

DAKOTA COUNTY
Physical Development Committee of the Whole

August 17, 2021
9:00 AM

Conference Room 110A & B at the Northern Service Center West St. Paul, MN

If you wish to speak to an agenda item or an item not on the agenda, please notify the Clerk to the Board via email at CountyAdmin@co.dakota.mn.us
Emails must be received by 7:30am Tuesday, August 17, 2021.
Instructions on how to participate will be sent to anyone interested.

1. Call To Order And Roll Call

Note: Any action taken by this Committee of the Whole constitutes a recommendation to the County Board.

2. Audience

Anyone in the audience wishing to address the Committee on an item not on the Agenda or an item on the Consent Agenda may come forward at this time. Comments are limited to five minutes.

3. Approval Of Agenda (Additions/Corrections/Deletions)

4. Consent Agenda

4.1 Approval Of Minutes Of Meeting Held On July 13, 2021

4.2 *Physical Development Administration* - Scheduling Of Public Hearing For Program Year 2020 Consolidated Annual Performance And Evaluation Report

4.3 *Physical Development Administration* - Planning Commission Update

5. Regular Agenda

5.1 *Environmental Resources* - Authorization To Submit Solid Waste Capital Assistance Program Application For Regional Household Hazardous Waste And Recycling Center

5.2 *Parks, Facilities, And Fleet Management* - Authorization To Execute Joint Powers Agreement With City Of Apple Valley For Multiple North Creek Greenway Trail Design And Construction Projects

5.3 *Transportation* - Update On 2021 Transportation Capital Improvement Construction Projects

6. Division Director Update

7. Adjournment

For more information, please call 952-891-7030
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<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>
Public Comment can be sent to CountyAdmin@co.dakota.mn.us

**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

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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

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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

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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:

Expense

Augustine/Schleusner Acquisition (LC10017)	\$8,000
ML19 OHF Grant (LC00009)	<u>(\$8,000)</u>
Total Expense	\$0

Revenue

Augustine/Schleusner Acquisition – Grant funding (LC10017)	\$6,400
Augustine/Schleusner Acquisition – County funds (LC10017)	\$1,600
ML19 OHF Grant funding (LC00009)	<u>(\$6,400)</u>
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

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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

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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

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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.

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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

DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE

Scheduling Of Public Hearing For Program Year 2020 Consolidated Annual Performance And Evaluation Report

Meeting Date: 8/17/2021	Fiscal/FTE Impact:
Item Type: Consent-Action	<input checked="" type="checkbox"/> None <input type="checkbox"/> Other
Division: Physical Development	<input type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: Physical Development Administration	<input type="checkbox"/> New FTE(s) requested
Contact: Stwora, Erin	Board Goal: A great place to live
Contact Phone: (952) 891-7153	Public Engagement Level: N/A
Prepared by: Dykes, Maggie	

PURPOSE/ACTION REQUESTED

Schedule a public hearing for September 21, 2021, at 9:00 a.m. regarding the Program Year 2020 Consolidated Annual Performance and Evaluation Report (CAPER) to be submitted to the U.S. Department of Housing and Urban Development (HUD).

SUMMARY

The Dakota County Community Development Agency (CDA) administers the federal Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) Programs on behalf of Dakota County as the grantee. The CDBG, HOME, and ESG Programs receive annual grants in amounts determined by the U.S. Congress for housing and community development activities. The use of funds is guided through a Five-Year Consolidated Plan, which outlines the County's strategies and objectives and is reviewed and approved by the Dakota County Board of Commissioners (Board). Prior to each program year, an Annual Action Plan is also reviewed and approved by the Board. Together, these documents serve as the planning documents allocating CDBG, HOME, and ESG funds to local governments and housing providers via approved activities. The activities must align with the strategies and objectives identified in the Five-Year Consolidated Plan.

Per federal administrative rule 24 CFR 91.520, the federal government requires the CAPER to be submitted to HUD no later than 90 days after the end of the program year. The year-end for the Dakota County CDBG, HOME, and ESG Programs was June 30, 2021, requiring submission of the CAPER no later than September 28, 2021. The CAPER is an evaluation of the prior program year, detailing financial expenditures, persons assisted, and activity outcomes. The document also details progress of the CDA, local governments, and housing providers in implementing the housing and community development strategies, projects, and activities, as identified in the Annual Action Plan.

The CAPER must be available for citizens to comment on before its submission to HUD. The draft CAPER report will be available for review on the CDA and Dakota County websites, and the public may request written copies of the CAPER by contacting the CDA at its offices at 1228 Town Centre Drive, Eagan, Minnesota. A public hearing notice (Attachment A) will be placed in the *Star Tribune* on September 8, 2021, and also on the CDA and Dakota County websites.

RECOMMENDATION

CDA and County staff recommend a public hearing be scheduled for 9:00 a.m. on September 21, 2021, in the Board Room, Administration Center, 1590 Highway 55, Hastings, Minnesota, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic to receive comments on the Program Year 2020 CAPER.

EXPLANATION OF FISCAL/FTE IMPACTS

None.

Supporting Documents:

Attachment A: Draft Public Hearing Notice

Previous Board Action(s):

RESOLUTION

WHEREAS, the Dakota County Community Development Agency (CDA) administers the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) Programs on behalf of Dakota County as the grantee; and

WHEREAS, the CDBG, HOME, and ESG Programs are guided by federal regulations, the Five-Year Consolidated Plan that outlines Dakota County's strategies and objectives, and the Annual Action Plan that serves as the annual planning document allocating CDBG, HOME, and ESG funds to local governments and housing providers via approved activities; and

WHEREAS, the federal government requires submission of a year-end report, the Consolidated Annual Performance and Evaluation Report (CAPER), to be submitted to the U.S. Department of Housing and Urban Development (HUD) no later than 90 days after the end of the program year; and

WHEREAS, the CAPER is an evaluation of the prior program year, detailing financial expenditures, persons assisted, and activity outcomes; and

WHEREAS, the CAPER must be available for citizens to comment on before its submission to HUD; and

WHEREAS, the draft CAPER report will be made available to the public on the CDA and Dakota County websites, and the public may request written copies of the CAPER by contacting the CDA at its offices at 1228 Town Centre Drive, Eagan, Minnesota; and

WHEREAS, CDA and County staff recommend scheduling a public hearing on September 21, 2021, on or after 9:00 a.m. at the Dakota County Administration Center in Hastings regarding the Program Year 2020 CAPER.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing on September 21, 2021, at 9:00 a.m. in the Board Room, Administration Center, 1590 Highway 55, Hastings, Minnesota, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic to receive comments on the Program Year 2020 Consolidated Annual Performance and Evaluation Report; and

BE IT FURTHER RESOLVED, That the staff of Dakota County is hereby authorized and directed to coordinate with Dakota County Community Development Agency staff to publish the public hearing notice in the *Star Tribune* and post said notice on the Dakota County Community Development Agency website at www.dakotacda.org and the Dakota County website at www.co.dakota.mn.us

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager

NOTICE TO ANNOUNCE PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Dakota County Board of Commissioners on September 21, 2021 at 9:00 a.m. in the Board Room of the Dakota County Administration Center, 1590 West Highway 55, Hastings, MN, or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic for the purpose of receiving comments from the general public concerning the Dakota County HOME Consortium 2020 Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER reviews the performance of the Dakota County HOME Consortium in meeting the housing, community, and economic development needs as outlined by the Consortium in the 2020-2024 Dakota County Consortium Consolidated Plan and the 2020 Dakota County Consortium Action Plan.

The draft CAPER report will be available for citizen review through September 17, 2021 on the CDA's website at www.dakotacda.org, on the Dakota County website at www.dakotacounty.us, and the public may request written copies of the CAPER by contacting the CDA at its offices at 1228 Town Centre Drive, Eagan, MN, or by contacting Kellie Engelman at kengelman@dakotacda.state.mn.us

If you would like to submit comments after reviewing the CAPER, please send them in writing to the Dakota County CDA, attention Kellie Engelman, 1228 Town Centre Drive, Eagan, MN, 55123; or by Fax 651-675-4444. Persons who wish to testify at the public hearing are requested to contact Kellie Engelman at the address listed above, or via email kengelman@dakotacda.state.mn.us; via telephone at 651-675-4468; Fax at 651-675-4444; or MN Relay Service: 1-800-627-3529 or 711; prior to 4:30 p.m. on Wednesday, September 15, 2021. If you require special accommodations, please contact the CDA at least a week before the hearing.

DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE

Planning Commission Update

Meeting Date: 8/17/2021	Fiscal/FTE Impact:
Item Type: Consent-Information	<input checked="" type="checkbox"/> None <input type="checkbox"/> Other
Division: Physical Development	<input type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: Physical Development Administration	<input type="checkbox"/> New FTE(s) requested
Contact: Chatfield, Kurt	Board Goal: Excellence in public service
Contact Phone: (952) 891-7022	Public Engagement Level: N/A
Prepared by: Chatfield, Kurt	

PURPOSE/ACTION REQUESTED

Receive an update on issues addressed by the Planning Commission.

SUMMARY

The Dakota County Planning Commission met on July 22, 2021. The Planning Commission minutes from the meeting are attached (Attachment A). The Planning Commission addressed the following topics:

All-Hazard Mitigation Plan Update

Planning Commissioners received an update on the new goals and strategies proposed for the All-Hazard Mitigation Plan Update. The new goals were discussed as a response to the emergence of new hazards since the last plan was adopted.

North Creek and Lake Marion Greenway Natural Resource Management Plans

These two Natural Resource Management Plans are being updated simultaneously for efficiency reasons. Planning Commissioners reviewed the scope and provided comments.

Land Conservation Plan Evaluation Criteria

Planning Commissioners reviewed and commented on program scoring criteria for the upcoming land protection application round. Planning Commissioners discussed the criteria with respect to the goals and objectives set forth in the newly adopted Land Conservation Plan.

RECOMMENDATION

Information only; no action requested.

EXPLANATION OF FISCAL/FTE IMPACTS

None.

Supporting Documents:

Attachment A: Advisory Committee Minutes

Previous Board Action(s):

RESOLUTION

Information only; no action requested.

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager

**Dakota County Planning Commission
Advisory Committee Meeting Minutes-Draft**

Date: July 22, 2021

Time: 7:00 p.m. to 9:00 p.m.

Members Present		Staff Present		Others Present
Jerry Rich	<input checked="" type="checkbox"/>	Robert Timmerman	<input type="checkbox"/>	
Lori Hansen	<input checked="" type="checkbox"/>	Nate Reitz	<input checked="" type="checkbox"/>	
Jill Smith	<input type="checkbox"/>	Jim Guttman	<input checked="" type="checkbox"/>	
Greg Oxley	<input checked="" type="checkbox"/>	Tony Nelson	<input checked="" type="checkbox"/>	
Amy Hunting	<input checked="" type="checkbox"/>	Donald Post	<input type="checkbox"/>	
Barry Graham	<input checked="" type="checkbox"/>	Dennis Peine	<input type="checkbox"/>	
Ramraj Singh	<input checked="" type="checkbox"/>			
		Kurt Chatfield	<input checked="" type="checkbox"/>	
		Tom Lewanski	<input checked="" type="checkbox"/>	
		Chris Klatt	<input checked="" type="checkbox"/>	
		Mary Jackson	<input checked="" type="checkbox"/>	
		Tom Lewanski	<input checked="" type="checkbox"/>	
		Liz Hansen	<input checked="" type="checkbox"/>	
		Ben Rutter	<input checked="" type="checkbox"/>	
		BJ Battig	<input checked="" type="checkbox"/>	
		Taud Hoopingarner	<input checked="" type="checkbox"/>	

Meeting Called to Order

Time: 7:00 p.m.

By: Chair Oxley

Public Comment

None.

Approval of Agenda

Motion by: Commissioner Graham

Second by: Commissioner Hansen

Vote: Unanimously approved.

Approval of Minutes (from June 24, 2021 meeting)

Motion by: Commissioner Singh

Second by: Commissioner Hansen

Commissioner Hunting withstanding.

Vote: Unanimously approved.

Welcome New Planning Commissioner Dennis Peine

Comments/Notes: Commissioner Peine was not in attendance.

Item #1: All-Hazard Mitigation Plan

Action / Information

Comments/Notes: Ben Rutter, Homeland Security Specialist, provided an overview of the All-Hazard Mitigation Plan. Mary Jackson, Senior Planner, also presented on this topic.

Questions and comments by Commissioners along with responses from staff (italics):

The Planning Commission discussed the overlapping goals between the All-Hazard Management Plan the Land Conservation Plan, including goals in both plans to reduce flooding and protect groundwater supplies.

The Planning Commission discussed the public participation process for the plan to date, noting that the surveys that have been conducted as part of the plan are not scientific and are also heavily influenced by the latest crisis, such as the current pandemic. *Staff agreed with this comment.*

A suggestion was made to prioritize risks in the All Hazard plan according to the probability of threat and estimated danger to numbers of people and damage to property once the threat emerges, similar to a method used by the U.S. Military. *Staff expressed interest in this method and committed to following up on the suggestion.*

The Planning Commission discussed that the All-Hazard Plan needs to be updated on a regular basis in response to new threats as they become known. *Staff responded that the Federal Emergency Management Agency requires that these plans every five years consistent with this reason.*

It was noted that Goal #4 of the plan addresses reinforcing facilities but maybe should be expanded to include protecting the County's physical data records as well. *Staff suggested that the plan be amended to address physical records.*

The Planning Commission discussed the new hazard of civil unrest. A suggestion was made to preemptively engage religious leaders prior to address civil unrest. Communication with religious leaders and places of worship may be tools to diffuse civil unrest. A related comment was to work with school service officers. *Staff agreed with the Planning Commission's comments.*

Item #2: North Creek and Lake Marion Greenway Natural Resource Management Plans

Action / **Information**

Comments/Notes: Chris Klatt, Parks Natural Resource Specialist, provided an overview of the approach to prepare new Natural Resource Management Plans for both the North Creek and Lake Marion Greenway corridors.

Questions and comments by Commissioners along with responses from staff (italics):

The Planning Commission discussed the relationship between the new Natural Resource Management Plans and the existing Master Plans for the two greenways. A comment was made that the new natural resource management plans should be used to inform and refine the trail alignments in the adopted master plans. *Staff responded in agreement with the comment and stated the importance of natural resource restoration as part of the County's larger greenway vision.*

A question was raised about whether the specific strategy to restore pollinator plantings addresses other natural resource goals, such as improving water quality. *Staff responded that in most cases, the practice of restoring native grasses to pollinator habitat accomplishes other natural resource goals, but that other land restoration methods will also be considered within the plans depending on the specifics of individual locations.*

Item #3: Land Conservation Plan Evaluation Criteria**Review & Comment**

Comments/Notes: Al Singer, Land Conservation Manager, provided an overview of the draft Land Conservation Plan Program Criteria and responded to questions.

Questions and comments by Commissioners along with responses from staff (italics):

The topic of overlapping goals between the Land Conservation Plan and the All Hazard Plan was discussed, along with a question about whether mitigating flood damage was intentional in this plan. *Staff responded that yes, there was intent on keeping water on the landscape and slow water down through land conservation and wetland restoration. One complicating factor is knowing the location of existing drain tile, which accelerates runoff from agricultural fields.*

Several refinements to the scoring system were suggested by Planning Commissioners regarding proximity to underserved populations and also for the category of public access. An error in the scoring system was also noted. *Staff stated that changes to the scoring system would be made based on the comments received.*

The topic of whether all township officials support the plan was raised, especially for townships that have extensive Conservation Focus Areas (CFAs). *Staff responded that the CFAs boundaries in the plan were modified in some townships to address their concerns prior to adoption of the plan.*

There was discussion regarding how city restoration projects will be prioritized. A suggestion was made to use the land protection criteria to prioritize city restoration projects if funding is in short supply.

A question was asked about whether tribal representatives have been engaged in the scoring process? *Staff responded that tribal representatives had not been engaged, although it is anticipated that they would typically support the conservation goals and areas within the plan. Dakota County staff have worked closely with Tribal Preservation Officers on land preservation and site-specific restoration projects, the most recent being the effort to restore and interpret the Native American significance of the Pilot Knob.*

The Planning Commission and staff discussed some of the challenges of implementing the program, such as the lengthy and expensive property appraisal process and the requirements placed on projects by funding partners. Several suggestions were made to streamline processes and implement the plan.

Planning Manager Update and County Board Actions

- Authorized Bison funding and enclosure contract at Spring Lake Park Reserve
- Adopted Transportation Plan and Comprehensive Plan
- Received update on Transportation Pedestrian Crossing Safety Assessment

Upcoming Public Meetings – Community Outreach

CSAH 4 (Butler Avenue) Trail Design Study Open House	July 27, 6:00pm-8:00pm Thompson Park Lodge
Bison Reintroduction Groundbreaking	July 30, 9:45am
CSAH 32 Final Design Open House	Aug 5, 5:00pm-7:00pm Lebanon Hills Visitor Center outdoor area
CSAH 46 Study - Hastings Open House	August TBD

Topics for Next Meeting (Thursday, August 26)

- Dakota County Park Ordinance Update

Planning Commissioner Announcements/Updates

Planning Commissioner Singh attended the County Road 42 corridor open house along with County Board members Workman and Hamann-Roland. He stated that the meeting was well attended and that many of the attendees were passionate about the future of the highway corridor.

A question was asked about the process for replacing the Parks Director position. Taud Hoopingarner provided an overview of the process and the timeframe for filling the position.

The Planning Commission discussed the topic of hybrid meetings, and a question was raised as to whether a hybrid meeting format may be used in the future. Staff described the circumstances by which a Planning Commissioner may attend an in-person meeting remotely according to the County Attorney's Office, including the changes that would need to be made to the meeting itself (e.g., roll call voting). At this time, the Planning Commission's regular meeting room is not equipped for a hybrid meeting format that meets legal requirements that all Planning Commissioners and the audience be able to see and hear one another. Technology issues aside, it appeared that most or all Planning Commissioners expressed a desire to meet in person, although there was some discussion about the advantages of individuals being able to meet remotely when there are extenuating circumstances such as out-of-town travel. Planning Commission members concluded their discussion by asking that the Planning Manager monitor any changes to Minnesota's remote meeting laws as a result of the pandemic and update the Planning Commission as appropriate.

Adjourn: 9:05 p.m.

Motion by: Commissioner Hansen

Second: Commissioner Reitz

Vote: Unanimously approved.

Next Regular Meeting: Thursday, August 26, 2021. The next meeting is planned to be in person at Western Service Center. This meeting may be canceled due to a lack of agenda items.

DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE

Authorization To Submit Solid Waste Capital Assistance Program Application For Regional Household Hazardous Waste And Recycling Center

Meeting Date: 8/17/2021	Fiscal/FTE Impact:
Item Type: Regular-Action	<input type="checkbox"/> None <input type="checkbox"/> Other
Division: Physical Development	<input checked="" type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: Environmental Resources	<input type="checkbox"/> New FTE(s) requested
Contact: Fischer, Georg	Board Goal: A healthy environment with quality natural areas
Contact Phone: (952) 891-7554	Public Engagement Level: N/A
Prepared by: Fischer, Georg	

PURPOSE/ACTION REQUESTED

Authorize submission of a Solid Waste Capital Assistance Program (CAP) application to the Minnesota Pollution Control Agency (MPCA) for a regional household hazardous waste and recycling center in the amount of \$4,000,000.

SUMMARY

Dakota County's and Scott County's household hazardous waste and recycling centers are insufficient to meet current and future needs. The two facilities properly manage nearly seven million pounds of material per year from more than 80,000 participants. Dakota County's facility manages more than four times its design capacity, and Scott County's growth is projected to be 325 percent by 2030.

In 2021, the Minnesota Legislature authorized \$2,000,000 for Phase one (land acquisition, design, and engineering) of a joint Dakota County and Scott County household hazardous waste and recycling center to provide a convenient and cost-effective drop-off location for residents of both Dakota and Scott County. The proposed facility will be located near the Dakota/Scott county border. Submittal and approval of a Solid Waste Processing Facilities Capital Assistance Program Grant Application with the MPCA is necessary to receive the funding (Attachment A). The MPCA will include an additional \$2,000,000 in a future CAP request to the legislature for Phase 2 of this project, which will include bidding, construction, and opening of the facility.

Dakota and Scott County staff are currently working on a draft Joint Powers Agreement to cover the operation and construction of the joint facility. The final terms of the Joint Powers Agreement, which will outline capital and operational responsibilities for each of the counties, will be developed upon final site selection for the project.

RECOMMENDATION

Staff recommends the County Board of Commissioners authorize the Physical Development Division Director to submit the Solid Waste CAP application for a Regional Household Hazardous Waste and Recycling Center to the MPCA.

EXPLANATION OF FISCAL/FTE IMPACTS

The household hazardous waste and recycling facility is currently estimated to cost \$11,610,000 to construct. Total capital assistance program funds are expected to be \$4,000,000. The remaining \$7,610,000 construction cost will be shared between Dakota County and Scott County based on a population-based formula that will be included in a Joint Powers Agreement between the counties.

Supporting Documents:

Attachment A: Solid Waste Capital Assistance Program Application

Previous Board Action(s):

18-493; 9/18/18

RESOLUTION

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, Dakota County wishes to partner with Scott County on a joint household hazardous waste and recycling center; and

WHEREAS, Dakota County has made an application for a capital assistance program grant to construct a household hazardous waste and recycling facility.

NOW, THEREFORE, BE IT RESOLVED, That Dakota County will implement the project, provide necessary local financing, and accept and exercise the governmental powers necessary to develop and operate the project; and

BE IT FURTHER RESOLVED, That Dakota County pledges to use all funds made available exclusively for the capital costs of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of Dakota County; and

BE IT FURTHER RESOLVED, That Dakota County recognizes that any subsequent withdrawal of allocated or additional funds of Dakota County will impair the obligation of contract between the state of Minnesota, Dakota County, and the bondholders; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to sign the Final Capital Assistance Program Grant Application and the Capital Assistance Program Grant Agreement on behalf of Dakota County.

County Manager’s Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney’s Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager

**Solid Waste Capital Assistance Program
 Dakota and Scott Counties Regional Household Hazardous Waste Collection and Recycling Facility
 Phase 1 Land Acquisition, design and Engineering and
 Phase 2: Bidding, Construction and Opening**

F1. Final Application:

SOLID WASTE PROCESSING FACILITIES CAPITAL ASSISTANCE PROGRAM FINAL APPLICATION FOR STATE ASSISTANCE	
1. NAME & ADDRESS OF APPLICANT(S): Dakota County 14955 Galaxie Avenue Apple Valley, Minnesota, 55124	Telephone #: (952)891-7554 FAX #: (952)891-7588
2. NAME & ADDRESS OF PROJECT MANAGER (Attach qualifications) : Joseph Lexa Project Manager 1590 Highway 55 Hastings, Minnesota 55033	Telephone #: (651)438-4566 FAX #: ()
3. NAME & ADDRESS OF FACILITY OPERATOR (If available): <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private Dakota County Environmental Resources Department 14955 Galaxie Ave Apple Valley, MN 55124	
4. PROJECT TITLE AND LOCATION (County, City, Town, Village, Road) Regional Household Hazardous Waste Collection and Recycling Center Dakota County, Minnesota	5.CONSTRUCTION PERIOD From: 2022 To: 2024
6. TYPE OF PROJECT: : <input type="checkbox"/> Materials Recovery <input type="checkbox"/> Chemical Physical Biological Modification <input checked="" type="checkbox"/> Household Hazardous Waste <input type="checkbox"/> Transfer Station <input type="checkbox"/> Incineration w/Resource Recovery <input type="checkbox"/> Refuse-derived Fuel <input type="checkbox"/> Other (list):	
7.SUMMARIZED PROJECT DESCRIPTION (Purpose, Nature and Size of Project (tons per day/tons per year), service area, materials to be handled, markets, and other pertinent descriptive facts)	8. SOURCES OF FUNDS
<p>Dakota County is home to more than 429,000 people and another 149,000 people live in Scott County. The counties are home to a combined 578,000 residents- more than 10 percent of the state population- and five active landfills. Each county operates a household hazardous waste and recycling center to provide opportunities for residents to keep hazardous waste and recyclables out of landfills and the environment. The two existing household hazardous waste facilities properly manage nearly 7 million pounds of material each year for more than 80,000 residents. However, the existing facilities are already undersized, and are not designed to handle expected growth.</p> <p>The proposed 24,000 square foot facility, located on an approximate 8-acre parcel in the Burnsville/Lakeville area, will be owned and operated by Dakota. Scott County will contribute to the capital costs of the facility through a Joint Powers Agreement (JPA)t. The final terms of this JPA are contingent on the site selected for the project, and specific terms will be determined in concert with final site selection. This project will provide convenient and cost-effective drop-off</p>	APPLICANT FUNDS: \$7,610,000

<p>locations for problem materials, household hazardous waste and recyclables from residents and businesses from both Dakota and Scott County. In addition, materials from residents living in the other five Metropolitan area counties will be collected at the site through reciprocal use agreements with those counties. The addition of this facility is expected to increase participation in the County Household Hazardous Waste Programs by 32 percent and prolong the life of the two current facilities by slowing the growth at those sites.</p> <p>This project will be completed in two phases. Phase 1 includes land acquisition, design and engineering. Phase 2 will include bidding, construction and opening. CAP funds not used during Phase 1 will be spend during Phase 2.</p>	
	CAP FUNDS: \$4,000,000
	OTHER STATE FUNDS: \$0
	FEDERAL FUNDS: \$0
	OTHER FUNDS: \$0
	TOTAL COST: \$11,610,000
9. NAME OF POLITICAL SUBDIVISION(S) AFFECTED BY THE PROJECT: Dakota County and Scott County	
10. State approved Comprehensive Solid Waste Management Plan for county(ies) in which the project is located and servicing? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N IF NO, EXPLAIN	
11. NAME, TITLE, ADDRESS OF INDIVIDUAL AUTHORIZED BY RESOLUTION TO SIGN APPLICATION (Attach resolution) Georg T Fischer, Environmental Resources Department Director 14955 Galaxie Ave Apple Valley, MN 556124	Telephone #: (952)891-7554 FAX #: (952)891-7588

F2. Final Application Summary of Project Cost Worksheet:

ELIGIBLE ITEMS

1.		Final design, engineering, and architectural plan	\$793,000
2.		Land (minimum of 8 acres)	\$2,708,500
Construction Cost			
3.		Building(s)	\$4,000,000
4.		On-site roads/parking	\$400,000
5.		Landscaping	\$183,000
6.		Personnel facilities	\$1,000,000
7.		On-site utilities	\$200,000
8.		Run-off and erosion control	\$60,000
9.		Bulky Materials/organics drop-off area	\$700,000
10.		Other	\$8,500
Equipment			
11.		Function controls, computers	\$150,000
12.		Internal communication system	\$100,000

13.		Flammable Room/Fire protection system	\$430,000
14.		Worker safety equipment	\$50,500
15.		Scales	\$75,000
16.		Product /waste compactors	\$130,000
17.		Special hazardous waste equipment	\$100,000
18.		On-site special storage equipment	\$120,000
19.		On-site material handling equipment	\$160,000
20.		On-site mobile equipment	\$298,000
21.		On-site air and water pollution control equipment	\$55,000
22.		Trailers, containers, and roll-off boxes	\$100,000
23.		Process converters and/or reactors	\$50,000
24.		Process and utility piping and valves	\$50,000
25.		Other	\$100,000
		TOTAL ELIGIBLE CAPITAL COSTS	\$11,313,000
		GRANT AMOUNT REQUESTED¹.	\$4,000,000

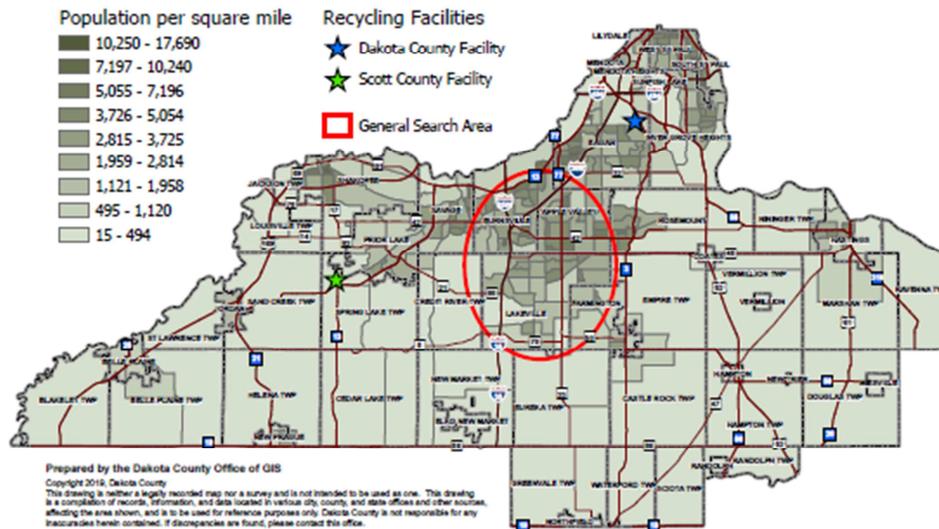
INELIGIBLE ITEMS

26.		Preliminary engineering/architectural plans	\$87,000
27.		Administrative offices	\$200,000
28..		Contingency	\$10,000
		Sub-total	\$297,000
		TOTAL CAPITAL COST OF PROPOSED PROJECT	\$11,610,000

F3. Facility Description:

1. Type, purpose, service area, and operating capacity of proposed project: This project will provide convenient and cost-effective drop-off locations for household hazardous waste, problem materials and recyclables from residents and businesses from both Dakota and Scott counties. The primary function for this facility is for managing household hazardous waste and problem materials from County residents as required by MN Stat. 473.804. The secondary function is a recycling drop-off facility as required by MN Stat. 115A.552. These wastes will consist of paints, solvents, cleaners, used oil, pesticides, batteries, fluorescent lamps, electronics, and other hazardous materials. Problem materials, such as tires, appliances, and scrap metal will be accepted and the viability of adding more materials such as textiles, mattresses, organics, and paper shredding are being considered pending site location, building design, costs, and markets. Traditional recyclables such as cardboard, mixed paper and mixed rigid containers will be accepted and either direct marketed or transported to a Material Recovery Facility for processing. In addition, materials from residents living in the other five Twin-cities Metro area counties will be collected at the site through existing reciprocal-use agreements with those counties (Attachment C).

Estimated total population, 2016 — with potential site priority areas



2. Institutional arrangements necessary for project implementation and operation: A Joint Powers Agreement(JPA) between Dakota and Scott County will outline capital cost responsibilities for each of the counties. The final terms of the JPA are still being developed and will be contingent on the final site selection. Reimbursements from Scott County for operating costs will be based on a per resident reimbursement, similar to other existing Reciprocal Use Agreements (Attachment C).

Additional revenue to support operations at this facility will be generated through Paint Care Paint Product Stewardship reimbursements for paint recycling, Dakota Electric Associate and Xcel Energy reimbursements for used lamp recycling, Loe’s Oil Company for used oil recycling, Minnesota Department of Agriculture for pesticide handling, nominal fees charged for some problem materials (some electronics, tires, etc.) and revenues generated by the Very Small Quantity Generator Business Hazardous Waste Collection program. These fees are set by the County Board of Commissioners annually (electronics, tires, etc.). Dakota County currently contracts for hazardous waste recycling and disposal services at its household hazardous waste facility in Egan, utilizing the State of Minnesota’s Cooperative Purchasing Venture for some contractual agreements, and will manage wastes through a similar method at the proposed facility.

3. Method of procurement: The method of procurement used will be that of a competitive public solicitation, as dictated by County policy and Mn Statute. Dakota County will follow the procurement procedures outlined in Dakota County Policy 2740 Procurement and Dakota County Policy 2751 Solicitation, Grant and Contract. The pertinent sections of these policies are reproduced below:

County Policy 2740 Procurement, states in part “All procurements shall incorporate a clear and accurate description of the technical requirements for the material, product, or service sought. The descriptive language must not, for competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the materials, product or service to be procured and, when necessary, must set forth those minimum essential

characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided, if possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used to define the performance or other salient requirements of procurement. The specific feature of the “brand name” which must be met must be clearly stated. The procurement shall identify all requirements which must be fulfilled and all other relevant factors used in the evaluation.”

County Policy 2751 Solicitation, Grant and Contract, states in part “Contracts for work or labor, or to purchase furniture, fixtures, or other property, or to construct or repair roads, bridges or buildings, or the sale or purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property, shall be made as follows:

If valued from \$1 through \$25,000

- In the open market, using any method to assure favorable pricing including, but not limited to, quotations, Request for Information, Request for Qualifications or through cooperative purchasing.

If valued from \$25,001 through \$175,000

- After soliciting three quotations when possible, or
- Through the State of Minnesota Cooperative Purchasing Venture, or
- Through any cooperative purchasing that secures contracts based on competitive bids or quotes from more than one source.

If valued in excess of \$175,000

- After soliciting sealed bids by public notice of Request for Bids, or
- Through the State of Minnesota Cooperative Purchasing Venture, or
- Through any cooperative purchasing that secures contracts based on competitive bids or quotes from more than one source. “, and

“All other contracts, including contracts for professional services

- After soliciting Request for Proposals, Request for Information, Request for Qualifications or quotes, so far as practicable and reasonable, or
- Through the State of Minnesota Cooperative Purchasing Venture, or
- Through any cooperative purchasing that secures contracts based on competitive bids or quotes from more than one source, or
- In the open market.”

4. Description, source and quantity of waste streams for the proposed facility:

- § Current Solid Waste Management practices: Dakota and Scott Counties each currently operate household hazardous waste and recycling collection facilities. These facilities are insufficient to meet current and future needs. The two facilities properly manage nearly 7 million pounds of material per year from more than 80,000 participants. Dakota County’s facility already handles four times the capacity it was designed to accommodate, and Scott County’s facility

is projected to exceed its' capacity by 325 percent by 2030. In addition, the large geographic area of Dakota and Scott Counties results in underserved areas (see map above for facility locations). In a recent survey, 25 percent of Dakota County residents who reported they didn't use the facility said it was either too far away or inconvenient.

- § Proposed system of collection: The site will be a drop-off location for residents and Very Small Quantity Hazardous Waste Generators like the current household hazardous waste facilities operated by Dakota and Scott Counties. Residents and eligible businesses will bring acceptable materials to the facility during hours of operation. Materials will be sorted at the site to identify products for reuse. The County will establish contracts for the proper disposal and recycling of all materials collected.
- § The compatibility of the waste stream with the proposed processing facility: This facility will be designed and built to safely accept the materials collected. This will include compliance with all applicable fire code and environmental rules and regulations. Dakota County will obtain a Hazardous Waste Identification Number for the site and register with the Minnesota Pollution Control Agency as a Large Quantity Generator. The facility will be licensed by Dakota County in compliance with Dakota County Ordinance No. 111 Hazardous Waste Regulation.
- § The objectives of the proposed management practice: The project will increase participation in the Dakota and Scott County Household Hazardous Waste Programs by 32 percent by offering additional convenient opportunities to properly manage hazardous waste and recyclables. An additional site serving both counties will prolong the life of the two existing facilities by slowing the growth at those sites.

5. Facility layout of physical equipment and proposed system of input, handling, processing and output. The facility layout will be developed and refined during design and engineering, which will take place during Phase 1 of this project.

F4. Comprehensive Solid Waste Management Plan Status:

The Dakota County Solid Waste Master Plan was adopted by the County Board of Commissioners on September 18, 2018. (<https://www.co.dakota.mn.us/Environment/ReportsStudies/solid-waste-master-plan/Documents/SolidWasteMasterPlan.pdf>) The approved plan includes a strategy to "Increase opportunities for proper management of problem materials, hazardous waste and household hazardous waste..." (page 35). The Scott County Solid Waste Master Plan (<https://www.scottcountymn.gov/DocumentCenter/View/1215/Scott-County-Solid-Waste->

[Management-Master-Plan-PDF?bidId=](#)), adopted on November 20, 2018, includes strategies related to additional reuse (pg 33) and collection of non-traditional recyclables, such a furniture, mattresses and carpet (pg 36). Further, Scott County's Solid Waste Master Plan acknowledges the limitations of their existing facility in Jordan in meeting future needs and anticipated conducting additional future needs planning activities.

F5. Documentation of Legislative Priorities:

This project meets the following legislative priorities outlined in Minnesota Statutes 115A.49:

- a. The capacity of existing solid waste disposal facilities is less than five years: The current Dakota County site in Eagan was designed to manage about 1 million pounds of household hazardous waste and recyclables from 15,000 participants annually. The site now manages nearly 4 million pounds of HHW and 1.5 million pounds of recyclables from 70,000 participants each year. This includes nearly 2 million pounds of e-waste per year. Over the last 10 years, participation has increased by an average of 9.2 percent each year. The Scott County site, located in Sand Creek Township, managed approximately 13,500 participants in 2018 and collected nearly 1.4M pounds of HHW and Problem Materials. Over the last 10 years, material collection has almost tripled.
- a. The proposed facility serves more than one local government unit: This project will serve the residents of both Dakota and Scott Counties. In addition, materials from residents living in the other five Twin-cities Metro area counties will be collected at the site through existing reciprocal-use agreements with those counties.

F6. Financial Plan:

1. Initial Capital Development Costs and Financing: Dakota County will pay the costs exceeding the authorized state funding using the established County Environmental Legacy Fund. The County Environmental Legacy Fund is funded through Host Fees collected from the six landfills located in Dakota County and a portion of Gravel Tax revenues. Scott County will reimburse Dakota County using a population-based apportionment through a Joint Powers Agreement. The specific final terms of the JPA are dependent on the final location of the site.
2. Projected annual operating, maintenance and replacement costs: CAP funding is not being requested for annual operations, maintenance or replacement costs, only the initial design, engineering and construction of the site. Projected annual expenses for year one and the total expenses over twenty years are summarized in the table below. Disposal and operations expenses were calculated assuming 30,000 vehicles will use the facility each year. Estimates for expenses per vehicle were calculated using actual 2019 expenses for the Dakota County facility in Eagan and dividing by the total number of cars that used that facility in 2019. Staffing costs were estimated using 2021 costs and assuming 10 Full Time Staff. Facility maintenance costs are estimated based on comparable sized Dakota County buildings at a rate of \$3.60/square foot.

This includes all facilities operations costs and maintenance staff time. Expenses have been adjusted for inflation by 2.5% annually, with staffing costs adjusted by 4.5% annually.

Expense	Projected First Year Expense	Projected 20 Year Total Expense
Disposal Contracts	\$284,000	\$7,373,227
Staffing	\$752,000	\$23,591,310
Electronics Disposal	\$98,000	\$2,544,282
Metro County Reciprocal Use Agreement Fees	\$20,000	\$519,241
Facility Maintenance	\$86,400	\$2,243,122
TOTAL Projected Expenses	\$1,240,000	\$36,271,183

An annual 20-year cost projection is included in Attachment E.

3. Projected Revenues over 20 years: As discussed above, CAP funding is not being requested for operations, maintenance or repair of the proposed facility. The table below summarizes projected revenues that will cover expenses related to the operation and maintenance of the proposed facility over 20 years. These projections assume 30,000 vehicles will visit the facility each year. Estimates for revenues per vehicle were calculated using total revenues generated at the Dakota County Site in Eagan during 2019 and dividing those totals by the total number of cars that used the site in 2019. Estimates have been rounded to the nearest \$1000. Projected revenues for the sale of most other recyclable items are estimated to be negligible and are therefore not included in the table below. However, expenses related to those items are included in the table above. Revenues have been adjusted by 2.5% annually to account for inflation. Revenues for Metropolitan County Reciprocal Use Agreement Fees include the estimated contribution from Scott County.

Revenue Stream	Projected First Revenue	Projected 20 Year Total Revenue
Fluorescent Bulb Rebates	\$25,000	\$638,616
VSQG Program Fees	\$22,000	\$561,982
Metro County Reciprocal Use Agreements Fees	\$250,000	\$6,386,164
Used Oil Sales	\$3,000	\$76,634
Electronics Fees (TVs and Displays)	\$85,000	\$2,171,296
PaintCare Reimbursements	\$138,000	\$3,525,163
Other Fees	\$3,000	\$76,634
Dakota County Environmental Legacy Fund	\$714,400	\$22,834,693
TOTAL Projected Revenues	\$1,240,400	\$36,271,183

An annual 20-year revenue projection is included in Attachment E.

4. Total capital costs per ton of installed daily capacity: This section is Not Applicable to a household hazardous waste and recycling facility project.

F7. Financial Capacity:

1. Capital financing alternatives and operational cost alternatives explored: The Dakota County Board of Commissioners does not wish to issue bonds; therefore, the Dakota County Environmental Legacy Fund and General Fund balance would be the only available alternative options for funding.
2. Applicants financial situation including current credit rating amount of bonds outstanding, etc...: Dakota County holds a AAA bond rating on general obligation bonds. The County currently has no outstanding debt and has not issued any in the last two years. The most recent financial statement can be found at:
<https://www.co.dakota.mn.us/Government/BudgetFinance/AnnualReport/Documents/2019CAFR.pdf> .

Information specific to the Environmental Legacy Special Revenue Fund, which is the source of matching dollars for this application, can be found on page 41.

3. Projected facility tipping fees and other project revenue: Projected revenues are addressed in Section F6. 3. above.
4. Impact of proposed project on existing solid waste commitments, obligations and expenditures, and total current solid waste management costs on a per capita and per ton basis: This section is Not Applicable to a household hazardous waste and recycling facility project.
5. General information pertinent the applicants' financial capacity:

Data	Dakota	Scott	Data Source
Location	Twin Cities Metropolitan Area	Twin Cities Metropolitan Area	
Total population	429,021	149,013	American Community Survey
Median age	38.3	37.1	American Community Survey
Number of people of colors	91,150	27,384	American Community Survey
Percent of people of colors	22%	19%	American Community Survey
Number of jobs	191,363	54,801	Minnesota Department of Employment and Economic Development
Percent of people ages 25 and older with a BA or higher	43%	41%	American Community Survey
Property tax bill	\$3,405	\$3,468	Dakota County Property Taxation and Records
Median household income	\$88,864	\$108,761	American Community Survey

6. Transportation distances and estimated costs for waste collection and to markets: This Household Hazardous Waste and Recycling facility will not require waste collection. All wastes will be delivered to the facility by facility users. The facility will be located within the Twin Cities Metropolitan Area. Markets for recycled materials will be sought within the Twin Cities metro area whenever feasible to reduce transportation costs and transportation related environmental impacts.
7. Waste supply characteristics: This facility will collect household hazardous waste and problem materials from residents of Dakota and Scott Counties. These wastes will consist of paints, solvents, cleaners, used oil, pesticides, batteries, fluorescent lamps, electronics, and other hazardous materials. Problem materials, such as tires, appliances, scrap metal and mattresses will be accepted. Other hard to recycle materials will be considered when designing the facility, such as textiles, organics, and paper shredding.
8. Availability of markets for recovered resources: This section is Not Applicable to a household hazardous waste and recycling facility project.
9. Other characteristics of waste management in the area that render CAP assistance important to the financial feasibility of the project: This project is a joint endeavor between Dakota and Scott Counties. State Bonding dollars bring the overall County cost of the project to a level that can be internally financed without the need for local bonding or increased local levy.

F8. Marketing Plan:

1. Principle Markets: This facility will collect numerous recyclable and problem materials. Final markets for all collected materials will be determined using a standard Request for Proposals approach. This approach will consider financial as well as environmental impacts for example the Request for Proposal for Recycling of Electronic Waste at The Recycling Zone and One-Day Events release on September 11, 2020 (Attachment D). In some circumstances, the Counties may elect to use the State Contract to select a vendor such as the current use of State Contract H-69(5) for Hazardous Waste Management.
2. Marketing Efforts to Date: Dakota County has been working closely with the Minnesota Pollution Control Agency through their Recycling Market Development Working Group which focuses on infrastructure development, funding, and assistance to advance state priorities related to recycling markets. There has been no promotion of the anticipated facility at this time as multiple contingencies must align. However, both Dakota and Scott County currently have household hazardous waste and recycling facilities, and widespread promotional efforts are planned and implemented each year. In addition, specific promotions are launched as circumstances occur that impact residents (e.g., COVID-19 operational changes). Marketing

campaigns for the facilities often include direct mail, billboards, paid print ads, press releases, and city and county newsletter articles. In addition, the current sites have been showcased at County Fairs and other large gatherings/events. The Dakota County Master Recycler/Composter Program offers biannually provides training on waste reduction, household hazardous waste, recycling, composting and solid waste. The program has had 350 participants to date that agree to volunteer 30 hours putting their skills to work to help others learn how to reduce, recycle, and manage waste.

3. Contingency Plans: Final markets for all collected materials will be determined using a standard Request for Proposals approach. Contracts and agreements will be reviewed on a recurring basis to ensure that the Counties are using contractors that provide the best possible financial terms while also protecting the environment. Should a specific contractor default on the agreement or be unable to provide the services outlined in the agreement, the County will reissue a new Request for Proposals and evaluate each request on its' merits. In some circumstances, especially when time is a concern, the Counties may elect to use the State Contract to select a vendor.
4. Market Development Program:
 - Supply: Household Hazardous Waste and Recycling Collection facilities require annual marketing to ensure that County residents are familiar with the services that are provided. This marketing is necessary to ensure a continual stream of recyclable materials is received at the facility. Annual promotional efforts typically include:
 - Print
 - Each city is required to print an article about The Recycling Zone in the city newsletter
 - A direct mail *What Goes Where Guide* is sent to all households annually that showcases The Recycling Zone.
 - Print ads are placed 2-3 times in local and culturally diverse newspapers, with related metrics
 - Print ads and articles are included in the bi-annual county newsletter distributed to all residents
 - Online
 - Main webpage with comprehensive information
 - Monthly social media posts highlighting different items or services
 - E-news articles to residents
 - E-news articles to businesses
 - Other
 - Recycling Zone and Very Small Quantity Generator brochures given to residents and businesses at events, presentations
 - Brochures are stocked in City Halls and County administration buildings, visitor centers and libraries

- Master Recycler/Composter Program
- Disposal/Recycling: Final markets for all collected materials will be determined using a standard Request for Proposals approach. Contracts and agreements will be reviewed on a recurring basis to ensure that the Counties are using contractors that provide the best possible financial terms while also protecting the environment. In some circumstances, the Counties may elect to use the State Contract to select a vendor.

F9. Project Implementation Plan: The Implementation schedule will be dependent on when bond funding is available and how quickly a site can be identified and purchased.

Activity	Timeline (month/year)
Final Application Submittal	August 2021
Grant Award/Agreement Execution	TBD
Site Acquisition	9 months from grant award
Final Design and Engineering	9 months from site acquisition
Submit First Annual Report	2022
Secure additional Bonding	2022
Begin Construction	2 months after completion of final design and engineering
Complete Construction	10-12 months after construction begins
Initiate Operations	~2024
Submit Final Pay Request	2024

F10. Required Resolutions:

See Attachment B.

F11. Status of Required Permits: Required permits will vary based on the final site selection, zoning and eventual building design and construction. There may be a need for a conditional use permit or zoning variance depending on the final location. During the design work in Phase 1 of this project, plan reviews will be conducted by the Authority Having Jurisdiction (AHJ) for overall compliance with codes including accessibility, mechanical, electrical, plumbing, etc... Once the project is bid in Phase 2, typical permits associated with new building construction will be obtained, including the building permit, electrical permits, plumbing permits, etc.. Dakota County Environmental Resources will obtain a Hazardous Waste Identification Number for the site and register with the Minnesota Pollution Control Agency as a Large Quantity Generator. The facility will be licensed by Dakota County in compliance with Dakota County Ordinance No. 111 Hazardous Waste Regulation.

F12. Waste Supply Documentation:

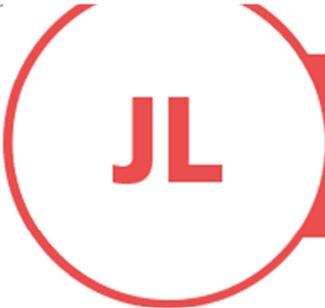
This section is Not Applicable to a household hazardous waste and recycling facility project.

F13. Preliminary Design & Architectural /Engineering Plans:

Phase 1 of this project was funded specifically to acquire land, design and engineer the new household hazardous waste collection and recycling facility. Preliminary design and architectural/engineering plans will be developed as part of Phase 1 of this project and are dependent on the site selected for the facility. The design and architectural/engineering plans will be available prior to moving on to Phase 2 of the project, which includes construction and site opening.

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Attachment A: Qualifications of Project Manager



JOSEPH LEXA

DAKOTA COUNTY CONSTRUCTION MANAGER

OBJECTIVE

Provide project management services for new recycling facility in Dakota County.

SKILLS

Experienced construction project manager representing contractor and owner on over 100 projects for 2.5 decades. Excellent budgeting, estimating, design review, communication, and scheduling skills. Proficient in Microsoft Project, Word, Excel, Bluebeam.

EXPERIENCE

PROJECT MANAGER • DAKOTA COUNTY • 2006 – PRESENT

Oversee design and construction process on building projects ranging from \$50,000 - \$14 million. Duties include facilitating the needs assessment process, cost estimating, designer selection, contractor selection, construction administration, and project close-out.

PROJECT MANAGER/ESTIMATOR • THOR CONSTRUCTION • 2000 – 2006

Managed commercial and residential construction projects for public and private ownership.

PROJECT MANAGER/ESTIMATOR • TONY CRAWFORD CONSTRUCTION • 1996 – 2000

Managed commercial construction projects for private ownership up to \$9.6 million.

EDUCATION

CONSTRUCTION MANAGEMENT • MARCH 1996 • MANKATO STATE UNIVERSITY

Bachelor of Science GPA 3.0/4.0

VOLUNTEER EXPERIENCE OR LEADERSHIP

Buildings and Grounds Committee Chair – Church of the Risen Savior, Burnsville MN 2013 – Present

Knights of Columbus 2104 - Present



Attachment B: County Board Resolutions

DRAFT

Attachment C: Reciprocal Use Agreement



Reciprocal Use Agreement - Fully Ex

DRAFT

Hennepin County Contract # PR00001296

**Household Hazardous Waste Metropolitan Inter-County
Reciprocal Use Agreement**

WHEREAS, THIS AGREEMENT is between Anoka County, Carver County, Dakota County, Hennepin County, Ramsey County, Scott County, and Washington County, through their respective Boards of Commissioners, (hereinafter jointly referred to as the "Counties").

WHEREAS, each County provides a Household Hazardous Waste management program for its residents; and

WHEREAS, it is recognized that there is a regional benefit derived from increasing the availability of Management Facilities for Household Hazardous Waste and other problem materials by allowing reciprocal use of Facilities; and

WHEREAS, the Counties desire to create a mechanism whereby residents of the Counties may use Management Facilities in any of the Counties; and

WHEREAS, the Counties work collaboratively towards a common vision and shared waste management goals as a region of metropolitan counties; and

WHEREAS, the former Solid Waste Management Coordinating Board facilitated the development of reciprocal use agreements between member counties in 1991 to allow for the cooperative use of management facilities, and such agreements have periodically been amended and expire on December 31, 2019; and

WHEREAS, Scott County was not part of the previous Household Hazardous Waste Metropolitan Inter-County Reciprocal Use Agreement, and Scott County requests to be included in the renewed Household Hazardous Waste Metropolitan Inter-County Reciprocal Use Agreement to provide additional and more convenient opportunities for metropolitan residents to manage household hazardous waste; and

WHEREAS, in 2002, the Minnesota Legislature passed Minnesota Statute Section 115A.96, subd. 7, indemnifying counties for claims arising out of the transportation and disposal of waste managed in accordance with the State Household Hazardous Waste Operations Contract.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Counties hereby agree as follows:

1. PURPOSE

This Agreement shall establish a mechanism for allowing for the reciprocal use of Management Facilities and providing for the payment of costs incurred by the Counties receiving Household Hazardous Waste from residents of the other Counties.

Dakota County Contract #C0032198

2. TERM

The term of this Agreement shall commence on January 1, 2020 and shall terminate on December 31, 2024, unless earlier terminated as provided herein.

3. DEFINITIONS

The terms used in this contract shall have the following meanings:

- a. Authorized Facility or Authorized Facilities shall mean a facility or facilities authorized by the State to store, blend, treat, reclaim, recycle, incinerate or dispose of Program Waste in accordance with the contract between the County and the State of Minnesota, hereinafter referred to as the State Household Hazardous Waste Operations Contract.
- b. County shall mean Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington Counties.
- c. County of Origin shall mean the County whose residents generated and delivered Program Wastes to a Management Facility in another County.
- d. EPA or MPCA Permitted Facility shall mean a facility that is permitted by the EPA or MPCA to transfer, store, process, or dispose of the type of hazardous waste or special waste, to be delivered under this Agreement.
- e. Household Hazardous Waste (HHW) shall mean waste as defined in Minnesota Statute §115A.96, subdivision 1b
- f. Management Facility or Management Facilities shall mean one or more permanent, temporary, mobile, satellite, or event collection sites that accept Program Wastes for proper collection, management and storage. A Management Facility may be publicly or privately owned and/or operated and includes Authorized Facilities and EPA or MPCA Permitted Facilities
- g. Non-Program Waste shall mean appliances including microwaves, Recyclables, yard waste, organics, textiles, mattresses, carpet, and tires.
- h. Problem Material shall mean waste as defined in Minnesota Statute §115A.03, Subd. 24a.
- i. Program Waste shall mean household quantities of HHW, latex paint, electronics, household sharps, used oil/filters, fluorescent and HID lamps, LED light bulbs, compressed gas cylinders, fire extinguishers, used automotive fluids including oil and antifreeze. Program Waste includes Problem Material that is not HHW.
- j. Receiving County shall mean the County where a Management Facility within the County received Program Wastes from a resident of another County.
- k. Recyclables shall mean cardboard, paper/paper shredding, glass, tin, aluminum, plastic, scrap metal, plastic bags, containers/cartons.
- l. Regional Per Vehicle Fee shall mean the fee charged by all counties pursuant to 5 c.

- m. Special Handling shall mean extraordinary services including long-term storage, mercury spill clean-up costs, other extraordinary treatment and/or disposal practices.
- n. State Contracts shall mean contracts entered into by the State and made available for the management of Program Waste.
- o. State Household Hazardous Waste Operations Contract shall mean the contract between each County and the State of Minnesota for the operation of a Household Hazardous Waste Program (as amended).

4. RECIPROCAL USE

- a. A resident of any of the Counties may use a Management Facility in any of the Counties. The Receiving County, however, shall have the right to refuse to accept Program Waste that will require Special Handling. When a Receiving County accepts Non-Program Waste, the Receiving County agrees to charge the same rate, if any, charged to its own residents.
- b. Each County shall comply with the requirements as set forth in the State Household Hazardous Waste Operations Contract; and
- c. Each County shall provide a HHW management program meeting the requirements of Minnesota Statute §473.804 and §115A.96.
- d. In the event a Management Facility provides a section for reuse of products, such products shall be available without charge to residents of all counties.

5. PAYMENT

- a. Each County of Origin whose residents use a Management Facility to deliver Program Waste in another County shall pay to that Receiving County a Regional Per Vehicle Fee for each vehicle served from the County of Origin, as calculated according to Section 5c, (based on the data from the 5 previous calendar years), plus any Special Handling costs.
- b. The Receiving County shall invoice the County of Origin prior to January 31 of each year for activity occurring in the previous year. The invoice shall provide supporting documentation and specify the number of vehicles from the County of Origin using the Receiving County's facility; the Regional Per Vehicle Fee and Special Handling Costs charged per vehicle; and the total amount due. The County of Origin shall pay the Receiving Counties' invoices by March 1 of the year following service. At the request of the County of Origin, the Receiving County shall provide the following supporting documentation for each vehicle served: the address of the participant using the facility, the name of the site visited, and the date of the visit. The documentation shall be provided in electronic form if available.
- c. The Regional per vehicle fee for the term of this agreement shall be \$35. This figure was calculated using an average of the previous five years of Regional fees and accounts for minor cost inflation.

- d. Every calendar year, during the term of this Agreement, each Receiving County shall determine its annual cost of managing Program Waste less Special Handling costs and less certain revenues which offset the costs of managing. Revenues which offset the costs of HHW management include reimbursements, donations, fees, material sales, and other revenues which reduce the Receiving County's cost of managing Program Waste. By April first of each year, each County shall submit said annual costs and total number of vehicles served at its County facilities during the previous year to Dakota County. Dakota County shall calculate the seven-county average per vehicle fee for each year of the agreement. This data will be used to evaluate per vehicle costs for future agreements. The seven-county average per vehicle fee shall be calculated by adding the total of each County's annual costs and dividing by the total number of users at all Counties' management facilities, rounded to the nearest dollar. Dakota County shall then notify, in writing, the parties to this Agreement of the average per vehicle cost by April 30 of each year.
- e. On or before April 30, July 31, and October 31 of each year, Receiving Counties shall send written notice to each County of Origin of the number of vehicles from the County of Origin using the Receiving County's facility in the previous quarter and year-to-date and supporting documentation as specified in Section 5b.

6. RECORDS

Each County shall maintain financial and other records and accounts in accordance with requirements of the State of Minnesota. Each County shall maintain strict accountability of all funds and maintain records of all receipts and disbursements.

7. AUDIT/ACCESS TO MANAGEMENT FACILITIES

Each County shall allow the other Counties and the State of Minnesota pursuant to Minnesota Statute §16C.05, subd. 5, including the Legislative Auditor or the State Auditor, access to its records at reasonable hours, including all books, records, documents, and accounting procedures and practices relevant to the subject matter of this Agreement, for purposes of audit. In addition, each County shall have access to the Management Facilities at reasonable hours.

8. COMPLIANCE WITH REQUIREMENTS OF THE LAW

In performing the provisions of this Agreement, each County agrees to comply with all applicable Federal, State or local laws, ordinances, rules and regulations.

9. AFFIRMATIVE ACTION

No person shall illegally, on the grounds of race, creed, color, religion, sex, marital status, public assistance status, sexual preference, handicap, age or national origin, be excluded from full employment rights in, participation in, be denied the benefits of, or be otherwise subject to unlawful discrimination under any program, service or activity hereunder.

Dakota County Contract #C0032198

10. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement of the parties and which supersedes all oral and written agreements and negotiations between the parties relating to this the subject matter..

11. AMENDMENTS

Except as otherwise provided in this Agreement; any amendments, alterations, variations, modifications, or waivers of this Agreement shall be valid only when they have been reduced to writing and duly signed by the Counties.

12. TERMINATION

This Agreement shall terminate under the following circumstances:

- a. By mutual written agreement of all Counties; or
- b. When necessitated by law or as a result of a decision by a court of competent jurisdiction.

13. WITHDRAWAL/EFFECT OF WITHDRAWAL

A County may withdraw from this Agreement by providing 180 days written notice to other Counties. In the event of withdrawal of any County, this Agreement shall remain in effect as to all remaining Counties. Withdrawal shall not act to discharge any liability incurred by any County before the effective date of withdrawal, including payments or credits due to other Counties. Such liability shall continue until appropriately discharged by law or agreement. If a County withdraws, its residents may not use Management Facilities in other Counties nor will it be paid by the County of Origin for use of the withdrawing County's Management Facilities if it accepts Program Waste from the other Counties after the effective date of the withdrawal, under the terms and conditions of this Agreement.

14. EFFECT OF TERMINATION

Termination shall not discharge any liability, responsibility, or right created or incurred by the Counties and shall not affect the obligations set forth in Sections 5, 6 and 15 herein which shall continue in full force and effect. Each party to this Agreement shall be liable for its own acts to the extent provided for by law.

15. LIABILITY/INDEMNIFICATION AMONG THE COUNTIES

- a. General Indemnification. Liability of the Counties under this agreement shall be governed by Minnesota Statutes Section §471.59, subdivision 1a and each County therefore agrees that it will assume liability for itself, its agents, employees, or contractors for any injury to persons or property resulting in any manner from the conduct of its own operations, and operations of its agents, employees or contractors. For the purposes of determining total liability for damages, the Counties are considered as a single governmental unit and the total liability for the

Dakota County Contract #C0032198

Counties shall not exceed the limits for a single governmental unit as specified in Minnesota Statutes Section §466.04. Each County shall defend, indemnify and hold harmless each of the other Counties for all liability, obligations, claims, loss and expense, including reasonable attorneys and other professional fees, resulting from its acts or the acts of its agents, employees or contractors. This indemnification does not extend beyond each county's liability insurance coverage for any activity covered by Minnesota Statutes Section §115A.96 subd. 7

- b. Environmental Impairment Claims. Notwithstanding anything in Section 15a of this agreement, it is the intention of the Counties that the Receiving County shall assume all liability under the federal Comprehensive Environmental Response, Compensation and Liability Act, the Minnesota Environmental Response and Liability Act, or any similar statute, and all other liabilities resulting from actual or threatened impairment of the environment (hereinafter "Superfund Liability") resulting from the operation of the Receiving County's HHW program. The Receiving County shall defend, indemnify and hold harmless each County of Origin pursuant to Section 15a for any Superfund Liability resulting from the Receiving County's HHW program.

16. COUNTERPARTS

This Agreement shall be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

17. SURVIVAL

Sections 5, 6, and 15 of this Agreement shall survive termination or expiration of this Agreement or the services or duties to be performed hereunder.

COUNTY BOARD AUTHORIZATION

Reviewed for COUNTY by
the County Attorney's Office:



Charles Salter
E-signed 2019-12-17 03:16PM CST
Chuck.Salter@hennepin.us
Hennepin County
Attorney

COUNTY OF HENNEPIN
STATE OF MINNESOTA

By:



Marion Greene
E-signed 2019-12-21 05:20PM CST
Marion.Greene@hennepin.us
Hennepin County
Chair, Board of Commissioners

Reviewed for COUNTY by:



Sheri Selton
E-signed 2019-12-20 01:56PM CST
Sheri.Selton@hennepin.us
Hennepin County
County Administration Clerk

ATTEST:



Karen Keller
E-signed 2019-12-23 07:42AM CST
Karen.Keller@hennepin.us
Hennepin County
Deputy Clerk to the County Board

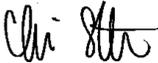
Board Resolution No:
19-0350

By:



David J. Hough
E-signed 2019-12-21 10:45AM CST
David.Hough@hennepin.us
Hennepin County
County Administrator

Document Assembled by:



Christopher Stubbs
E-signed 2019-12-17 03:14PM CST
Christopher.Stubbs@hennepin.us
Hennepin County
Administrative Assistaft

Anoka County Contract# C0007361

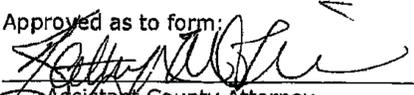
IN WITNESS WHEREOF, the parties hereto this Agreement have on the date indicated:

Anoka County

By: 
Chair, Anoka County Board
of Commissioners

Attest: _____

Date: 9-16-19

Approved as to form:

Assistant County Attorney

Date: September 16, 2019

Carver County

By: Randy Mahnschick
Chair, Carver County Board of
Commissioners

Attest: [Signature]

Date: 8-26-2019

Approved as to form:
[Signature]
Assistant County Attorney

Date: 8/28/19

Dakota County

By: 
Chair, Dakota County Board of
County Commissioners

Attest: 

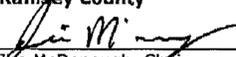
Date: 12/3/19

Approved as to form:

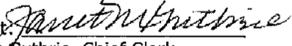
/s/ Helen R. Brosnahan
Assistant County Attorney

Date: November 20, 2019
KS-19-535

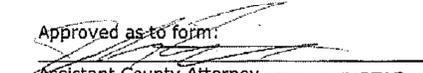
Ramsey County


Jim McDonough, Chair
Ramsey County Board of Commissioners

Date: 8/13/19

Attest: 
Janet Guthrie, Chief Clerk
Ramsey County Board of Commissioners

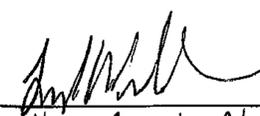
Date: 8/13/19

Approved as to form:

Assistant County Attorney JOHN A. RISTAD

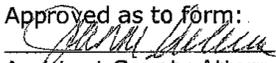
Date: 8/12/2019

Scott County

By: Barb Weckman Brekke
Chair, Scott County Board of
Commissioners

Attest: 
Lezlie Vermillion, County Administrator

Date: 7/23/2019

Approved as to form:

Assistant County Attorney

Date: 7/25/19

Washington County

By: Andy D. Karmel
Chair, Washington County Board
of Commissioners

Attest: Molly O'Rourke
County Administrator

Date: 7/23/19

Approved as to form:

/s/Brent Wartner
Assistant County Attorney

Date: 7/12/2019

Attachment D: Example Request for Proposals



RFP Recycling
Electronic Waste at :

DRAFT

Attachment E: 20 Year Cost and Revenue Projections.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Total
Fluorescent Bulb Rebates	25,000	25,625	26,266	26,922	27,595	28,285	28,992	29,717	30,460	31,222	32,002	32,802	33,622	34,463	35,324	36,207	37,113	38,040	38,991	39,966	638,616
VSQG Program Fees	22,000	22,550	23,114	23,692	24,284	24,891	25,513	26,151	26,805	27,475	28,162	28,866	29,588	30,327	31,085	31,863	32,659	33,476	34,312	35,170	561,982
Metro County Reciprocal Use Agreements Fees	250,000	256,250	262,656	269,223	275,953	282,852	289,923	297,171	304,601	312,216	320,021	328,022	336,222	344,628	353,243	362,075	371,126	380,405	389,915	399,663	6,386,164
Used Oil Sales	3,000	3,075	3,152	3,231	3,311	3,394	3,479	3,566	3,655	3,747	3,840	3,936	4,035	4,136	4,239	4,345	4,454	4,565	4,679	4,796	76,634
Electronics Fees (TVs and Displays)	85,000	87,125	89,303	91,536	93,824	96,170	98,574	101,038	103,564	106,153	108,807	111,527	114,316	117,173	120,103	123,105	126,183	129,338	132,571	135,885	2,171,296
PaintCare Reimbursements	138,000	141,450	144,986	148,611	152,326	156,134	160,038	164,039	168,140	172,343	176,652	181,068	185,595	190,235	194,990	199,865	204,862	209,983	215,233	220,614	3,525,163
Other Fees	3,000	3,075	3,152	3,231	3,311	3,394	3,479	3,566	3,655	3,747	3,840	3,936	4,035	4,136	4,239	4,345	4,454	4,565	4,679	4,796	76,634
Environmental Legacy Fund	714,400	747,300	781,699	817,666	865,790	905,370	946,747	990,001	1,035,219	1,082,488	1,131,901	1,183,555	1,237,551	1,293,996	1,353,000	1,414,678	1,479,152	1,546,547	1,616,996	1,690,636	22,834,693
Total Revenues	1,240,400	1,286,450	1,334,328	1,384,110	1,446,395	1,500,491	1,556,745	1,615,250	1,676,099	1,739,390	1,805,225	1,873,712	1,944,963	2,019,093	2,096,224	2,176,483	2,260,002	2,346,918	2,437,377	2,531,526	36,271,183
Disposal Contracts	284,000	291,100	298,378	305,837	319,600	327,590	335,779	344,174	352,778	361,598	370,638	379,903	389,401	399,136	409,115	419,342	429,826	440,572	451,586	462,876	7,373,227
Staffing	752,000	785,840	821,203	858,157	896,774	937,129	979,300	1,023,368	1,069,420	1,117,544	1,167,833	1,220,385	1,275,303	1,332,691	1,392,663	1,455,332	1,520,822	1,589,259	1,660,776	1,735,511	23,591,310
Electronics Disposal	98,000	100,450	102,961	105,535	110,284	113,041	115,868	118,764	121,733	124,777	127,896	131,093	134,371	137,730	141,173	144,703	148,320	152,028	155,829	159,725	2,544,282
Metro County Reciprocal Use Agreement Fees	20,000	20,500	21,013	21,538	22,507	23,070	23,646	24,238	24,844	25,465	26,101	26,754	27,423	28,108	28,811	29,531	30,269	31,026	31,802	32,597	519,241
Facility Maintenance	86,400	88,560	90,774	93,043	97,230	99,661	102,153	104,706	107,324	110,007	112,757	115,576	118,466	121,427	124,463	127,575	130,764	134,033	137,384	140,818	2,243,122
Total Expenses	\$ 1,240,400	\$ 1,286,450	\$ 1,334,328	\$ 1,384,110	\$ 1,446,395	\$ 1,500,491	\$ 1,556,745	\$ 1,615,250	\$ 1,676,099	\$ 1,739,390	\$ 1,805,225	\$ 1,873,712	\$ 1,944,963	\$ 2,019,093	\$ 2,096,224	\$ 2,176,483	\$ 2,260,002	\$ 2,346,918	\$ 2,437,377	\$ 2,531,526	\$ 36,271,183

DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE

Authorization To Execute Joint Powers Agreement With City Of Apple Valley For Multiple North Creek Greenway Trail Design And Construction Projects

Meeting Date: 8/17/2021	Fiscal/FTE Impact:
Item Type: Regular-Action	<input type="checkbox"/> None <input type="checkbox"/> Other
Division: Physical Development	<input checked="" type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: Parks, Facilities, and Fleet Management	<input type="checkbox"/> New FTE(s) requested
Contact: Hoopingarner, Taud	Board Goal: A great place to live
Contact Phone: (952) 891-7004	Public Engagement Level: N/A
Prepared by: Mertens, John	

PURPOSE/ACTION REQUESTED

Authorize execution of a joint powers agreement (JPA) with the City of Apple Valley for multiple North Creek Greenway trail design and construction projects (Attachment A).

SUMMARY

By Resolution No. 11-517 (October 18, 2011), the North Creek Greenway Master Plan (Master Plan) was adopted by the Dakota County Board of Commissioners. The master plan established a preferred alignment for the North Creek Greenway from Lebanon Hills Regional Park to downtown Farmington. The proposed JPA will fund design and construction of five small greenway projects that will complete the North Creek Greenway from Orchard Place through Cobblestone Lake to the County State Aid Highway (CSAH) 46 underpass into Lakeville. Land control exists or is in process for all projects.

The City of Apple Valley will lead the design and construction of five projects and Dakota County will contribute the following:

1. Orchard Place: trail and neighborhood gateway (est: \$438,800)
2. Quarry Park: completion of trail connection through park (est: \$163,056)
3. Cobblestone West: completion of connection to west side of Cobblestone Lake (est: \$60,264)
4. Cobblestone Lake Loop: reconstruction of portion of lake loop designated as the regional greenway (est: \$70,200)
5. Cobblestone East: completion of connection to CSAH 46 underpass (est: \$231,120)

The City of Apple Valley will assume all project delivery costs, which typically account for 25 percent of total project costs. The City will provide \$100,000 (66%) towards the Orchard Place neighborhood gateway (includes \$50,000 from developer) and \$100,000 (50%) for the reconstruction of Cobblestone Lake trail loop. Total estimated contribution from Apple Valley is \$366,110, including project delivery costs. Dakota County will fund all construction costs associated with Orchard Place trail, Quarry Park trail, Cobblestone west trail, and Cobblestone east trail. The County will fund up to \$50,000 towards the Orchard Place neighborhood gateway and \$70,200 towards reconstruction of Cobblestone Lake loop trail. Total cost of all projects, including project delivery, is estimated at \$1,379,550. The total cost of the JPA for Dakota County is estimated at \$963,440, which includes a 20 percent construction contingency (Attachment B).

RECOMMENDATION

Staff recommends Dakota County enter into a JPA with the City of Apple Valley for the North Creek Greenway trail gap design and construction for the period September 1, 2021, to December 31, 2023.

EXPLANATION OF FISCAL/FTE IMPACTS

Dakota County's total share of the cost of the JPA is estimated to be \$963,440, including a 20 percent contingency. Sufficient funding has been authorized in the 2021 Adopted Parks CIP budget under the Greenway Collaborative set aside.

Supporting Documents:
 Attachment A: Project Map
 Attachment B: Cost Table
 Attachment C: Budget

Previous Board Action(s):
 11-517; 10/18/11

RESOLUTION

WHEREAS, by Resolution No.11-517 (October 18, 2011), the Dakota County Board of Commissioners adopted the North Creek Regional Greenway Master Plan; and

WHEREAS, City of Apple Valley (City) and County staff have identified five small greenway projects that will advance the completion of the North Creek Greenway; and

WHEREAS, land control for all projects has been established by the City and County; and

WHEREAS, the City will lead the project delivery of five greenway projects

- Orchard Place: trail and neighborhood gateway
- Quarry Park: completion of trail connection through park
- Cobblestone West: completion of connection to west side of Cobblestone Lake
- Cobblestone Lake Loop: reconstruction of a portion of lake loop designated as the regional greenway
- Cobblestone East: completion of connection to County State Aid Highway 46 underpass

; and

WHEREAS, the total estimated costs for all projects, including project delivery, is \$1,379,550; and

WHEREAS, the total cost of the joint powers agreement is \$963,440, including 20 percent contingency; and

WHEREAS, sufficient revenues are available in the Greenway Collaborative set aside in the Adopted 2021 Parks Capital Improvement Program; and

WHEREAS, a Supplemental Maintenance Agreement will be prepared prior to Dakota County assuming ongoing maintenance and operations.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Manager, or their designee, to execute a joint powers agreement with the City of Apple Valley to fund the construction of five projects along the North Creek Greenway for the period of September 1, 2021, through December 31, 2023, subject to approval by the County Attorney's Office as to form.

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

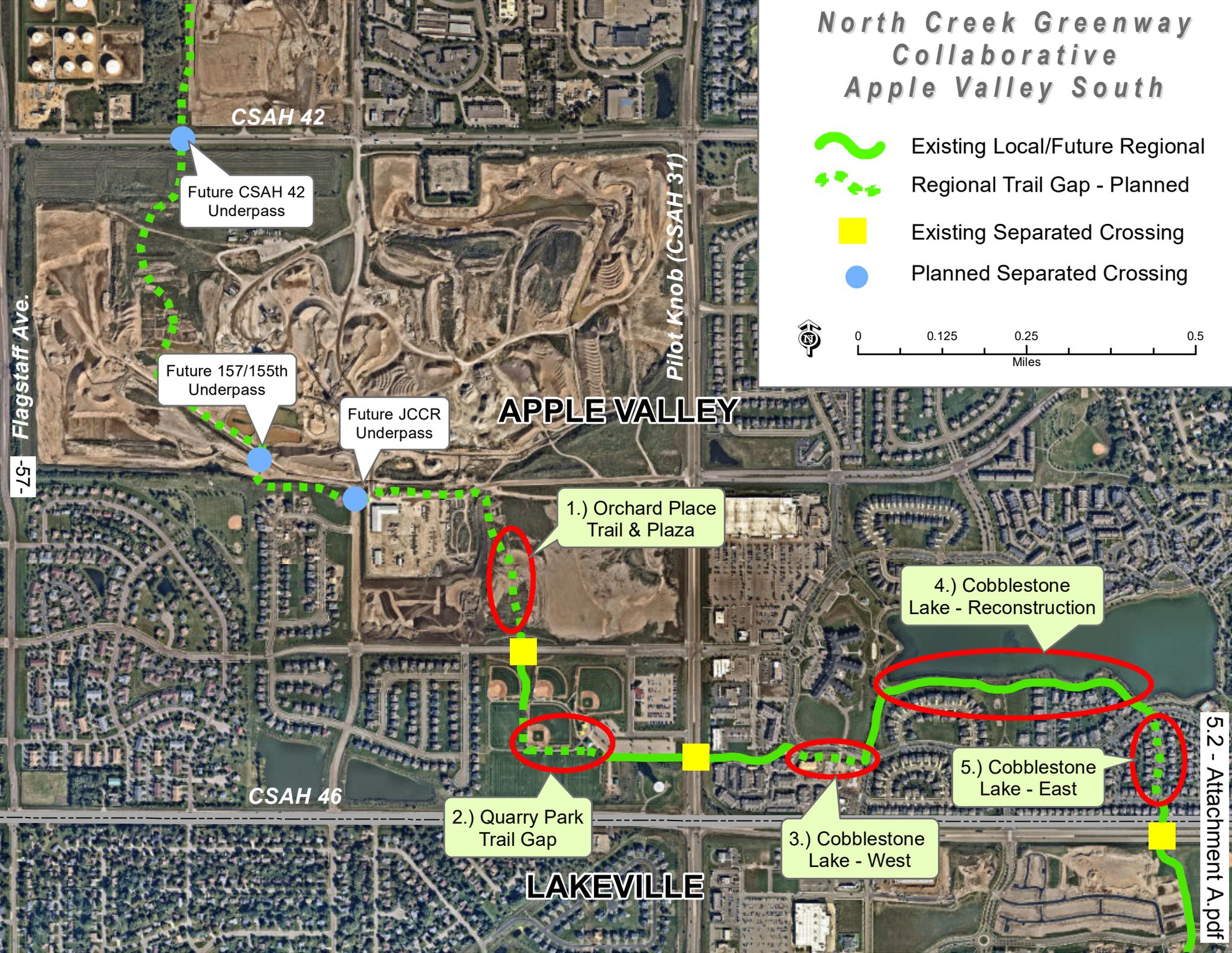
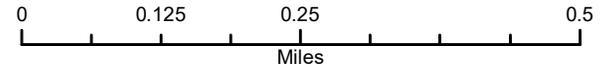
- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager

North Creek Greenway Collaborative Apple Valley South

-  Existing Local/Future Regional
-  Regional Trail Gap - Planned
-  Existing Separated Crossing
-  Planned Separated Crossing



CSAH 42

Future CSAH 42 Underpass

Future 157/155th Underpass

Future JCCR Underpass

Pilot Knob (CSAH 31)

APPLE VALLEY

Flagstaff Ave.
-57-

1.) Orchard Place Trail & Plaza

2.) Quarry Park Trail Gap

3.) Cobblestone Lake - West

4.) Cobblestone Lake - Reconstruction

5.) Cobblestone Lake - East

CSAH 46

LAKEVILLE

5.2 - Attachment A.pdf

		Estimate	City	County	Developer	Total
1	Orchard Place Trail	486,000	97,200	388,800		486,000
	Orchard Place Plaza	150,000	50,000	50,000	50,000	150,000
2	Quarry Park Trail	203,820	40,764	163,056		203,820
3	Cobblestone Lake West	75,330	15,066	60,264		75,330
4	Cobblestone Lake Reconstruction	175,500	105,300	70,200		175,500
5	Cobblestone Lake East	288,900	57,780	231,120		288,900
	Total	1,379,550	366,110	963,440	50,000	1,379,550

P50000 - Greenway Development: Collaborative

Year	Expense Budget			Funding Sources Budget						
	Budget	Proposed RBA	Revised Budget	Current County's Share	Proposed RBA	Revised County's Share	Current Non-County Funding	Proposed RBA	Revised Non-County Funding	Total Revised Project Funding
Prior to 2021	525,000	-	525,000	525,000	-	525,000	-	-	-	525,000
2021 Budget	464,009	-	464,009	464,009	-	464,009	-	-	-	464,009
2022 Plan	487,209		487,209	487,209	-	487,209	-	-	-	487,209
2023 Plan	516,913		516,913	516,913	-	516,913	-	-	-	516,913
2024 Plan	537,148		537,148	537,148	-	537,148	-	-	-	537,148
2025 Plan	564,005		564,005	564,005	-	564,005	-	-	-	564,005
<i>Current CIP Total</i>	<i>2,569,284</i>	<i>-</i>	<i>2,569,284</i>	<i>2,569,284</i>	<i>-</i>	<i>2,569,284</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>2,569,284</i>
Costs Beyond Current CIP	-		-	-		-	-		-	-
Total	3,094,284	-	3,094,284	3,094,284	-	3,094,284	-	-	-	3,094,284

DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE

Update On 2021 Transportation Capital Improvement Construction Projects

Meeting Date: 8/17/2021	Fiscal/FTE Impact:
Item Type: Regular-Information	<input checked="" type="checkbox"/> None <input type="checkbox"/> Other
Division: Physical Development	<input type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: Transportation	<input type="checkbox"/> New FTE(s) requested
Contact: Krebsbach, Mark	Board Goal: A great place to live
Contact Phone: (952) 891-7102	Public Engagement Level: N/A
Prepared by: Briol, Jeannine	

PURPOSE/ACTION REQUESTED

Receive an update on the 2021 Transportation Capital Improvement Program (CIP) construction projects.

SUMMARY

To provide a safe and efficient transportation system, Dakota County annually invests in the County transportation system through various construction projects. Most of the construction projects identified in the 2021–2025 Transportation CIP budget have already started and are underway (Attachment A). However, a few have either just started or are starting soon. Staff will provide the Board with an overview of these transportation construction projects at the August 17, 2021, Physical Development Committee of the Whole meeting.

RECOMMENDATION

None.

EXPLANATION OF FISCAL/FTE IMPACTS

The 2021 construction projects are funded through the approved Transportation CIP budget.

Supporting Documents:
Attachment A: 2021 Project Location Map

Previous Board Action(s):

RESOLUTION

Information only; no action requested.

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager

2021 Dakota County Construction Projects

