

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

Meeting Minutes

July 13, 2021

Conference Room 110A, B Northern Service Center

Call To Order And Roll Call

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

Also in attendance: Matt Smith, County Manager; Tom Donely, Assistant County Attorney; Steve Mielke, Physical Development Division Director; Liz Hansen, Administrative Coordinator.

The meeting was called to order at 9:00 a.m. by Chair Liz Workman.

The audio recording of this meeting is available upon request.

Audience

Commissioner Workman 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 Mike Slavik, seconded by Commissioner Laurie Halverson, the agenda was unanimously approved.

Consent Agenda

On a motion by Commissioner Mary Hamann-Roland, seconded by Commissioner Joe Atkins, the consent agenda was approved as follows:

4.1 Approval Of Minutes Of Meeting On June 15, 2021

4.2 Planning Commission Update

This item was on the agenda for informational purposes only.

4.3 Authorization To Execute Joint Powers Agreement With City Of Burnsville For Household Hazardous Waste Drop-Off Day Event

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

WHEREAS, the Master Plan supports the Dakota County Board of Commissioner's desire to remove household hazardous waste (HHW) from the solid waste stream because of health, safety, and environmental concerns; and

WHEREAS, the Master Plan includes a strategy for proper HHW management opportunities in communities located in the County; and

WHEREAS, each year, Dakota County requests feedback on community interest and ability to host a one-day HHW drop-off day event (HHW event) to promote ease of collection in each part of the County; and

WHEREAS, Dakota County has collaborated with cities for two to four HHW events each year since 1985 through approved joint powers agreements (JPA); and

WHEREAS, HHW events in 2021 have been requested by the City of Burnsville; and

WHEREAS, the City of Burnsville has identified the ability to provide the necessary facilities and resources to serve the vehicle participants.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Environmental Resources Director to execute a joint powers agreement with the City of Burnsville to conduct a household hazardous waste drop-off day event in 2021, subject to the availability of adequate funds, subject to review by the County, Risk Manager, and subject to approval by the County Attorney's Office as to form.

4.4 Authorization To Amend Resolutions No. 17-598 And No. 20-230 To Acquire 110.3 Acres And A 4.2-Acre Easement From Rose Augustine Revocable Trust And Jaqueline R. Schleusner

WHEREAS, the Rose Augustine Revocable Trust and Jaqueline R. Schleusner (collectively the "Trust") own 140.8 acres in Randolph and Sciota townships; and

WHEREAS, the Trust expressed interest in selling a portion of their property to the County; and

WHEREAS, by Resolution No.17-598 (November 14, 2017), the County Board authorized the expenditure of \$418,000 to acquire 110.3 acres of the Trust property as an addition to Lake Byllesby Regional Park and to expend \$6,800 to acquire 4.2 acres as a new County Park-Conservation Area; and

WHEREAS, the County and Trust worked with an adjacent landowner to acquire property along Cannon River Boulevard, to improve public access to the proposed County park acquisition property, and to ensure private access across public land to the retained Trust property, but the landowner decided to no longer allow the Trust to use their property to access retained Trust property; and

WHEREAS, the Trust required permanent access through a portion of the property being acquired by the County to access retained Trust property, and the adjoining landowner south of the Cannon River was willing to own the 4.2-acre parcel owned by the Trust, with a permanent, County natural area conservation easement (Easement) restricting it; and

WHEREAS, by Resolution No. 20-230 (May 5, 2020), the County Board authorized inclusion of a permanent access easement within the proposed County acquisition to allow access to the retained Trust property and to expend up to \$6,800 to acquire a 4.2-acre Easement along the south shore of the Cannon River; and

WHEREAS, based on new information about the closed, local dump located on property adjacent to the Trust property proposed for acquisition by the County, the County completed a Phase II Environmental Assessment that disclosed contaminants in a small area of the Trust property proposed for County acquisition; and

WHEREAS, the County applied for and received a "No Association Letter" from the Minnesota Pollution Control

Agency, which documents that the County, upon taking possession of the property, would not have liability associated with the contamination but that the County would be responsible for necessary mitigation if any sub-surface grading associated with a future access road or trail exposed contaminants; and

WHEREAS, these delays required an appraisal update, and the revised, independent appraisal for 110.3 acres was reviewed and approved by County staff; and

WHEREAS, the Trust is willing to sell the 110.3 acres for the \$440,600 appraised value and to sell the 4.2-acre Easement for \$7,128; and

WHEREAS, the total estimated cost to acquire the Trust property, including an estimated \$5,000 for closing costs and \$10,000 for Trust legal fees, is \$455,600; and

WHEREAS, the 110.3-acre Trust property is eligible for Metropolitan Council (MC) Acquisition Opportunity Fund (AOF) funding; and

WHEREAS, it is expected that the MC AOF program will have additional funds available after July 1, 2021, for 75 percent funding reimbursement; and

WHEREAS, the 2021 Parks Capital Improvement Program (CIP) budget includes adequate fund balance for the 25 percent County match required by the MC AOF program; and

WHEREAS, the 2021 Environmental Resources (ER) CIP includes adequate Minnesota Law 2019 (ML19) state Outdoor Heritage (OH) and County grant-match for acquiring the Easement, and a budget amendment is required; to transfer the funds from the grant to establish a project budget; and

WHEREAS, staff recommend execution of purchase agreements to acquire the 110.3-acre Trust property and the Easement and execution of an easement and Notices of Funding Restriction required for the use of state grant funds together with other standard closing documents to complete the acquisitions; and

WHEREAS, final acquisition costs for the Trust property and the Easement will be determined after the respective settlement statements are finalized, and all associated acquisition expenses have been invoiced.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby amends Resolution No.17-598 (November 14, 2017), and Resolution No. 20-230 (May 5, 2020), and authorizes the expenditure of up to \$455,600, including an estimated \$5,000 in closing costs and \$10,000 for property owner legal fees, to acquire 110.3 acres from the Rose Augustine Revocable Trust and Jaqueline R. Schleusner in Randolph and Sciota townships; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Division to execute the purchase agreement to acquire 110.3 acres in Randolph and Sciota townships from the Rose Augustine Revocable Trust and Jaqueline R. Schleusner, 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 submission of an AOF grant request to the MC for acquiring the Rose Augustine Revocable Trust and Jaqueline R. Schleusner property and associated costs; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners amends Resolution No. 20-230 (May 5, 2020) to expend up to \$8,000 to acquire a 4.2-acre permanent natural area conservation easement from the Rose Augustine Revocable Trust and Jaqueline R. Schleusner; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical

Development Director to execute a purchase agreement with the Rose Augustine Revocable Trust and Jaqueline R. Schleusner to acquire a 4.2-acre permanent natural area conservation easement at a cost not to exceed \$7,128, subject to approval by the County Attorney’s Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board hereby authorizes the County Board Chair to execute the permanent natural area conservation easement and Notice of Funding Restriction required with State funding, subject to approval by the County Attorney’s Office as to form; and

BE IT FURTHER RESOLVED, That the 2021 Environmental Resources Capital Improvement Program budget is hereby amended as follows:

<u>Expense</u>	
Augustine/Schleusner Acquisition (LC10017)	\$8,000
ML19 OHF Grant (LC00009)	<u>(\$8,000)</u>
Total Expense	\$0
<u>Revenue</u>	
Augustine/Schleusner Acquisition – Grant funding (LC10017)	\$6,400
Augustine/Schleusner Acquisition – County funds (LC10017)	\$1,600
ML19 OHF Grant funding (LC00009)	(\$6,400)
ML19 OHF County matching funds (LC00009)	<u>(\$1,600)</u>
Total Revenue	\$0

BE IT FURTHER RESOLVED, That following acquisition of the Rose Augustine Revocable Trust and Jaqueline R. Schleusner in property, staff will submit the necessary forms and documentation to the Metropolitan Council to receive approximately \$341,600 in reimbursement funds that will be returned to the 2021 Parks Capital Improvement Program; and

BE IT FURTHER RESOLVED, That following acquisition of the natural area conservation easement on the Trust property, staff will submit the necessary forms and documentation to the Lessard-Sams Outdoor Heritage Council to receive approximately \$6,400 in reimbursement funds that will be returned to the 2021 Environmental Resources Capital Improvement Program budget.

4.5 Acceptance Of Environment And Natural Resources Trust Funds And Authorization To Execute Contract With Outback Fence & Fabrication Inc. For Bid Package Number One Award Of Spring Lake Park Reserve Bison Range Project

WHEREAS, the Spring Lake Park Bison Range project is included in the 2021–2025 Parks Capital Improvement Program (CIP) Adopted Budget; and

WHEREAS, staff submitted a proposal to the Legislative-Citizen Commission on Minnesota Resources for funding for the Spring Lake Park Bison Range project; and

WHEREAS, the Legislative-Citizen Commission on Minnesota Resources recommended to the Minnesota Legislature that \$560,000 from the Environment and Natural Resources Trust Fund be granted to Dakota County for the project; and

WHEREAS, The State of Minnesota has approved the funding for the grant, which was accepted by the County Board as part of the 2021 Parks CIP Budget; and

WHEREAS, bid document and specifications were prepared by County staff and WSB Associates; and

WHEREAS, four competitive bids were received on May 25, 2021; and

WHEREAS, Outback Fence & Fabrication Inc. has submitted the low bid of \$361,686; and

WHEREAS, staff has reviewed the qualifications of the bidder and recommend award to Outback Fence & Fabrication Inc. as the lowest responsive and responsible bidder in an amount not to exceed \$361,686 for the Award of Bid Package #1 at the Spring Lake Park Bison Range project; and

WHEREAS, sufficient funds are available within the Adopted 2021 Parks CIP Budget for this project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the Environment and Natural Resources Trust Funds in the amount of \$560,000; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes Parks, Facilities, and Fleet Management Director to execute a contract for the Bid Package #1 Award of the Spring Lake Park Reserve Bison Range project to Outback Fence & Fabrication Inc., 928 Chestnut Street NE, Mazeppa, MN 55963, in an amount not to exceed \$361,686, subject to approval by the County Attorney's office as to form.

Ayes: 6

Nays: 1 Mary Liz Holberg

Regular Agenda

5.1 Adoption Of Dakota County 2040 Transportation Plan And Dakota County, Minnesota Comprehensive Plan (DC2040) Amendment

Mark Krebsbach, Transportation Director, presented this item and responded to questions. Taud Hoopingarner was also in the audience and responded to questions.

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

WHEREAS, the Dakota County Board of Commissioners directed staff to prepare the Dakota County 2040 Transportation Plan (Plan) to guide the development of the County's transportation network by identifying future investment needs, implementation direction, and priorities; and

WHEREAS, through Physical Development Committee of the Whole review, County Board Workshops, and agency and public engagement, staff has prepared the Plan; and

WHEREAS, the Plan identifies the County's transportation goals, policies, and strategies for a transportation system that safely and efficiently moves people and goods; and

WHEREAS, the update of the Plan necessitated parallel changes to and a minor amendment of the Dakota County, Minnesota Comprehensive Plan, DC2040 (Amendment); and

WHEREAS, a public hearing on comprehensive plan amendments is required under Minnesota Statutes § 462.355 and was held on January 19, 2021; and

WHEREAS, staff conducted a concurrent 60-day public and agency comment period for the Plan and the Amendment to receive additional comments and meet requirements for comprehensive plan amendments; and

WHEREAS, staff evaluated all public comments and addressed and revised Plan and Amendment text

accordingly; and

WHEREAS, the Dakota County Board of Commissioners adopted the draft Plan Cost Share Policies F.1 through F.19 in advance of Plan adoption to be effective during the process to approve the 2021– 2025 Capital Improvement Program budget documents; and

WHEREAS, adoption of the cost-sharing policies did not require amendment of DC2040; and

WHEREAS, the Dakota County Board of Commissioners authorized staff to submit the amendment to the Metropolitan Council for final review and approval; and

WHEREAS, the Metropolitan Council approved the Amendment on June 23, 2021.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Dakota County 2040 Transportation Plan; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby adopts the amendment of the Dakota County, Minnesota Comprehensive Plan (DC2040) Transportation Chapter; and

BE IT FURTHER RESOLVED, That the cost-share policies adopted by the Dakota County Board of Commissioners by Resolution No. 20-524 to be effective during the process to approve the 2021– 2025 Capital Improvement Program budget documents are hereby superseded by the cost-share policies contained in the approved Dakota County 2040 Transportation Plan.

5.2 Update On County Project 97-211 Pedestrian Safety Assessment

Kristi Sebastian, Traffic Engineer, presented this item and responded to questions. This item was on the agenda for informational purposes only.

5.3 Authorization For Budget Amendment To Fund Natural Resource Staff To Manage County's Bison Herd And Conduct Natural Resource Management Activities

Tom Lewanski, Natural Resources Manager, presented this item and responded to questions. Steve Mielke also spoke to this item. A commissioner asked if staff had looked into having the MN Zoo provide the staffing needs for the herd rather than hiring a new staff position. Tom Lewanski will provide a follow-up to this question and connect with the Minnesota Zoo. Based on the discussion, the board expressed interest in fostering citizen volunteers to be ambassadors/friends of the incoming Bison. The committee expressed interest in engagement and enthusiasm around the project and the potential financial benefits. A future discussion on an ambassador/friends program will be scheduled in the future.

On a motion by Commissioner Joe Atkins, seconded by Commissioner Mary Hamann-Roland, the following resolution was recommended to the County Board with amended language, correcting a meeting date:

WHEREAS, by Resolution No. 19-051 (February 5, 2019), the County Board directed staff to prepare a feasibility study for reintroducing bison to the County Park System and return to the Board for further direction; and

WHEREAS, the study was completed and presented to the Physical Development Committee of the whole on January 14, 2020, and study identified the need for an additional staff person to manage the bison herd; and

WHEREAS, by Resolution No. 20-043 (January 21, 2020), the County Board directed staff to further advance bison reintroduction in the County Park System by taking the following actions: Refine the SLPR bison range site plan and operations/capital cost estimates, advance discussions with the Minnesota Bison Conservation Herd partnership, prepare and submit funding proposals to the Legislative-Citizen Commission on Minnesota

Resources (LCCMR) and the Lessard-Sams Outdoor Heritage Council in 2020 for legislative consideration in 2021, and return and seek direction at a future Board meeting; and

WHEREAS, in response to the County Board directive, staff applied to the LCCMR for funding for the bison reintroduction project; and

WHEREAS, the LCCMR recommended to the Minnesota Legislature that it grant Dakota County \$560,000 to be used for the bison reintroduction project; and

WHEREAS, on June 25, the Minnesota Legislature passed SF20/HF5, which included this funding, and the Governor signed the bill into law on June 29, 2021; and

WHEREAS, by Resolution No. 20-571 (November 17, 2020), the County Board approved the design for the bison range project as it was presented to the Physical Development Committee of the Whole on November 10, 2021, and authorized a contract amendment to retain WSB Associates for the completion of design services through the full delivery of the project; and

WHEREAS, an additional staff position is needed to prepare for and manage the bison and the bison range; and

WHEREAS, this position is time-sensitive because safety and operational systems need to be in place, and training will be required prior to the arrival of the bison, planned for the fall of 2022; and

WHEREAS, the total cost of the position, including salary and benefits, is estimated to be \$34,751 for the remainder of 2021; and

WHEREAS, the total cost for 2022 is estimated to be \$89,734; and

WHEREAS, funding for this position is available from unallocated Environmental Legacy Fund.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves an amendment to the 2021 Dakota County operational budget reflecting the use of an estimated \$34,751 of Environmental Legacy Fund in 2021 to fund a staff person to manage the bison herd project; and

BE IT FURTHER RESOLVED, That the 2021 Parks Operating budget is hereby amended as follows:

Expense (4 months in 2021)	
1.0 FTE (106 DBM)	\$18,732
Salary	
Benefits	\$ 8,544
Travel/Training/Other	\$ 7,475
Total Expense	\$34,751
Revenue	
Unencumbered ELF	\$34,751
Total Revenue	\$34,751

Ayes: 5 Nays: 2 Mary Liz Holberg, Kathleen Gaylord

5.4 Update On Byllesby Dam Hydropower Redevelopment Project

Josh Petersen, Sr. Water Resources Engineer, presented this item and responded to questions. Matt Smith, County Manager, also spoke to this item. This item was on the agenda for informational purposes only.

Division Director Update

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

Adjournment

On a motion by Commissioner Mike Slavik, seconded by Commissioner Mary Liz Holberg, the meeting was adjourned at 10:05 a.m.

Respectfully submitted,

Liz Hansen

Liz Hansen
Administrative Coordinator
Physical Development Division