Physical Development Director, was in the audience and also spoke to this item.

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 Lake Byllesby Dam and operates its hydroelectric facility under the Federal Energy Regulatory Commission safety regulations; and

WHEREAS, by Resolution. No. 15-532 (October 20, 2015), the Dakota County Board of Commissioners

authorized execution of a contract with Ayres Associates, Inc., for engineering design services to complete turbine and powerhouse upgrades for the Byllesby Dam Water-to-Wire Redevelopment Project; and

WHEREAS, by Resolution No. 17-421 (September 1, 2017), Dakota County accepted \$6,000,000 in State bonding dollars to supplement the County's approved 2018–2022 Byllesby Dam Capital Improvement Program (CIP) budget which currently has a total project budget of \$14,000,000; 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 redevelopment of the site with installation of the equipment and modification to the powerhouse structure; and

WHEREAS, due to the many complexities in the design, construction, and installation of the water-to-wire facilities, including new turbines and generators to maximize the electric power output of the dam in the future, the County Board, by Resolution No. 18-538 (October 23, 2018), 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 for services for the redevelopment of the hydropower site in accordance Minnesota Statute section 103G.535; and

WHEREAS, by Resolution No. 19-773 (October 29, 2019), the Dakota County Board of Commissioners authorized execution of a contract with Boldt Construction, LLC, to perform Construction Manager/General Contractor Services related to the redevelopment of the site for the project; and

WHEREAS, Boldt Construction, LLC, is a competent construction company that has several years of similar project experience to complete the project, has finalized detailed pricing and scheduling for construction, and is requesting to complete the construction project in two phases; and

WHEREAS, the award of this contract is for the initial phase of work including mobilization, site preparation, concrete mass fill for dam structure stability, and procurement of items with long lead times; and

WHEREAS, staff and the consultant have reviewed their estimate and found it to be sound and within 10 percent of the engineer's estimate.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Boldt Company, LLC, to provide Construction Manager /General Contractor services for the Byllesby Dam Water-to-Wire Redevelopment Project in the amount not to exceed \$6,058,368.06, subject to the County Attorney's Office as to form.

5.3 Authorization To Execute Agreement No. 1036814 With Mndot For Cooperative Construction Agreement For River To River Greenway – Robert Street Crossing (County Project 98-13) In City Of West St. Paul

Matt Parent, Sr. Project Manager, and Taud Hoopingarner, Parks, Facilities, and Fleet Management Director presented this item and responded to questions.

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

WHEREAS, Dakota County (County) and the City of West St. Paul are partnering on the River to River Greenway – Robert Street Crossing (Project); and

WHEREAS, the contract is for preliminary and final design engineering and public engagement process for developing a pedestrian underpass and trail connections of Trunk Highway 3 (Robert Street) in the City of West

St. Paul; and

WHEREAS, the County is the lead agency for the Project with construction scheduled for summer 2020; and

WHEREAS, an agreement for construction activities to take place within the Minnesota Department of Transportation (MnDOT) right of way is necessary for the County to complete the Project; and

WHEREAS, the agreement provides for the use of MnDOT right of way for construction of the project and identifies project construction cost, ownership, and maintenance as the responsibility of the County; and

WHEREAS, staff recommends execution of Agreement No. 1036814 with MnDOT for construction of the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute Agreement No. 1036814 with the Minnesota Department of Transportation for construction and resulting maintenance of CP 98-13 subject to approval by the County Attorney's Office as to form.

5.4 Receive An Update On Land Conservation Plan For Dakota County

Al Singer, Farmland Natural Program Manager, presented this item and responded to questions. Susan Schmidt, State Director of Minnesota and the Northwoods of Wisconsin and Michigan and Will Abberger, Director of the Trust for Public Land's Conservation Finance Service, were also in attendance and presented this item. This item was on the agenda for informational purposes only.

Based on the discussion, the Physical Development Committee of the Whole does not wish to move forward with a ballot question until the draft plan is refined further.

In response to the concerns of Empire Township, staff will continue to refine how we look at those conservation areas and will remove the areas of concern expressed from the preliminary conservation focus area. Staff will also continue to revise the draft Land Conservation Plan.

Division Director Update

Steve Mielke, Physical Development Division Director, provided the committee with a Division Update.

Adjournment

On a motion by Commissioner Chris Gerlach, seconded by Commissioner Kathleen A. Gaylord, the meeting was adjourned at 11:01 a.m.

Respectfully submitted,

Liz Hansen

Liz Hansen
Administrative Coordinator
Physical Development Division