



Dakota County

Physical Development Committee of the Whole

Minutes

Tuesday, August 20, 2024

9:00 AM

Conference Room 3A, Administration
Center, Hastings

1. Call To Order And Roll Call

The meeting was called to order at 9:00 a.m. by Commissioner Holberg.

Present Commissioner Mike Slavik
 Commissioner Joe Atkins
 Commissioner William Droste
 Commissioner Liz Workman
 Chairperson Mary Liz Holberg
 Commissioner Mary Hamann-Roland

Absent Commissioner Laurie Halverson

Also in attendance were Tom Novak, Interim County Manager; Lucie O'Neill, Attorney\Civil; Georg Fischer, Physical Development Division Director; Liz Hansen, Administrative Services Coordinator.

The audio recording of this meeting is available upon request.

2. Audience

Commissioner Holberg 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 and no comments were submitted to CountyAdmin@co.dakota.mn.us.

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

3.1 Approval of Agenda (Additions/Corrections/Deletions)

Motion: Mike Slavik

Second: William Droste

On a motion by Commissioner Slavik, seconded by Commissioner Droste, the agenda was unanimously approved. The motion carried unanimously.

Ayes: 6

4. Consent Agenda

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

4.1 Approval Of Minutes Of Meeting Held On July 23, 2024

Motion: Mary Hamann-Roland

Second: Mike Slavik

Ayes: 6

4.2 Scheduling Of Public Hearing For Program Year 2023 Consolidated Annual Performance And Evaluation Report

Motion: Mary Hamann-Roland

Second: Mike Slavik

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 24, 2024, on or after 9:00 a.m. at the Dakota County Administration Center in Hastings regarding the Program Year 2023 CAPER.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing on September 24, 2024, at 9:00 a.m. in the Board Room, Administration Center, 1590 Highway 55, Hastings, Minnesota, to receive comments on the Program Year 2023 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 a notice notifying the public of the

comment period and public hearing in the *Star Tribune* and post said notice on the Dakota County Community Development Agency website at www.dakotacda.org <<http://www.dakotacda.org>>.

This item was approved and recommended for action by the Board of Commissioners on 8/27/2024.

Ayes: 6

4.3 Approval Of Schematic Design For Spring Lake Park Reserve Fischer Avenue Trailhead And Amendment of 2024 Parks Capital Improvement Program Budget

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the 2023-2027 Park Capital Improvement Program (CIP) Adopted Budget includes a project to design and construct a trailhead along Fischer Avenue within Spring Lake Park Reserve; and

WHEREAS, since April 2024, staff has worked with a design team led by Miller Dunwiddie Architecture, Inc. to progress the design and related review process; and

WHEREAS, during consultation, the Tribal Historical Preservation Office requested a section of regional trail be relocated in the future so that the two bison paddocks can be combined into one large one; and

WHEREAS, during National Environmental Policy Action review, the site was shifted further east from its previously proposed location to avoid substantial delay and missing federal funding deadlines; and

WHEREAS, a public open house was held in person on May 30, 2024, and project materials were published online for public comments; and

WHEREAS, staff recommends that the County Board approve the schematic design as presented by County staff on August 20, 2024.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the design for the Spring Lake Park Reserve Fischer Avenue Trailhead project as presented at the Physical Development Committee of the Whole on August 20, 2024.

BE IT FURTHER RESOLVED, That the 2024 Parks Capital Improvement Program budget be amended as follows:

Expense:

SLPR Fischer Avenue Trailhead (2000237)	\$2,615,783
SLPR Master Plan Improvements (1000637)	(\$2,615,783)
Total Expense	\$0

Revenue:

SLPR Fischer Avenue Trailhead (2000237) - State Bonds	\$2,615,783
SLPR Master Plan Improvements (1000637) - State Bonds	<u>(\$2,615,783)</u>
Total Revenue	\$0

This item was approved and recommended for action by the Board of Commissioners on 8/27/2024.

Ayes: 6

4.4 Authorization To Donate And Transfer Four Bison To Minnesota Department Of Natural Resources

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, by Resolution No. 20-571 (November 17, 2020), the Dakota County Board approved the design for the bison range project and authorized a contract amendment to retain WSB Associates for the completion of design services through the full delivery of the project; and

WHEREAS, with all the required infrastructure in place, eight bison cows were reintroduced to Spring Lake Park Reserve in the fall of 2022 at no cost to the County; and

WHEREAS, Dakota County joined the Minnesota Bison Conservation Herd (MBCH), the goal of which is to establish a statewide bison herd of 500 animals to ensure the herd's long-term sustainability; and

WHEREAS, Dakota County's bison are a part of the statewide herd; and

WHEREAS, seven of those first bison came from Minnesota State Parks and one came from the Zollman Zoo; and

WHEREAS, four male calves were born in the spring of 2023, and they will be approaching breeding age in 2025; and

WHEREAS, to prevent the possible mating with familial females in the herd and to help keep the Minnesota Bison Conservation Herd (MBCH) genetically healthy, these four males must be removed from the Dakota County herd during the fall of 2024; and

WHEREAS, the Dakota County Board has the authority to transfer the bison to another public corporation under Minn. Stat. § 471.85, which states, "Any county, city, town, or school district may transfer its personal property for a nominal or without consideration to another public corporation for public use when duly authorized by its governing body"; and

WHEREAS, staff recommends that Dakota County transfer/donate the four male bison to the Minnesota Department of Natural Resources (DNR) during the fall 2024 bison management day; and

WHEREAS, the DNR will work with the Tonka Fund and/or the Intertribal Bison Council to provide excess bison from the MBCH, including Dakota County's four male bison, to an Indigenous nation or community for their use; and

WHEREAS, at this time, a bull may be transferred to Spring Lake Park Reserve to breed with the females in the herd, assisting the MBCH in growing and adding important genetic material to the Statewide herd.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the donation and transfer of four male bison to the Minnesota Department of Natural Resources in fall 2024.

This item was approved and recommended for action by the Board of Commissioners on 8/27/2024.

Ayes: 6

4.5 Authorization To Execute Agreement With And Accept Grant Funds From Minnesota Department Of Agriculture And Authorization To Execute Joint Powers Agreement With Scott County And Washington County For South Metro Private Well Pesticide Mitigation Program

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the Minnesota Department of Agriculture (MDA) and Dakota County have identified private drinking water wells in Dakota, Scott, and Washington Counties that have exceeded the Minnesota Department of Health-established Health Risk Limits (HRL) for total cyanazine; and

WHEREAS, in response to these elevated levels, MDA is providing Dakota County \$161,200 to establish a South Metro Private Well Pesticide Mitigation Program; and

WHEREAS, Dakota County will act as the fiscal lead agency to receive funding and will reimburse Scott and Washington Counties for expenditures per the joint powers agreement; and

WHEREAS, the grant's scope includes funding to provide 100 percent cost share for the purchase and installation of point-of-use reverse osmosis water treatment systems to private drinking water wells in Dakota, Scott, and Washington Counties that have elevated pesticide concentrations above the HRL and staff time to implement the Programs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the execution of the Minnesota Department of Agriculture grant agreement and the acceptance of the grant funds to implement the South Metro Private Well Pesticide Mitigation Program; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Division Director to enter into a

joint powers agreement with Scott and Washington Counties, substantially as presented to the Physical Development Committee of the Whole on August 20, 2024, subject to approval by the County Attorney’s Office as to form; and

BE IT FURTHER RESOLVED, That the 2024 Environmental Resources Department Operations Budget is hereby amended as follows:

Expense

Reimbursement for private well mitigation	<u>\$161,200</u>
Total Expense	<u>\$161,200</u>

Revenue

State MDA Funding	<u>\$161,200</u>
Total Revenue	<u>\$161,200</u>

This item was approved and recommended for action by the Board of Commissioners on 8/27/2024.

Ayes: 6

- 4.6** Authorization To Execute First Contract Amendment With WSB LLC, Amend 2024 Transportation Capital Improvement Program Budget, And Execute Joint Powers Agreements With City Of Apple Valley For County State Aid Highway 42 Federal Mill And Overlay In Apple Valley, County Project 42-172

Motion: Mary Hamann-Roland Second: Mike Slavik

WHEREAS, Dakota County is proceeding with County Project (CP) 42-172, the County State Aid Highway (CSAH) 42 federal mill and overlay, Americans with Disabilities Act (ADA) improvements, and signal replacement project in the city of Apple Valley; and

WHEREAS, the purpose and need for the project is to preserve the paved highway surface and improve safety, multi-modal mobility, and traffic operations on CSAH 42; and

WHEREAS, the 2024 Transportation Capital Improvement Program (CIP) Adopted Budget includes \$450,000 for CP 42-172; and

WHEREAS, by Resolution No. 23-602 (December 19, 2023), the Dakota County Board of Commissioners authorized the execution of a design services contract with WSB LLC to perform preliminary and final design engineering consulting services for a total contract amount of \$352,535; and

WHEREAS, CP 42-172 is being split into two phases. Phase I, CP 42-172, will contain the ADA improvements, mill and overlay, and extension of west-bound right turn lane at Cedar Avenue and left turn lane Garrett Avenue, and Phase II, CP 42-177, will consist of the signal systems at Garrett Avenue and Garrett Avenue improvements and a signal system at Pilot Knob Road (CSAH 31); and

WHEREAS, the cost of the additional out-of-scope and unforeseen work tasks and professional services to be performed by WSB LLC is \$31,200 for CP 42-172 and \$120,000 for CP 42-177 for a new contract amount not to exceed \$513,735 to complete the final design, right-of-way acquisition, and environmental review for CP 42-172 and CP 42-177; and

WHEREAS, the 2024 Transportation CIP Adopted Budget requires an amendment to proceed with the first contract amendment for CP 42-172; and

WHEREAS, the 2024 Transportation CIP Adopted Budget requires an amendment to split the CP 42-172 and create a new project CP 42-177 budget; and

WHEREAS, staff recommends authorization to execute joint powers agreements with the City of Apple Valley to define construction, maintenance operation responsibilities for CP 42-172 and for CP 42-177; and

WHEREAS, engineering, right of way, and construction costs will be shared between Dakota County and the City of Apple Valley in accordance with the adopted County policy; and

WHEREAS, the County Engineer recommends executing the first contract amendment with WSB LLC; and

WHEREAS, the County Engineer recommends amending the 2024 Transportation CIP budget; and

WHEREAS, the County Engineer recommends executing joint powers agreements with the City of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to amend the contract value of \$352,535 with WSB LLC, to add an amount of \$161,200 for a total contract amount not to exceed \$513,735, including reimbursables, and execute joint powers agreements with the City of Apple Valley subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2024 Transportation Capital Improvement Program Adopted Budget is hereby amended as follow:

Expense

County Project 42-172	\$41,200
County Project 42-177	<u>\$120,000</u>
Total Expense	\$161,200

Revenue

City of Apple Valley County Project 42-172	\$10,000
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City of Apple Valley County Project 42-177	\$60,000
Transportation Fund Balance County Project 42-172	\$31,200
Transportation Fund Balance County Project 42-177	<u>\$60,000</u>
Total Revenue	\$161,200

This item was approved and recommended for action by the Board of Commissioners on 8/27/2024.

Ayes: 6

4.7 Authorization To Execute Joint Powers Agreement With City Of Burnsville For Traffic Signal Replacement At County State Aid Highway 5 And Southcross Drive, County Project 5-58

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, to promote a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 5-58; and

WHEREAS, the traffic signal is owned and operated by Dakota County; and

WHEREAS, the existing traffic signal system is justified and continues to be the right measure for intersection control to address traffic volumes and operations at this intersection; and

WHEREAS, the County is the lead agency for County Project (CP) 5-58 to replace the aging signal system at County Road 5 and Southcross Drive; and

WHEREAS, CP 5-58 is a signal replacement project, which will include the installation of flashing yellow arrow indications, new Americans with Disabilities Act approved pedestrian ramps, and pedestrian pushbuttons; and

WHEREAS, Dakota County is partnering with the City of Burnsville for CP 5-58; and

WHEREAS, a joint powers agreement with the City of Lakeville is necessary to define County and City design, construction, and cost participation for CP 5-58; and

WHEREAS, County and City engineering and construction costs for CP 5-58 will be in accordance with adopted Cost Share Policy F.4 Cost Participation - Traffic Signal, with County's cost-share 50 percent and City's cost share 50 percent; and

WHEREAS, CP 5-58 is included in the 2025 Draft Transportation Capital Improvement Program; and

WHEREAS, County and City maintenance, operation, and energy cost responsibilities will remain as identified in Traffic Signal Agreement 90-04, by Resolution No. 90-352 (April 24, 1990).

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the City of Burnsville to proceed with County Project 5-58 for traffic signal replacement at the intersection of County Road 5 and Southcross Drive, subject to approval by the County Attorney's Office as to form.

This item was approved and recommended for action by the Board of Commissioners on 8/27/2024.

Ayes: 6

5. Regular Agenda

There were no regular items for this meeting.

6. Physical Development Director's Report

Georg Fischer, Physical Development Director, provided the Committee with a written Division update.

7. Future Agenda Items

Chair, Commissioner Mary Liz Holberg, asked the Committee if anyone had a topic they would like to hear more about at an upcoming Physical Development Committee of the Whole. No Commissioners requested topics for future meetings at this time.

8. Adjournment

8.1 Adjournment

Motion: Mary Hamann-Roland

Second: Mike Slavik

On a motion by Commissioner Mary Hamann-Roland, seconded by Commissioner Mike Slavik, the meeting was adjourned at 9:02 a.m.

Ayes: 6

Respectfully submitted,
Liz Hansen
Administrative Coordinator