



# Dakota County

## Board of Commissioners

### Agenda

---

Tuesday, November 15, 2022

9:00 AM

Boardroom, Administration Center,  
Hastings, MN

---

View Live Broadcast

<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>

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](mailto:CountyAdmin@co.dakota.mn.us)

Emails must be received by 7:30am on the day of the meeting.

Instructions on how to participate will be sent to anyone interested.

1. **Call To Order And Roll Call**
2. **Pledge Of Allegiance**
3. **Audience**

Anyone wishing to address the County Board on an item not on the agenda, or an item on the consent agenda may notify the Clerk to the Board and instructions will be given to participate during the meeting. Comments can be sent to [CountyAdmin@co.dakota.mn.us](mailto:CountyAdmin@co.dakota.mn.us)  
Verbal Comments are limited to five minutes.

4. **Agenda**
  - 4.1 Approval of Agenda (Additions/Corrections/Deletions)

#### CONSENT AGENDA

5. **County Administration - Approval of Minutes**
  - 5.1 Approval of Minutes of Meeting Held on November 1, 2022
6. **Items Recommended By Board Committee\***
  - 6.1 *Community Corrections* - Authorization To Execute A Contract, Contract Amendments And Execute Joint Powers Agreements For Community Corrections Services
  - 6.2 *Public Health* - Authorization To Execute Twin Cities Public Health And Environmental Health Entities In Minnesota Mutual Aid Agreement
  - 6.3 *Social Services* - Authorization To Execute Contract Amendments For Shelter Services

- 6.4 *Social Services* - Authorization To Execute Contract With Center City Housing Corp. For Cahill Place Services
- 6.5 *Social Services* - Authorization To Execute Three Contracts With Guild, Inc., For Rental Assistance Administration And Case Management
- 6.6 *Parks, Facilities, and Fleet Management* - Approval Of Schematic Design For Law Enforcement Center Integrated Health Unit Addition And Authorization To Proceed Through Design Development
- 6.7 *Environmental Resources* - Authorization To Execute Joint Powers Agreement With City Of Apple Valley To Operate Residential Organics Drop-Off Site
- 6.8 *Environmental Resources* - Acquisition Of Easements On Wolfson Property And Authorization To Amend 2022 Environmental Resources Capital Improvement Program Budget
- 6.9 *Transportation* - Authorization To Submit Project Recommendation And Provide Resolutions Of Support For Minnesota Department Of Transportation's 2022 Corridors Of Commerce Program

## 7. **County Board/County Administration**

- 7.1 *County Board* - Scheduling Of Special General Government And Policy Committee Meeting
- 7.2 *County Board* - Scheduling Of Special County Board Meeting
- 7.3 *Employee Relations* - Authorization To Execute 2023-2024 Labor Agreement With Teamsters Local 320 Jail Unit
- 7.4 *Employee Relations* - Authorization To Execute 2023-2024 Labor Agreement With Minnesota Public Employees Association
- 7.5 *Employee Relations* - Adoption Of 2023 Merit Compensation Policy And Plan Provisions
- 7.6 *Employee Relations* - Adoption Of 2023 Unclassified Employees Merit Compensation Policy And Plan

## 8. **Enterprise Finance and Information Services**

- 8.1 *Information Technology* - Authorization To Execute Contract With NetSPI To Perform Security Audit On Dakota County's Internal, External And Cloud Environments

- 8.2** *Information Technology* - Authorization To Execute Contract Amendment For Training Specialist Consultant

**9. Physical Development**

- 9.1** *Physical Development Administration* - Ratification Of Quarterly Entitlement And Special Funding Requests To U.S. Department Of Housing And Urban Development
- 9.2** *Environmental Resources* - Appointment To Lower Minnesota River Watershed District Board Of Managers
- 9.3** *Environmental Resources* - Authorization To Execute Fourth Amendment To Contract With Ayres Associates For Engineering Support Services For Construction Of Byllesby Dam Water-To-Wire Redevelopment Project
- 9.4** *Environmental Resources* - Authorization To Execute Contract With Xcel Energy For Engineering And Procurement Agreement For Byllesby Dam Energy Sales Interconnection
- 9.5** *Environmental Resources* - Certification Of Property Assessed Clean Energy Charges For Energy Improvements On Property In City Of Rosemount
- 9.6** *Transportation* - Authorization To Execute Contract With Kimley-Horn, Inc. For Planning And Design Services For County Project 38-64, CSAH 38 Trail Gap And Retaining Walls, In City Of Apple Valley
- 9.7** *Transportation* - Approval Of Right Of Way Acquisition And Authorization To Initiate Quick-Take Condemnation For County Project 88-24 On CSAH 88 (292nd Street) In Randolph Township
- 9.8** *Transportation* - Approval Of Final Plats Recommended By Plat Commission
- 9.9** *Parks, Facilities, and Fleet Management* - Approval Of Right Of Way Acquisition For North Creek Greenway Lakeville-Farmington Segment In City of Farmington
- 9.10** *Parks, Facilities, and Fleet Management* - Authorization To Purchase Fuel From State Of Minnesota Fuel Consortium Program
- 9.11** *Parks, Facilities, and Fleet Management* - Authorization To Execute 2022 Lease Agreement For Agricultural Use Of County Property
- 9.12** *Parks, Facilities, and Fleet Management* - Authorization To Execute Contract Amendment With Waste Management Of Minnesota, Inc., For Resource Management Services At County Buildings, Parks Facilities, And Residential Organics Drop-Off Locations

**10. Public Safety**

- 10.1 *Sheriff* - Authorization to Execute Contract With Doug Nelson Consulting To Provide Radiological Emergency Preparedness, Emergency Management, And Homeland Security Planning Services
- 10.2 *Sheriff* - Authorization To Execute Contract Amendment With Summit Food Service For Food Service Costs In Dakota County Jail And Juvenile Services Center

**11. Public Services and Revenue**

- 11.1 *Property Taxation and Records* - Renewal Of Policy Regarding Installment Plan For Repurchases Of Non-Homestead Tax-Forfeited Property
- 11.2 *Law Library* - Authorization To Execute Grant Agreement With Dakota County Law Library For American Rescue Plan Act State And Local Fiscal Recovery Funds

**REGULAR AGENDA****12. County Board/County Administration**

- 12.1 *Budget* - County Manager's 2023 Recommended Budget

**13. Physical Development**

- 13.1 *Physical Development Administration* - Reaffirmation Of Base Levy And Approval of 2023 Incremental Levy For Dakota County Community Development Agency

**14. Closed Session**

- 14.1 *Office Of The County Manager* - Closed Executive Session: Legal Strategy For Acquisition Of Property In Marshan Township For County Project 96-07

**15. Interagency Announcements/Reports**

Association of Minnesota Counties (AMC)  
Dakota Broadband Board  
Metropolitan Emergency Services Board  
Minnesota Inter-County Association (MICA)  
Metropolitan Mosquito Control District Commission  
National Association of Counties (NACo)  
Vermillion River Watershed Joint Powers Board  
Workforce Development Board  
Others

**16. County Manager's Report**

**17. Information**

**17.1 Information**

See Attachment for future Board meetings and other activities.

**18. Adjournment**

**18.1 Adjournment**

\* Designates items discussed in Board Committee(s)

**For more information, call 651-438-4417**

**Dakota County Board meeting agendas are available online at  
<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>  
Public Comment can be sent to [CountyAdmin@co.dakota.mn.us](mailto:CountyAdmin@co.dakota.mn.us)**



# Board of Commissioners

## Request for Board Action

---

**Item Number:** DC-1593

**Agenda #:** 4.1

**Meeting Date:** 11/15/2022

---

Approval of Agenda (Additions/Corrections/Deletions)



# Board of Commissioners

## Request for Board Action

---

**Item Number:** DC-1594

**Agenda #:** 5.1

**Meeting Date:** 11/15/2022

---

Approval of Minutes of Meeting Held on November 1, 2022



# Dakota County

## Board of Commissioners

### Minutes

---

Tuesday, November 1, 2022

9:00 AM

Boardroom, Administration Center,  
Hastings, MN

---

#### 1. Call To Order And Roll Call

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

Also in attendance were Matt Smith, County Manager; Kathryn M. Keena, County Attorney; Tom Donely, First Assistant County Attorney; and Jeni Reynolds, Sr. Administrative Coordinator to the Board.

#### 2. Pledge Of Allegiance

The meeting was called to order at 9:00 a.m. by Chair Kathleen A. Gaylord who welcomed everyone and opened the meeting with the Pledge of Allegiance.

#### 3. Audience

Chair Gaylord noted that all public comments can be sent to [CountyAdmin@co.dakota.mn.us](mailto:CountyAdmin@co.dakota.mn.us). No comments were received for this agenda.

#### 4. Agenda

**4.1** Resolution No: 22-455  
Approval of Agenda (Additions/Corrections/Deletions)

Motion: Mary Hamann-Roland

Second: Laurie Halverson

Ayes: 7

#### CONSENT AGENDA

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

#### 5. County Administration - Approval of Minutes

**5.1** Resolution No: 22-456  
Approval of Minutes of Meeting Held on October 18, 2022

Motion: Laurie Halverson

Second: Mary Hamann-Roland

Ayes: 7

**6. County Board/County Administration**

**6.1 Resolution No: 22-457  
Scheduling Of Special General Government And Policy Committee Meeting**

Motion: Laurie Halverson

Second: Mary Hamann-Roland

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves scheduling a special General Government and Policy Committee on November 15, 2022 at 9:30 a.m. (or following the County Board meeting), in conference room 3A, Administration Center, Hastings, MN, for the purpose of discussing the 2023 State legislative session, State and Federal legislative affairs, and the status of County legislative priorities.

Ayes: 7

**6.2 Resolution No: 22-458  
Authorization To Execute 2023-2024 Labor Agreement With Law Enforcement Labor Services Licensed Deputies Unit**

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, the County’s negotiating team has reached tentative agreement with Law Enforcement Labor Services Licensed Deputies unit representing 65 licensed deputies in the Sheriff’s Office; and

WHEREAS, the final form of the Agreement will be reviewed by the County’s contracted labor counsel at Madden Galanter Hansen, LLP prior to execution; and

WHEREAS, the Agreement includes the following substantive economic and other substantive revisions:

1. Term: Two-year Agreement, January 1, 2023 - December 31, 2024
2. 2023 Salary Ranges: 2022 salary ranges increased by 2.5%
3. 2024 Salary Ranges: 2023 salary ranges increased by 2.5%
4. 2023 General Increase: 3.25%
5. 2024 General Increase: 3.25%
6. 2023-2024 Merit Matrix (in addition to General Increase)

Salary Range	Exceptional Performance	Greatly Exceeds	Exceeds Standards	Meets Standards	Below Standards
Q4	4.25% base	4.25% base	3.25% base	2.25% base	0%

Q3	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q2	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q1	4.25% base	4.25% base	3.25% base	2.25% base	0%

7. June 19 (Juneteenth) added as a paid holiday

8. One-time retention payment of \$500 (up to \$1000 total) to be paid in July 2023 and January 2024

; and

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the appropriate County officials to execute the Labor Agreement with the Law Enforcement Labor Services Licensed Deputies unit for the period January 1, 2023 - December 31, 2024, in accordance with the terms and conditions of the Agreement and those contract modifications submitted to the Dakota County Board of Commissioners dated November 1, 2022.

Ayes: 7

## 7. Enterprise Finance and Information Services

### 7.1 Resolution No: 22-459

Authorization To Execute Contract Amendment For Enterprise Resource Planning Project Management Services

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, by Resolution No. 20-603 (December 1, 2020), the County Board authorized the execution of contracts with DLT LLC, for Oracle Cloud licenses for the Finance and Human Capital Management (HCM) applications and with Sierra-Cedar Inc. for implementation services; and

WHEREAS, by Resolution No. 21-066 (February 2, 2021), the County Board authorized the execution of a contract with Proviasol, LLC, for Enterprise Resource Planning (ERP) Project Management services required for the implementation of the Oracle Cloud Finance and HCM applications; and

WHEREAS, by Resolution No. 21-463 (September 21, 2021), the County Board authorized an amendment of a contract with Proviasol, LLC, for Enterprise Resource Planning (ERP) Project Management services required for the implementation of the Oracle Cloud Finance and HCM applications; and

WHEREAS, a contract exists between Dakota County and Proviasol, LLC, for ERP project management services which is active through December 31, 2022; and

WHEREAS, the post-implementation of the Oracle Cloud Finance and HCM applications requires ERP project management services to continue through June 30, 2023; and

WHEREAS, Proviasol, LLC, has the proven ability to supply ERP project



**8. Physical Development**

**8.1 Resolution No: 22-461**

Authorization To Execute First Amendment To Contract With McNamara Contracting, Inc., And Amend Transportation Capital Improvement Program Budget For Projects 42-149 & 42-154, CSAH 42 Mill And Overlay From Scott/Dakota County Line To CSAH 11 In City Of Burnsville

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, to provide a safe and efficient transportation system, Dakota County and the City of Burnsville partnered to mill & overlay County State Aid Highway (CSAH) 42 from the west County line to CSAH 11; and

WHEREAS, By Resolution 22-130 (March 22, 2022), the County Board approved a construction contract with McNamara Contracting, Inc., in the amount of \$4,964,909 based on their low bid of \$4,964,909 for construction; and

WHEREAS, project construction started spring of 2022, and construction is substantially complete; and

WHEREAS, total contract costs, including construction and earned incentives, have increased by \$430,886.11 or 8.7 percent over the total bid amount; and

WHEREAS, the three major items that contributed to the construction cost increases of \$430,886.11 are additional traffic control costs, additional concrete curb & gutter the bituminous incentive; and

WHEREAS, final construction cost is \$5,395,795.11; and

WHEREAS, only \$31,948.73 of the potential \$70,000 bituminous incentive was earned; and

WHEREAS, staff recommends authorizing execution of an amendment to the contract with McNamara Contracting, Inc., in the amount of \$430,886.11, and authorizing a budget amendment in the amount of \$697,010; and

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a first amendment to the contract with McNamara Contracting, Inc., in the amount of \$430,886.11 for additional unanticipated construction costs and actual earned incentives of \$31,948.73, resulting in a total contract amount of \$5,395,795.11 for County Projects 42-149 and 42-154, subject to approval by the County Attorney’s Office as to form; and

BE IT FURTHER RESOLVED, That the 2022 Transportation Capital Improvement Budget is hereby amended as follows:

**Expense**

County Projects 42-149 & 42-154	<u>\$697,010</u>
<b>Total Expense</b>	<b>\$697,010</b>
<b>Revenue</b>	
City of Burnsville	\$154,536
State Aid	<u>\$542,474</u>
<b>Total Revenue</b>	<b>\$697,010</b>

Ayes: 7

- 8.2** Resolution No: 22-462  
 Authorization To Amend 2022 Transportation Capital Improvement Program  
 Budget For Relocation Of Utilities On County State Aid Highway 42, County  
 Project 42-139 In Nininger Township

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, Dakota County was the lead agency for County Project (CP) 42-139, which was the reconstruction of County State Aid Highway (CSAH) 42 from Trunk Highway 55 to Lock Boulevard in Nininger Township; and

WHEREAS, Northern Natural Gas Company has the right of occupancy in its existing location because they hold an easement interest, the taking of which is compensable in eminent domain; and

WHEREAS, Northern Natural Gas Company is operating 24-inch and 30-inch gas pipelines within its own easement under CSAH 42; and

WHEREAS, CP 42-139 included an alignment shift that required removing the existing casing around Northern Natural Gas Company's 24-inch gas pipeline under CSAH 42 and relocating the existing farm tap and tie-over line to outside the new right of way limits; and

WHEREAS, Northern Natural Gas Company estimated that the cost of relocating the farm tap and tie-over line within the new County right of way, including engineering, materials, and construction, was \$948,009.00; and

WHEREAS, the total costs exceeded the estimate by \$8,717.17, and the County, by agreement, is required to pay Northern Natural Gas Company actual costs incurred of \$956,726.17 as a result of damage to Northern Natural Gas Company facilities caused by CP 42-139; and

WHEREAS, Dakota County did not carry over the \$2,351,391 from 2020 to 2021 since no invoices were received Northern Natural Gas; and

WHEREAS, Dakota County received the final actual costs on September 2, 2022; and

WHEREAS, staff recommends the County pay actual costs of the extension and relocation work provided and compensate Northern Natural Gas Company for actual costs of the work.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2022 Transportation Capital Improvement Program budget as follows:

<b>Expense</b>	
County Project 42-139	<u>\$956,726</u>
<b>Total Expense</b>	<b>\$956,726</b>
<b>Revenue</b>	
Dakota County Transportation CIP Fund Balance	<u>\$956,726</u>
<b>Total Revenue</b>	<b>\$956,726</b>

Ayes: 7

**8.3** Resolution No: 22-463  
Scheduling Of Public Hearing To Receive Comments On Eligible Projects For  
County Transportation Sales And Use Tax Funds

Motion: Laurie Halverson Second: Mary Hamann-Roland

WHEREAS, Minn. Stat. § 297A.993 (the Act) authorizes the Dakota County Board to levy up to one-half of one percent sales and use tax and an excise tax of \$20 per motor vehicle to fund statutorily defined transportation and transit projects; and

WHEREAS, by Resolution No. 17-364 (June 20, 2017), the Dakota County Board enacted a quarter-cent sales tax and \$20 excise tax on new vehicle sales starting October 1, 2017, to fund identified transit, regional County highway, trail, and trunk highway transportation projects; and

WHEREAS, Dakota County has recently updated its Draft 2040 Transportation Plan, which identifies long-term transportation system needs; and

WHEREAS, Dakota County has identified a proposed updated list of transportation projects eligible for Transportation Sales and Use Tax funds based on the needs identified in the Draft 2040 Transportation Plan; and

WHEREAS, the Act allows the County Board to dedicate the proceeds of the Transportation Sales and Use Tax to a new enumerated project by resolution after a public hearing.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing for November 29, 2022, at 6:00 p.m., Dakota County Administration Center, Boardroom, 1590 Highway 55, Hastings, Minnesota for the purpose of receiving comments on an updated list of eligible projects for County Transportation Sales and Use Tax Funds.

Ayes: 7

**8.4** Resolution No: 22-464  
Authorization To Execute Amended Cooperative Agreement With State Of  
Minnesota For Minnesota River Greenway In Eagan

Motion: Laurie Halverson Second: Mary Hamann-Roland

WHEREAS, County Project (CP) P00127, Minnesota River Greenway Fort Snelling Segment, includes the construction of 3.7 miles of trail and pedestrian bridge through the Fort Snelling State Park in the City of Eagan; and

WHEREAS, Dakota County has executed a cooperative agreement for CP

97-153 Minnesota River Greenway Eagan North Segment; and

WHEREAS, this cooperative agreement was amended to apply to the Minnesota River Greenway Fort Snelling Segment; and

WHEREAS, the project area defined for the Minnesota River Greenway Fort Snelling Segment has substantially changed through the completion of the design process to areas beyond those defined through the current amended cooperative agreement; and

WHEREAS, a redefined project area is required for integration into the cooperative agreement for the parties to understand and agree on the expected project impacts on the area and future responsibilities for maintenance.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an amendment to the cooperative agreement (C0028829.1) with the State of Minnesota Department of Natural Resources to redefine the project area within State of Minnesota Department of Natural Resources property subject to approval by the County Attorney's Office as to form.

Ayes: 7

**8.5** Resolution No: 22-465

Authorization To Amend Existing Contract With Leo A Daly For Increased Services For Law Enforcement Center Interior Renovations And Improvements Project

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, the amended 2022 Buildings Capital Improvement Program (CIP) budget authorized the Law Enforcement Center Interior Renovations and Improvements project with a total project budget of \$3,820,000 by Resolution No. 22-408 (September 20, 2022); and

WHEREAS, by Resolution No. 21-521 (November 2, 2021), the County Board approved the original contract in the sum of \$189,950 with an award to Leo A Daly; and

WHEREAS, the amended 2022 Buildings CIP budget authorized the Law Enforcement Center Interior Renovations and Improvements project with a total project budget of \$3,820,000 by Resolution No. 22-408 (September 20, 2022); and

WHEREAS, with the original contract authorization, staff was also authorized to execute up to 10 percent worth of post-award changes; and

WHEREAS, this is the first contract amendment to be formally executed by way of that authorization; and

WHEREAS, \$41,520 worth of post-award changes is requested for authorization to complete a contract amendment to the contract with Leo A Daly; and

WHEREAS, these project cost increases to the design and construction administration contract will be paid for with uncommitted funds available in the CIP budget; and

WHEREAS, staff recommends authorizing a contract amendment with Leo A Daly in the sum of \$41,520 for additional design and construction administration at Law Enforcement Center Interior Renovations; and

WHEREAS, the total authorized contract amendments to this contract would then be \$41,520 for reimbursement of all additional design and construction administration on the project; and

WHEREAS, sufficient funds within the CIP budget for the project (B20029) are available for this amendment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract amendment with Leo A Daly, 730 2nd Ave S, Suite 1300, Minneapolis, MN 55402, in an amount not to exceed \$41,520, for the Law Enforcement Center Interior Renovations Project, substantially as presented and attached, subject to approval by the County Attorney's office as to form.

Ayes: 7

**8.6** Resolution No: 22-466

Authorization To Execute Amendment To Joint Powers Agreement With City Of Rosemount For Mississippi River Greenway Rosemount East (P00109)

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, the Mississippi River Greenway (MRG) Rosemount East (P00109) segment is the last remaining segment of regional trail to be secured, designed, and constructed in order to connect the national MRG from Hastings to South St. Paul; and

WHEREAS, the MRG Rosemount East includes construction of 2.4 miles of trail from its connection with MRG West to Spring Lake Park Reserve; and

WHEREAS, by Resolution No 20-647 (December 15, 2020), the Dakota County Board of Commissioners authorized staff to enter into a joint powers agreement for cost share and project responsibilities with the City of Rosemount; and

WHEREAS, the parties have identified the need to amend the joint powers agreement to include provisions for costs associated with the Union Pacific Railroad crossing agreement that the City of Rosemount will execute; and

WHEREAS, the amendment to the joint powers agreement will extend the agreement expiration date from December 31, 2022, to June 1, 2024 and clarify storm water maintenance responsibilities.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to amend the joint powers agreement with the City of Rosemount for the Mississippi River Greenway Rosemount East segment, subject to approval by the County Attorney's Office as to form.

Ayes: 7

**9. Public Services and Revenue**

**9.1** Resolution No: 22-467  
Scheduling Of Public Hearing To Receive Comments On 2023 Off Sale  
Intoxicating Liquor License Applications

Motion: Laurie Halverson Second: Mary Hamann-Roland

WHEREAS, a public hearing is required for the purpose of receiving comments and informing the public on applications for off sale intoxicating liquor licenses; and

WHEREAS, a Notice of the public hearing will be given to all interested parties, Castle Rock Township Clerk, Randolph Township Clerk, and published in the County’s Official Newspaper on November 18, 2022.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing at 6:00 p.m. on November 29, 2022, in the Boardroom, Administration Center, 1590 Highway 55, Hastings, Minnesota, to receive comments on all 2023 off sale intoxicating liquor license applications; and

BE IT FURTHER RESOLVED, That the Dakota County Public Service and Revenue Division is hereby directed to publish in the Official County Newspaper, notice of the public hearing and give notice to all interested parties and to any city located within three miles of the premises proposed to be licensed.

Ayes: 7

**9.2** Resolution No: 22-468  
Approval Of Application For Assemblage Of Large Number Of People License  
For Dakota City Heritage Village

Motion: Laurie Halverson Second: Mary Hamann-Roland

WHEREAS, an application has been submitted by Dakota City Heritage Village to hold a Christmas in the Village gathering at Dakota County Fairgrounds in Castle Rock Township; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed license, and the application has been reviewed for compliance with the County Ordinance No. 102 and has been approved by the Public Services and Revenue Division, Public Health Department, Risk Management, Transportation Department and Sheriff’s Office; and

WHEREAS, Castle Rock Township approved the application.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application for Assemblage of Large Numbers of People License received by Dakota City Heritage Village to hold a

Christmas in the Village gathering at Dakota County Fairgrounds on Saturday, December 3, 2022, Sunday, December 4, 2022, Saturday, December 10, 2022, and Sunday, December 11, 2022, from 3:00 p.m. to 8:00 p.m. each day, and authorizes the Public Services and Revenue division to issue the license.

Ayes: 7

**9.3** Resolution No: 22-469  
Authorization To Execute Contract With SirsiDYNIX

Motion: Laurie Halverson Second: Mary Hamann-Roland

WHEREAS, the current contract between Dakota County Library and SirsiDYNIX for integrated library software system maintenance and support will expire on December 31, 2022; and

WHEREAS, SirsiDYNIX remains a technological leader in integrated library software and the library has received excellent customer service from the company under past contracts, and the current contract; and

WHEREAS, staff have completed a review of other companies supplying integrated library software systems and confirmed no compelling reason to undertake a switch of software systems; and

WHEREAS, the County Managers recommended budget will include sufficient funding through the end of the contract term of December 31, 2027.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Library Director to execute a contract with SirsiDYNIX for integrated library system support and maintenance services beginning January 1, 2023 and ending December 31, 2027 in the total amount of \$463,796.34, subject to approval by the County Attorney's Office as to form.

Ayes: 7

## REGULAR AGENDA

### 10. Community Services

**10.1** Resolution No: 22-470  
Proclamation Of Operation Green Light For Veterans Week In Dakota County  
November 7-13, 2022

Motion: Mary Hamann-Roland Second: Joe Atkins

Veterans Services Director Lisa Thomas briefed this item and responded to questions.

WHEREAS, Dakota County Veterans Services has a long and proud history of serving our nation's service members, veterans, and their families whose contributions and sacrifices, including placing themselves in harm's way, have been vital in maintaining the freedoms and way of life enjoyed by our citizens;

and

WHEREAS, this legacy continues to this day as staff works with federal, state and local partners to ensure that service members, veterans, and their families have access to the resources they need to thrive; and

WHEREAS, Operation Green Light for Veterans is an initiative that was started by a collaboration of public agencies in New York State to show support for those who have served their nation and connect them with benefits; and

WHEREAS, approximately 200,000 service members transition to civilian communities annually, 44 - 72 percent of those experience high levels of stress during this transition, which contributes to a high risk for suicide during the first year after active military service; and

WHEREAS, lighting up homes, businesses and government buildings in green, the color that stands for “go” and symbolizes hope, renewal and well-being, is a way to visibly show that the community honors the service and sacrifice of veterans, active military and their families and encourages veterans to reach out to their county veteran service officers; and

WHEREAS, due to the success of Operation Green Light in New York, the National Association of Counties has embraced Operation Green Light nationally and is inviting counties across the United States to join Operation Green Light by requesting that the week of November 7-13, 2022, which includes the Veterans Day holiday, be proclaimed Operation Green Light Week in Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners proclaims November 7-13, 2022, as Operation Green Light for Veterans Week, a time to salute and honor the service and sacrifice of those who have served, are currently serving, and their families; and

BE IT FURTHER RESOLVED, That in observance of Operation Green Light, Dakota County Northern Service Center will be lit in green light from November 9-13, 2022, and residents and businesses are encouraged to also shine a green light to let the military community know that they are seen, appreciated, supported and their service to our nation is always present.

Ayes: 7

## **11. Legislative Update**

No legislative update was given.

## **12. Closed Executive Session**

### **12.1 Resolution No: 22-471**

Legal Authority For Acquisition Of Certain Property Rights Necessary For County Project 70-23

Motion: Mary Liz Holberg

Second: Mike Slavik

WHEREAS, Dakota County (County) and the City of Lakeville (City) partnered on County Project (CP) 70-23; and

WHEREAS, CP 70-23 includes the segment of County State Aid Highway (CSAH) 70 from Kensington Boulevard/Kenrick Avenue to CSAH 23 (Cedar Avenue); and

WHEREAS, the purpose of the project is to improve safety, operations, and capacity along a primary truck corridor; and

WHEREAS, to effectuate this purpose, the project expands CSAH 70 to a four-lane divided highway, modifies access through the use of raised medians and local street extensions, constructs trails, and adds turn lanes; and

WHEREAS, the County is the lead agency for CP 70-23 with right of way acquisition; and

WHEREAS, by Resolution Nos. 19-658 and 19-759 (August 6, 2019), the County Board authorized the acquisition of certain properties, including Parcel 29 owned by the Miller Living Trust as identified in the resolutions to construct the recommended improvements; and

WHEREAS, the County acquired Parcel 29 via eminent domain proceedings on March 6, 2020, where thereafter the parcel proceeded to a hearing in front of the court-appointed commissioners to determine the amount of just compensation due the landowner; and

WHEREAS, the Dakota County Attorney's Office provided a confidential memorandum dated October 27, 2022, to the Dakota County Board of Commissioners explaining the legal strategy following Dakota County's acquisition of Parcel 29 and the commissioners hearing and award thereon; and

WHEREAS, after review of the information contained in the confidential memorandum the County Board determined a closed session discussion with the County Attorney's Office was not required prior to providing the requested direction and authority.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to proceed with the acquisition of property rights for County Project 70-23, Parcel 29, consistent with the authority requested in the confidential memorandum to the County Board.

Ayes: 7

**13. Interagency Announcements/Reports**

Interagency announcements and reports were then presented.

**14. County Manager's Report**

County Manager Matt Smith commented on the following:

- Dakota County staff Annual Giving campaign update
- Bison Reintroduction Ribbon Cutting event will be held Nov. 4 at 10:00 AM at Spring Lake Park Reserve, Hastings.
- Dakota County celebrated it's 173rd Birthday on October 27, 2022

**15. Information**

This item was on the agenda for informational purposes only.

**15.1 Information**

See Attachment for future Board meetings and other activities.

**16. Adjournment**

**16.1 Resolution No: 22-472  
Adjournment**

Motion: Mike Slavik

Second: Liz Workman

On a motion by Commissioner Slavik, seconded by Commissioner Workman, the meeting was adjourned at 9:22 a.m.

Ayes: 7

Kathleen A. Gaylord  
Chair

ATTEST

Matt Smith  
County Manager



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1386

Agenda #: 6.1

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Community Corrections

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute A Contract, Contract Amendments And Execute Joint Powers Agreements For Community Corrections Services**

### RESOLUTION

WHEREAS, Community Corrections supervises adults and juveniles placed on probation by the courts; and

WHEREAS, probation staff focuses on community safety and reducing recidivism in their supervision of these individuals; and

WHEREAS, supervision, services and court-ordered programs are provided through direct care delivery and purchased services and a variety of services are in place to meet the varied needs of these individuals; and

WHEREAS, Sentence to Service (STS) provides supervised work crews for non-violent adults receiving probation services as an alternative to being ordered to jail; and

WHEREAS, by Resolution No.19-868 (December 3, 2019), the Dakota County Board of Commissioners authorized execution of a JPA with Independent School District (ISD) 917 for education services at the Juvenile Service Center for the period January 1, 2020 through December 31, 2022; and

WHEREAS, by Resolution No. 20-618 (December 8, 2020), the Dakota County Board of Commissioners authorized execution of contracts with the following vendors and services: General Security Services Corporation (GSSC) for Sentence to Serve Work Crews Supervision with a not to exceed amount of \$609,000 for the period of January 1, 2021 to December 31, 2022, and Nystrom & Associates for Juvenile Wrap Around Services with a not to exceed amount of \$120,000 for the period of January 1, 2021 to December 31, 2022; and

WHEREAS, staff is requesting authorization to execute a new contract with GSSC in a not to exceed amount of \$609,000 for the period of January 1, 2023 through December 31, 2023; and

WHEREAS, a contract amendment is requested to the Nystrom and Associates contract extending the expiration date to December 31, 2023, increasing the not to exceed amount from \$120,000 to \$180,000; and

WHEREAS, a contract amendment is requested to extend the expiration date to December 31, 2023, for Life Development Resources for Adult Sex Offender Treatment Services, increasing the not to exceed amount from \$75,000 to \$128,000; and

WHEREAS, solicitations for these services is to be completed in 2023 as solicitations for services were not completed in 2021 or 2022 due to COVID 19; and

WHEREAS, staff recommends executing a JPA with ISD 917 for education services at the Juvenile Service Center for the period of January 1, 2023 through December 31, 2025; and

WHEREAS, staff recommends executing JPA's with the Cities of Apple Valley, Burnsville, Eagan, Farmington, Lakeville, and MnDOT for the purchase of STS services from Dakota County at a cost of \$481.00 per day for five or more workers per crew, and \$240.50 per day for work crews with less than five workers, for the period of January 1, 2023 through December 31, 2023; and

WHEREAS, funding for these contracts and revenue from STS-related joint powers agreements with public entities will be included in the 2023 County Manager's Recommended Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute amendments to the contracts with the following vendors at the rates listed for Community Corrections services for the period of January 1, 2023 through December 31, 2023, subject to approval by the County Attorney's Office as to form:

**Agency: Life Development Resources**

1. Service: Adult Sex Offender Treatment Services
  - a. Group Therapy Rate: \$83.00 per session
  - b. Individual/Conjoint Sessions: \$172.00 per session
  - c. Intake (Diagnostic Interview): \$430.00 per session

**Agency: Nystrom & Associates**

1. Service: Wrap-Around Dual Diagnosis Facilitation Services
  - a. Rate: \$52.00 per hour

**Agency: General Security Services Corporation (GSSC)**

1. Service: Sentence to Service Work Crew Supervision
  - a. Rate: \$357.00 per work crew day

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute joint powers agreements as presented with Independent School District 917 for education services at the Juvenile Service Center for the period of January 1, 2023 through December 31, 2025; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute joint powers agreements as presented with the Cities of Apple Valley, Burnsville, Eagan, Farmington, Lakeville and with the Minnesota Department of Transportation for the purchase of guaranteed Sentence to Service work crew days at a rate of \$481.00 per day for five or more workers per crew, and \$240.50 per day for work crews with less than five workers, for the period of January 1, 2023 through December 31, 2023; and

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

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



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1456

Agenda #: 6.2

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Public Health

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Twin Cities Public Health And Environmental Health Entities In Minnesota Mutual Aid Agreement**

### RESOLUTION

WHEREAS, the Dakota County Board of Commissioners acts as the Community Health Board, and has responsibility to prevent disease, promote and protect the health and safety of County residents; and

WHEREAS, Dakota County has participated in and benefits from the implementation of regional public health preparedness initiatives; and

WHEREAS, emergencies may occur in the future that will require local public health and environmental health entities to come to the aid and assistance of other local public health and environmental health entities; and

WHEREAS, by Resolution No. 06-265 (June 20, 2006), the County Board authorized the execution of the first Public Health Mutual Aid Agreement, initiated by Hennepin County and represented 11 local public health agencies in the metropolitan region; and

WHEREAS, the Twin Cities Public Health and Environmental Health Entities in Minnesota Mutual Aid Agreement (Mutual Aid Agreement) agreement has been in place by Resolution Nos. 07-542 (November 27, 2007), 11-588 (December 13, 2011), and 12-566 (November 20, 2012); and

WHEREAS, the current Mutual Aid Agreement in place was authorized by Resolution No. 17-574 (November 14, 2017), and expires on December 31, 2022; and

WHEREAS, staff recommends authorization to execute the Mutual Aid Agreement for the period of January 1, 2023 through December 31, 2027, between the Counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, the Cities of Bloomington, Brooklyn Park, Edina, Maplewood, Minneapolis, Minnetonka, Saint Paul, Richfield, and Wayzata, and the University of Minnesota; and

WHEREAS, the Dakota County Attorney's Office, did not have any issues with the minor changes and approved the Mutual Aid Agreement, pending County Board authorization.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Board Chair to execute the Twin Cities Public Health and Environmental Health Entities in Minnesota Mutual Aid Agreement for the period of January 1, 2023 through December 31, 2027, subject to approval by the County Attorney's Office as to form.



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1474

Agenda #: 6.3

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Social Services

**FILE TYPE:** Consent Action

### TITLE

#### Authorization To Execute Contract Amendments For Shelter Services

### RESOLUTION

WHEREAS, the Housing section in the Social Services Department provides both in-house and contracted services across the service continuum; and

WHEREAS, contracted services include street outreach, intake and assessment, emergency shelter, transitional housing, permanent supportive housing, and housing search and stability services; and

WHEREAS, throughout the COVID-19 pandemic, Dakota County increased emergency shelter capacity in hotels; and

WHEREAS, to ensure high quality services, Dakota County conducted a full Request for Proposal (RFP) process in summer 2021 for five housing services; and

WHEREAS, a review committee comprised of staff from across Social Services reviewed and scored proposals from six vendors and recommended authorization to execute contracts for hotel housing services with Ally Supportive Services, LLC, The Link, and Extended Stay America Management, LLC; and

WHEREAS, by Resolution Nos. 21-580 and 21-596 (December 14, 2021), the Dakota County Board of Commissioners authorized contracts for hotel shelter services with Ally Supportive Services, LLC, The Link, and Extended Stay America Management, LLC for the period of January 1, 2022 through June 30, 2022; and

WHEREAS, by Resolution No. 22-252 (June 21, 2022), the Dakota County Board of Commissioners authorized amendments for the same vendors to allow services to continue through December 31, 2022; and

WHEREAS, on March 15, 2022, the Dakota County Board of Commissioners heard an update on research and recommendations for a permanent emergency shelter facility; and

WHEREAS, in order to accommodate continued shelter planning and shelter services, staff recommends continuing with hotel shelter contracts for 2023 to ensure continuity of emergency shelter services while long-term planning continues, by which funding for this activity comes from federal, state and local funds.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute hotel shelter contracts for the dates specified below, and increase the not to exceed contract amounts as follows, subject to approval by the County Attorney's Office as to form:

**Service - Agency: Not to Exceed Amount, Dates**

- Hotel Shelter-Single Adults - Ally Supportive Services, LLC: \$281,400, January 1- April 15, 2023
- Hotel Shelter-Youth Ages 18-24 - The Link: \$565,602, January 1 - December 31, 2023
- Hotel Shelter-Single Adults - Extended Stay America Management, LLC: \$1,000,000, January 1 - December 31, 2023

; and

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

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



# Board of Commissioners

## Request for Board Action

---

**Item Number:** DC-1491

**Agenda #:** 6.4

**Meeting Date:** 11/15/2022

---

**DEPARTMENT:** Social Services

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Contract With Center City Housing Corp. For Cahill Place Services**

### RESOLUTION

WHEREAS, Cahill Place Apartments is a supportive housing apartment program in Inver Grove Heights; and

WHEREAS, the building has 40 two and three-bedroom units and is dedicated to families who have experienced homelessness and housing instability; and

WHEREAS, this project is a collaboration between Center City Housing Corp. (developer), the Dakota County Community Development Agency (CDA) (capital funding and project-based housing vouchers), and Dakota County (support service funding), among other partners and funders; and

WHEREAS, in February 2019, Dakota County Social Services issued a Request for Proposals for the onsite support services at Cahill Place; and

WHEREAS, two proposals were received, and a selection committee comprised of staff from the CDA and Social Services selected Center City Housing Corp. as the service provider; and

WHEREAS, by Resolution 20-195 (April 20, 2020), the Dakota County Board of Commissioners authorized execution of a contract with Center City Housing Corp. in an amount not to exceed \$650,000 annually; and

WHEREAS, staff recommends authorizing execution of a new contract for the term of January 1, 2023 through December 31, 2023, in a contract amount not to exceed \$650,000; and

WHEREAS, Center City Housing Corp. will provide the same and or similar services as they did in the prior contract.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Center City Housing Corp. for onsite supportive services at Cahill Place Apartments in Inver Grove Heights, for the period of January 1, 2023 through December 31, 2023, in a contract amount not to exceed \$650,000, subject to approval by the County Attorney's Office as to form; and

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

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



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1492

Agenda #: 6.5

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Social Services

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Three Contracts With Guild, Inc., For Rental Assistance Administration And Case Management**

### RESOLUTION

WHEREAS, Dakota County issued a Request for Proposals (RFP) for a vendor to provide rental assistance administration services on behalf of Dakota County Social Services in 2018; and

WHEREAS, by Resolution No. 18-425 (August 21, 2018), the Dakota County Board of Commissioners authorized the Community Services Director to contract with Hearth Connection for rental assistance administration; and

WHEREAS, by Resolution Nos. 19-850 (November 26, 2019), and 20-238 (May 12, 2020), the Dakota County Board of Commissioners authorized the Community Services Director to execute renewal contracts with Hearth Connection to provide rental assistance; and

WHEREAS, Hearth Connection subcontracted with Guild to provide case management; and

WHEREAS, Rental Assistance resources included in the RFP are U.S. Department of Housing and Urban Development (HUD) Continuum of Care Rapid Re-Housing (CoC RRH) and HUD Emergency Solutions Grant Rapid Re-Housing (ESG RRH); and

WHEREAS, Dakota County is the grant recipient for the CoC RRH program and the administrator on behalf of the CDA for the ESG RRH program; and

WHEREAS, these relationships will remain in place with the selection of a Rental Assistance Administrator; and

WHEREAS, the HUD CoC RRH funds are secured annually through a competitive grant process that runs from June 1 through May 31 of each year and is anticipated to renew, serving 48 family households at a time; and

WHEREAS, total rental assistance, application fee, security deposit and administration funds currently available are \$329,500 for the grant year and must be spent within each grant period; and

WHEREAS, the HUD ESG RRH funds are secured annually through a formula allocation that runs from July 1 through June 30 of each year and is anticipated to renew, serving approximately 5 households (singles and families) at a time; and

WHEREAS, total rental assistance, application fee, security deposit and administrative funds currently available are \$50,000 for the grant year and must be spent within 18 months of the beginning of the grant period; and

WHEREAS, rental assistance administration includes management of RRH rental assistance budgets and rent payments to landlords, management of program participant file and documentation requirements per program regulations, connection of participants to required case management services, and provision of all data entry; and

WHEREAS, to simplify administration, staff recommends that Dakota County contract directly with Guild to provide both rental assistance and case management services; and

WHEREAS, Dakota County will issue a solicitation for this service for 2024 contracts.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contracts for rental assistance administration and case management with Guild Inc., as follows, subject to approval by the County Attorney's Office as to form:

**Service: Term, Amount**

- HUD Continuum of Care Rental Assistance Administration: date of execution through May 31, 2023, \$329,500
- HUD Emergency Solutions Grant Rental Assistance Administration: date of execution through June 30, 2023, \$50,000
- County-funded rental assistance: date of execution through December 31, 2023, \$610,000

; and

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

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



# Board of Commissioners

## Request for Board Action

---

**Item Number:** DC-1425

**Agenda #:** 6.6

**Meeting Date:** 11/15/2022

---

**DEPARTMENT:** Parks, Facilities, and Fleet Management

**FILE TYPE:** Consent Action

### **TITLE**

**Approval Of Schematic Design For Law Enforcement Center Integrated Health Unit Addition And Authorization To Proceed Through Design Development**

### **RESOLUTION**

WHEREAS, the 2022-2026 Building Capital Improvement Program (CIP) Adopted Budget includes a project to design and construct a dedicated Law Enforcement Center unit to address medical and mental health needs of inmates; and

WHEREAS, the design team of Wold Architects and Engineers was selected through a Request for Proposal process to lead the design efforts for the project; and

WHEREAS, the design team worked with the Core Planning Group to develop the schematic design to meet identified project needs; and

WHEREAS, the proposed schematic design meets the identified project needs: 30 beds separated into different units; support and program spaces; medical support spaces; and overall increased flexibility for housing inmates in a secure and supportive environment; and

WHEREAS, the cost estimates prepared for the schematic design developed to date are within the project budget; and

WHEREAS, sufficient funds are available within the 2022-2026 Building Capital Improvement Program Adopted Budget to complete the design and bidding phases of this project; and

WHEREAS, staff will return to the County Board at the end of the design development phase, anticipating being complete in early 2023, to confirm the intended funding sources and the schedule for the remaining project efforts.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the recommended schematic design for the Law Enforcement Center Integrated Health Unit Addition and approves the project proceeding through the end of the design development phase.



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1419

Agenda #: 6.7

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Environmental Resources

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Joint Powers Agreement With City Of Apple Valley To Operate Residential Organics Drop-Off Site**

### RESOLUTION

WHEREAS, Minn. Stat. § 471.59 authorizes local governmental units to jointly or cooperatively exercise any power common to the contracting parties; and

WHEREAS, Dakota County and the Municipality are governmental units as that term is defined in Minn. Stat. § 471.59; and

WHEREAS, Metropolitan counties are responsible for waste management policy and programs (Minn. Stat. §115A.551); and

WHEREAS, by Resolution No.18-493 (September 18, 2018), the Dakota County Board of Commissioners adopted the 2018-2036 Solid Waste Master Plan (Master Plan); and

WHEREAS, the Master Plan includes a strategy to expand opportunities for residential organics recovery; and

WHEREAS, the Master Plan includes a tactic to co-develop and provide assistance for residential organics drop-off sites with priority municipalities and partners until curbside organics collection is widely available; and

WHEREAS, the City of Apple Valley (City) in partnership with the County desires a residential organics drop-off site to be located at Apple Valley Public Works, 6442 140<sup>th</sup> St W, Apple Valley, MN; and

WHEREAS, Dakota County receives Select Committee on Recycling and the Environment (SCORE) funds from the state to implement landfill abatement programs; and

WHEREAS, Minn. Stat. § 115A.557 requires Dakota County to expend a portion of the state-allocated SCORE funds on organics programming; and

WHEREAS, allocated SCORE funds have been used to open residential organics drop-off sites in eight cities from 2016-2021; and

WHEREAS, City responsibilities include drop-off site construction and infrastructure installation for one drop-off location to collect organics from Dakota County residents; retaining licensed hauler services; collaborating with the County on promotion and communications; purchasing and storing compostable bags; monitoring daily and maintaining the site; and administering invoice and reimbursement submittals; and

WHEREAS, County responsibilities include maintaining a list of acceptable organic materials and guidelines; developing and providing promotion, communications materials, and training; reimbursing the Municipality for installation of a concrete pad, fencing, bag distribution boxes, signage, and recurring operational expenses; and administering participant recruitment, registration, and ongoing communication; and

WHEREAS, staff recommends executing a joint powers agreement with the City to implement a residential organics drop-off site for Dakota County residents from the construction start date to December 31, 2028, or until curbside collection of residential organics is widely available.

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 Apple Valley to operate a residential organics drop-off site located at Apple Valley Public Works, 6442 140<sup>th</sup> St. W. in the City of Apple Valley from the construction start date to December 31, 2028, or until curbside residential organics collection is offered in the City of Apple Valley and to provide reimbursement funding in an amount not to exceed an estimated \$99,500 for the six-year term as substantially presented on November 1, 2022, to the Physical Development Committee of the Whole, subject to approval by the County Attorney's Office as to form.



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1479

Agenda #: 6.8

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Environmental Resources

**FILE TYPE:** Consent Action

### TITLE

**Acquisition Of Easements On Wolfson Property And Authorization To Amend 2022 Environmental Resources Capital Improvement Program Budget**

### RESOLUTION

WHEREAS, the Wolfson family, through Wolfson Commercial Properties LLC (Wolfson), owns 9.91 acres in the City of Rosemount (City), including high-quality forest and wetlands; and

WHEREAS, the 2001 Farmland and Natural Area Protection Plan identified the Wolfson property as one of the top ten sites to protect in the County; and

WHEREAS, the Wolfson property is located within the Lebanon Hills Conservation Focus Area identified as a priority area within the 2020 Land Conservation Plan for Dakota County; and

WHEREAS the Vermillion Highlands Greenway Master Plan identifies a segment of the Vermillion Highlands Greenway for development within the Wolfson property; and

WHEREAS in 2021, the County and the City renewed discussion with the Wolfson's about acquisition options in association with planned residential development of adjacent property; and

WHEREAS the proposed land protection project included the County acquiring an 8.32-acre natural area conservation easement (NA Easement) and a 1.59-acre Vermillion Highlands Regional Greenway Easement (Corridor Easement), with the City acquiring fee title and managing the entire property as a new City park; and

WHEREAS, County staff completed and approved an appraisal of the Wolfson property in July 2022; and

WHEREAS, during subsequent negotiations, the County, City, and Wolfson's agreed to a sale price approximately 6.5 percent greater than the appraised total value or \$337,000, including \$254,700 for the NA Easement and \$48,100 for the Corridor Easement; and

WHEREAS, the estimated closing costs are \$2,200; and

WHEREAS, the Rosemount City Council has previously approved acquisition of the adjacent McMenemy property and expressed similar support to acquire the Wolfson property; and

WHEREAS, acquisition of the NA Easement and restoration is eligible for state Outdoor Heritage (OH) funding appropriated to the County by the Minnesota Legislature in 2022 (ML22); and

WHEREAS, the 2022 Environmental Resources (ER) Capital Improvement Program (CIP) budget includes adequate funding from ML22 OH funds and County grant-match funds for acquiring the NA Easement; and

WHEREAS, the 2022 Parks CIP included adequate funding for acquiring the Corridor Easement: and

WHEREAS, expenditure of OH funds by the County for a NA Easement on the Wolfson property requires the County Board Chair to sign and the County to record a Notice of Funding Restriction (NOFR); and

WHEREAS, the Physical Development Director (PDD) is required to sign purchase agreements (PA) to acquire the NA Easement and Corridor Easement on the Wolfson property; and

WHEREAS, the final acquisition costs of the two easements on the Wolfson property will be determined after the 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 authorizes the expenditure of up to \$331,000, including \$254,700 to acquire the 8.32-acre natural area conservation (NA) easement, \$48,100 to acquire the 1.59-acre Corridor Easement on the Wolfson property, an estimated \$2,200 in closing costs, and an estimated \$26,000 for restoration costs; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute two purchase agreements with Wolfson’s to acquire the NA and Corridor easements, subject to approval by the County Attorney’s Office (CAO) as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Board Chair to execute a Notice of Funding Restriction (NOFR) as required for use of ML22 OH funds for acquiring the NA Easement on the Wolfson property, subject to approval by the CAO as to form; and

BE IT FURTHER RESOLVED, That the 2022 Environmental Resources Capital Improvement Program (CIP) budget is hereby amended as follows:

**Expense**

Acquisition of the NA Easement on the Wolfson property (LC10075)	\$256,550
Restoration of the NA Easement (LC30058)	\$ 26,000
ML 22 OH (LC00010)	<u>(\$282,550)</u>
<b>Total Expense</b>	<b>\$0</b>

**Revenue - Easement**

Acquisition NA Easement - ML 22 OH Grant funding (LC10075)	\$192,450
Acquisition NA Easement - ML 22 County Grant Match (LC10075)	\$ 64,100

ML 22 OH Grant funding(LC00010)	(\$192,450)
ML 22 OH County Grant Match (LC00010)	<u>(\$ 64,100)</u>
<b>Total Revenue</b>	<b>\$0</b>

**Revenue - Restoration**

Restoration Wolfson property ML 22 OH Grant funding (LC30058)	\$26,000
ML 22 OH Grant Funding (LC00010)	(\$19,500)
ML 22 OH County Grant Match	<u>(\$ 6,500)</u>
<b>Total Revenue</b>	<b>\$0</b>

; and

BE IT FURTHER RESOLVED, That following acquisition of the NA Easement on the Wolfson property, staff will submit the necessary forms and documentation to the State of Minnesota (State) to receive approximately \$211,950 in reimbursement funds; and

BE IT FURTHER RESOLVED, That such reimbursement from the State will be returned to the 2022 ER CIP.



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1516

Agenda #: 6.9

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Submit Project Recommendation And Provide Resolutions Of Support For Minnesota Department Of Transportation's 2022 Corridors Of Commerce Program**

### RESOLUTION

WHEREAS, to provide a safe and efficient multi-modal transportation system, Dakota County seeks outside funding for priority transportation projects within the County; and

WHEREAS, the Minnesota Department of Transportation is currently seeking project recommendations for the Corridors of Commerce Program (COC) through November 30, 2022; and

WHEREAS, the Minnesota Legislature created the COC to provide additional highway capacity on segments where there are currently bottlenecks and improve freight and commerce; and

WHEREAS, the Dakota County 2040 Transportation Plan identifies several segments of Trunk Highways in the County in need of mobility and freight improvements, including Trunk Highway 13 in Burnsville, Trunk Highway 77 in Apple Valley and Egan, and I-35 at County Highway 50 in Lakeville; and

WHEREAS, the COC program only allows each entity to recommend one project for consideration in 2022; and

WHEREAS, the Draft Dakota County 2023-2027 Capital Improvement Program includes the I-35 and County Highway 50 Interchange in Lakeville with a significant funding gap that would impact Dakota County if external funds are not received; and

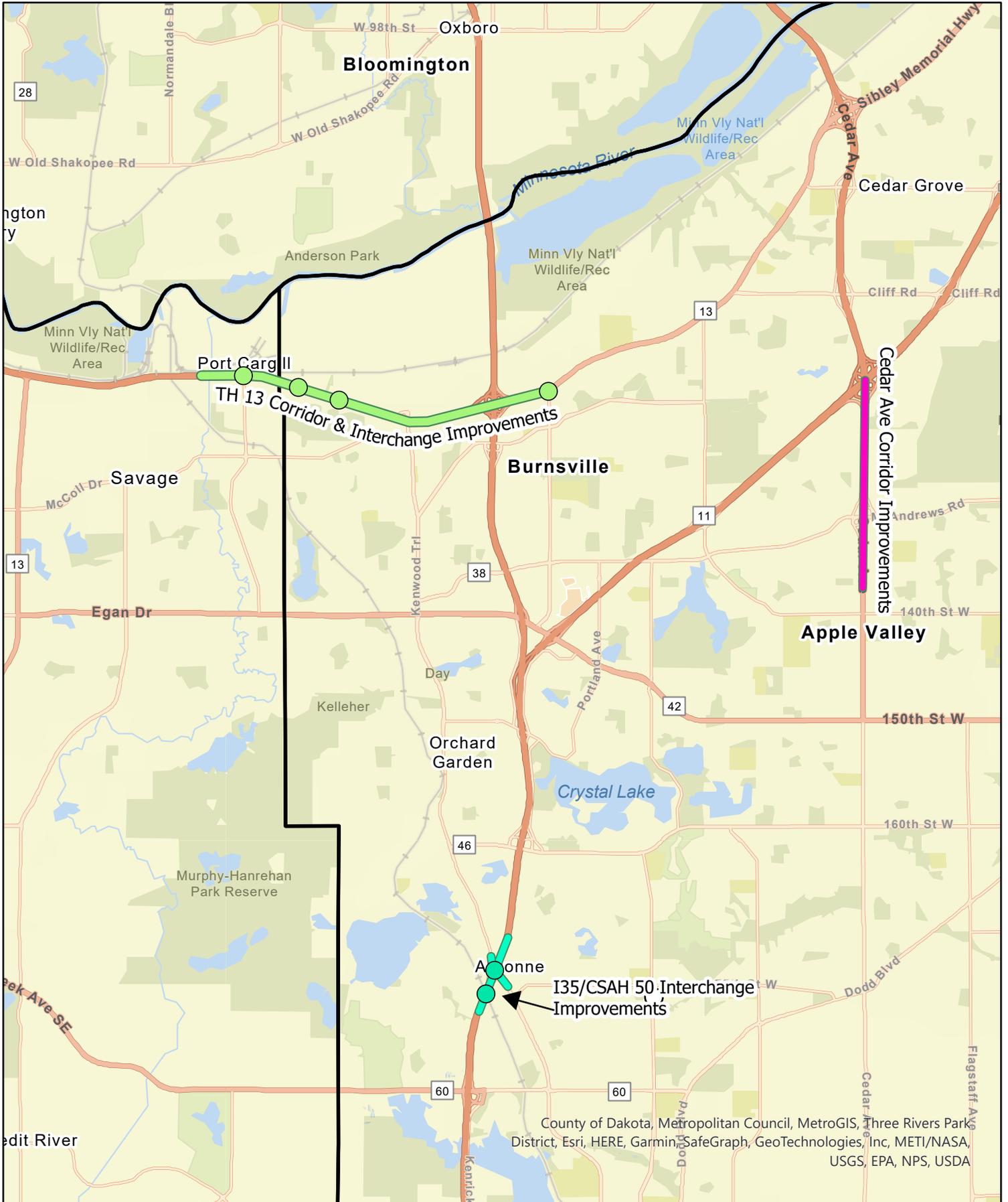
WHEREAS, other entities may nominate the Trunk Highway 13 project and the Trunk Highway 77 project; and

WHEREAS, the COC scoring criteria favors projects with resolutions of support from each county within a project's limits.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners authorize the Dakota County Transportation Director/County Engineer to submit the I-35/County Highway 50 Interchange Reconstruction Project in Lakeville as Dakota County's Corridors of Commerce project recommendation in 2022; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners supports the Trunk Highway 13 project in Burnsville and Savage and the Trunk Highway 77 project in Apple Valley and Egan as important mobility and freight improvements within Dakota County.

# Attachment: Potential Corridors of Commerce Project Locations





# Board of Commissioners

## Request for Board Action

Item Number: DC-1591

Agenda #: 7.1

Meeting Date: 11/15/2022

**DEPARTMENT:** Office of the County Manager

**FILE TYPE:** Consent Action

### TITLE

**Scheduling Of Special General Government And Policy Committee Meeting**

### PURPOSE/ACTION REQUESTED

Schedule a special General Government and Policy (GGP) Committee of the Whole meeting for November 29, 2022.

### SUMMARY

Schedule a special meeting for the purpose of providing a legislative update and an update on the 2023 Operating and Capital Budgets.

### RECOMMENDATION

Staff recommends scheduling a special GGP meeting on November 29, 2022 at 11:00 a.m. (or following the County Board Governance Workshop), in conference room L139, Western Service Center, Apple Valley, MN, for the purpose of providing a legislative update and an update on the 2023 Operating and Capital Budgets.

### EXPLANATION OF FISCAL/FTE IMPACTS

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

### RESOLUTION

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves scheduling a special General Government and Policy Committee on November 29, 2022 at 11:00 a.m. (or following the County Board Governance Workshop), in conference room L139, Western Service Center, Apple Valley, MN, for the purpose of providing a legislative update and an update on the 2023 Operating and Capital Budgets.

### PREVIOUS BOARD ACTION

None.

### ATTACHMENTS

Attachment: None.

### BOARD GOALS

- A Great Place to Live
- A Healthy Environment

A Successful Place for Business and Jobs

Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

Inform and Listen

Discuss

Involve

N/A

**CONTACT**

Department Head: Matt Smith

Author: Jeni Reynolds



# Board of Commissioners

## Request for Board Action

Item Number: DC-1589

Agenda #: 7.2

Meeting Date: 11/15/2022

**DEPARTMENT:** Office of the County Manager

**FILE TYPE:** Consent Action

### TITLE

**Scheduling Of Special County Board Meeting**

### PURPOSE/ACTION REQUESTED

Schedule a special County Board meeting for November 29, 2022.

### SUMMARY

Schedule a special meeting for the purpose of holding closed executive sessions to discuss labor negotiations strategy and hold the County Manager’s year-end performance review.

### RECOMMENDATION

Staff recommends scheduling a special County Board meeting on November 29, 2022 at 4:30 p.m., in the Boardroom, Administration Center, Hastings, MN, for the purpose of holding closed executive sessions to discuss labor negotiations strategy and to hold the County Manager’s year-end performance review .

### EXPLANATION OF FISCAL/FTE IMPACTS

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

### RESOLUTION

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves scheduling a special County Board meeting on November 29, 2022 at 4:30 p.m., in the Boardroom, Administration Center, Hastings, MN, for the purpose of holding closed executive sessions to discuss labor negotiations strategy and to hold the County Manager’s year-end performance review.

### PREVIOUS BOARD ACTION

None.

### ATTACHMENTS

Attachment: None.

### BOARD GOALS

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

Inform and Listen

Discuss

Involve

N/A

**CONTACT**

Department Head: Matt Smith

Author: Jeni Reynolds



# Board of Commissioners

## Request for Board Action

Item Number: DC-1588

Agenda #: 7.3

Meeting Date: 11/15/2022

**DEPARTMENT:** Employee Relations

**FILE TYPE:** Consent Action

**TITLE**

**Authorization To Execute 2023-2024 Labor Agreement With Teamsters Local 320 Jail Unit**

**PURPOSE/ACTION REQUESTED**

Authorize execution of 2023-2024 Labor Agreement with Teamsters Local 320 Jail Unit.

**SUMMARY**

The County’s negotiating team has reached tentative agreement with Teamsters Local 320 Jail Unit representing 51 correctional deputies in the Sheriff’s Office. The terms of the tentative agreement are consistent with 2023-2024 settlement authority previously provided by the Board. While the final form of the Agreement will be reviewed by the County’s contracted labor counsel at Madden Galanter Hansen, LLP prior to execution, the Agreement is being submitted for County Board approval regarding substantive economic and other substantive changes.

1. Term: Two-year Agreement, January 1, 2023 - December 31, 2024
2. 2023 Salary Ranges: 2022 salary ranges increased by 2.5 percent
3. 2024 Salary Ranges: 2023 salary ranges increased by 2.5 percent
4. 2023 General Increase: 3.25%
5. 2024 General Increase: 3.25%
6. 2023-2024 Merit Matrix (in addition to General Increase)

Salary Range	Exceptional Performance	Greatly Exceeds Standards	Exceeds Standards	Meets Standards	Below Standards
Q4	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q3	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q2	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q1	4.25% base	4.25% base	3.25% base	2.25% base	0%

7. June 19 (Juneteenth) added as a paid holiday

- 8. One-time retention payments of \$500 (up to \$1,000 total) to be paid in July 2023 and January 2024

**RECOMMENDATION**

Staff recommends approval.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The cost of the contact is included in the 2023 recommended budget.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

**RESOLUTION**

WHEREAS, the County’s negotiating team has reached tentative agreement with Teamsters Local 320 Jail Unit representing 51 correctional deputies in the Sheriff’s Office; and

WHEREAS, the final form of the Agreement will be reviewed by the County’s contracted labor counsel at Madden Galanter Hansen, LLP prior to execution; and

WHEREAS, the Agreement includes the following substantive economic and other substantive revisions:

- 1. Term: Two-year Agreement, January 1, 2023 - December 31, 2024
- 2. 2023 Salary Ranges: 2022 salary ranges increased by 2.5 percent
- 3. 2024 Salary Ranges: 2023 salary ranges increased by 2.5 percent
- 4. 2023 General Increase: 3.25%
- 5. 2024 General Increase: 3.25%
- 6. 2023-2024 Merit Matrix (in addition to General Increase)

Salary Range	Exceptional Performance	Greatly Exceeds	Exceeds Standards	Meets Standards	Below Standards
Q4	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q3	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q2	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q1	4.25% base	4.25% base	3.25% base	2.25% base	0%

- 7. June 19 (Juneteenth) added as a paid holiday
- 8. One-time retention payments of \$500 (up to \$1,000 total) to be paid in July 2023 and January 2024

; and

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

appropriate County officials to execute the Labor Agreement with Teamsters Local 320 Jail unit for the period January 1, 2023 - December 31, 2024, in accordance with the terms and conditions of the Agreement and those contract modifications submitted to the Dakota County Board of Commissioners dated November 15, 2022, and subject to approval by the County's contracted labor counsel as to form.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: None.

**BOARD GOALS**

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Andy Benish  
Author: Andy Benish



# Board of Commissioners

## Request for Board Action

Item Number: DC-1616

Agenda #: 7.4

Meeting Date: 11/15/2022

**DEPARTMENT:** Employee Relations

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute 2023-2024 Labor Agreement With Minnesota Public Employees Association**

### PURPOSE/ACTION REQUESTED

Authorize execution of 2023-2024 Labor Agreement with the Minnesota Public Employees Association Non-licensed Jail Supervisors Unit.

### SUMMARY

The County’s negotiating team has reached tentative agreement with the Minnesota Public Employees Association Non-licensed Jail Supervisors Unit representing 13 supervisory employees in the Sheriff’s Office. The terms of the tentative agreement are consistent with 2023-2024 settlement authority previously provided by the Board. While the final form of the Agreement will be reviewed by the County’s contracted labor counsel at Madden Galanter Hansen, LLP prior to execution, the Agreement is being submitted for County Board approval regarding substantive economic and other substantive changes.

1. Term: Two-year Agreement, January 1, 2023 - December 31, 2024
2. 2023 Salary Ranges: 2022 salary ranges increased by 2.5%
3. 2024 Salary Ranges: 2023 salary ranges increased by 2.5%
4. 2023 General Increase: 3.25%
5. 2024 General Increase: 3.25%
6. 2023-2024 Merit Matrix (in addition to General Increase)

Salary Range	Exceptional Performance	Greatly Exceeds Standards	Exceeds Standards	Meets Standards	Below Standards
Q4	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q3	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q2	4.25% base	4.25% base	3.25% base	2.25% base	0%

Q1	4.25% base	4.25% base	3.25% base	2.25% base	0%
----	------------	------------	------------	------------	----

- 7. June 19 (Juneteenth) added as a paid holiday
- 8. One-time retention payments of \$500 (up to \$1,000 total) to be paid in July 2023 and January 2024

**RECOMMENDATION**

Staff recommends approval.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The cost of the contact is included in the 2023 recommended budget.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

**RESOLUTION**

WHEREAS, the County’s negotiating team has reached tentative agreement with Minnesota Public Employees Association Non-Licensed Jail Supervisors Unit representing 13 supervisory employees in the Sheriff’s Office; and

WHEREAS, the final form of the Agreement will be reviewed by the County’s contracted labor counsel at Madden Galanter Hansen, LLP prior to execution; and

WHEREAS, the Agreement includes the following substantive economic and other substantive revisions:

- 1. Term: Two-year Agreement, January 1, 2023 - December 31, 2024
- 2. 2023 Salary Ranges: 2022 salary ranges increased by 2.5 percent
- 3. 2024 Salary Ranges: 2023 salary ranges increased by 2.5 percent
- 4. 2023 General Increase: 3.25%
- 5. 2024 General Increase: 3.25%
- 6. 2023-2024 Merit Matrix (in addition to General Increase)

Salary Range	Exceptional Performance	Greatly Exceeds	Exceeds Standards	Meets Standards	Below Standards
Q4	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q3	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q2	4.25% base	4.25% base	3.25% base	2.25% base	0%
Q1	4.25% base	4.25% base	3.25% base	2.25% base	0%

- 7. June 19 (Juneteenth) added as a paid holiday

8. One-time retention payments of \$500 (up to \$1,000 total) to be paid in July 2023 and January 2024  
; and

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the appropriate County officials to execute the Labor Agreement with the Minnesota Public Employees Association, Non-licensed Jail Supervisors Unit in the Sheriff's office for the period of January 1, 2023 - December 31, 2024, in accordance with the terms and conditions of the Agreement and those contract modifications submitted to the Dakota County Board of Commissioners dated November 15, 2022, and subject to approval by the County's contracted labor counsel as to form.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: None.

**BOARD GOALS**

- |   |  |
|---|--|
| <input type="checkbox"/> A Great Place to Live                    | <input type="checkbox"/> A Healthy Environment                   |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input checked="" type="checkbox"/> Excellence in Public Service |

**PUBLIC ENGAGEMENT LEVEL**

- |  |                                  |                                  |   |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/> N/A |
|--|----------------------------------|----------------------------------|---|

**CONTACT**

Department Head: Andy Benish  
Author: Andy Benish



# Board of Commissioners

## Request for Board Action

Item Number: DC-1602

Agenda #: 7.5

Meeting Date: 11/15/2022

**DEPARTMENT:** Employee Relations

**FILE TYPE:** Consent Action

### TITLE

**Adoption Of 2023 Merit Compensation Policy And Plan Provisions**

### PURPOSE/ACTION REQUESTED

Adopt 2023 Merit Compensation Policy and Plan Provisions.

### SUMMARY

Each year the County reviews policies and plans in order to ensure market competitiveness, efficiency and equity in administration, and merit compensation to support Board direction, budget constraints and related management strategies. The proposed 2023 Merit Compensation Policy and Plan (Attachment) is based on the need to provide compensation for employees to reflect market considerations and within projected budget limitations and is consistent with compensation direction previously provided by Board for 2023.

The recommended 2023 non-union salary ranges reflect an increase of 2.5 percent above 2022 non-union salary ranges. The merit matrix provides for a combination of 0.0 percent to 7.5 percent base adjustments.

### RECOMMENDATION

Staff recommends adoption of the 2023 Merit Compensation Policy and Plan Provisions.

### EXPLANATION OF FISCAL/FTE IMPACTS

The costs of these provisions will be included in the County Manager's recommended 2023 budget.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

### RESOLUTION

WHEREAS, market competitive compensation and pay policy administration are essential to effective and efficient government; and

WHEREAS, the 2022 Merit Compensation Policy and Plan provisions should be amended for application in 2023.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the 2023 Merit Compensation Policy and Plan to include the following provisions:

Non-union salary ranges increased 2.5 percent above 2022 non-union salary ranges. The merit matrix provides for a combination of 0.0 percent to 7.5 percent base adjustments ; and

BE IT FURTHER RESOLVED, That participating employees' 2023 salaries shall be established in the context of and consistent with these provisions; and

BE IT FURTHER RESOLVED, That the Employee Relations Director is hereby authorized to update, edit and amend the 2022 Merit Compensation Policy and Plan for application in 2023.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: 2023 Recommended Merit Compensation Plan

**BOARD GOALS**

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Andy Benish  
Author: Andy Benish

DAKOTA COUNTY

---

2023 ~~2022~~

# Merit Compensation Policy & Plan

# DAKOTA COUNTY MERIT COMPENSATION POLICY & PLAN

---

## **I. INTRODUCTION**

The Dakota County philosophy regarding compensation systems and wage and salary administration flows from a belief that all employees are to be provided competitive rewards for achievement. Embodied in this statement are the concepts of output or results-based merit pay in the context of market driven compensation structures. Contained within this broad statement are the County's compensation goals, including 1) attraction and retention of personnel, 2) rewards for excellence, 3) facilitation of compensation equity, 4) equitable distribution of limited County compensation resources, 5) achievement of pay/performance and contribution relationships, 6) possibility of salary differentiation from the highest to the lowest level of performance and contribution, and 7) clear communication of these objectives to all affected employees. The elements of Dakota County's compensation program have been structured to support and advance these objectives.

## **II. ADMINISTRATIVE GUIDELINES**

### **A. Participation**

The provisions of this Plan apply to all Dakota County employees unless specifically addressed in a collective bargaining agreement. All Dakota County employees who are not represented by a collective bargaining unit, or are not participants in the Unclassified Employees' Compensation Plan, will participate in the Dakota County Merit Compensation Plan. New employees will participate immediately upon employment.

### **B. Plan Update**

The Employee Relations Director will annually review all aspects of the Plan, including salary ranges and grade structure, salary increase matrixes, and administrative guidelines. Any recommended changes due to internal organization modifications, external market factors, strategic programmatic and administrative considerations, or other relevant issues will be proposed to the County Board in a timely fashion.

## **III. COMPENSATION PROGRAM ELEMENTS**

### **A. Policy**

It is the policy of Dakota County to provide its employees equitable compensation and financial incentives, to the extent permitted by law, to promote attainment of the highest levels of performance and organizational contribution. The County recognizes that compensation policies are a key factor in the County's ability to attract, retain and motivate well-qualified individuals to participate in the achievement of its objectives. Therefore, the Dakota County Merit Compensation Plan is based on the principles of internal and external pay equity and is designed to relate to the extent possible, an individual's salary to performance and contribution to organization results.

## **B. Salary Structure**

The County salary structure (Attachment II) consists of 18 salary grades with a corresponding salary range for each grade. Salary ranges are formulated around a midpoint, and a salary range spread is calculated. Salary ranges are segmented into four quartiles. The structure is midpoint-driven which means the market rate for County positions is approximately the midpoint of the salary ranges. Market rate is defined as what comparison jurisdictions are actually paying employees in comparable positions. Movement beyond the market rate is dependent upon high performance ratings and tenure in position.

Salary ranges are analyzed and may be adjusted each year based on a number of factors including relative changes in the labor market, inflationary measures, budgetary impact as well as fluctuation in the prevalence of certain job skills in the marketplace.

## **C. Performance Reviews**

Supervisors shall conduct one informal interim performance review to occur mid-review cycle and one formal performance review to occur at the conclusion of the employee's performance review cycle. The annual formal performance review is used to assess the employee's contribution to organization results, to assess the employee's career growth and development and in years when a compensation increase is available, to determine the employee's eligibility for a merit increase. Performance reviews are assessed based on the performance objectives and competencies approved by Employee Relations for the job classification.

The interim review is intended to ensure employees understand how they are performing against established objectives and competencies and provide the opportunity to discuss mutual expectations and make any necessary mid-year corrections. The interim review identifies strengths and areas for improvement. Interim reviews are documented in dated summary memorandum(s) and maintained by the department.

The formal performance review is conducted within 15 days of employees' annual performance review dates. Prior to the conclusion of the evaluation period, employees are expected to complete a self-assessment and to transmit the self-assessment to the appraising supervisor for use in completing their performance review.

Completed performance review documents are signed by the supervisor, the employee and the next higher level of management. The employee's signature indicates that the appraisal has been discussed with the supervisor, but does not necessarily indicate agreement with document content. Employees shall be provided adequate time to review and provide summary comments to the final review document. If an employee refuses to sign the document, it is so noted and the review is processed. Completed performance review documents are retained by Employee Relations consistent with the County retention schedule and related policies.

At the discretion of management, a supervisor's salary increase may be delayed until all scheduled performance reviews are completed. The performance review process combines an assessment of objective success measures and position competencies.

**Exceptional Performance** - is reserved for rare achievements. Employees who receive this level of performance have performed at a level that is well beyond the performance of their top performing peers in a given year. These employees have developed, implemented, or created processes or work results that surpassed all others and brought great value to the County.

**Greatly Exceeds Performance Standards** - is reserved for a limited number of employees who, in a given year, demonstrate extraordinary performance. This rating may result from especially noteworthy accomplishments and/or exceptional performance during the review period that exemplifies organizational excellence.

**Exceeds Performance Standards** - is to recognize a pro-active performer. Results of assigned responsibilities consistently meet and frequently exceed baseline expectations. Routinely evaluates priorities and maximizes opportunities for improvement and collaboration; is pro-active and effective in performing for group success, integrating change, learning and sharing information, understanding and sustaining organizational values and objectives; serves as an example of professionalism and excellence.

**Meets Performance Standards Performance** - is to recognize a reliable, responsive performer. Results of assigned responsibilities meet baseline expectations, regularly or with minimal training or coaching. Takes the steps needed to accomplish tasks, can integrate change as proscribed, complies with group needs while performing individual tasks, and can learn and apply specified information when necessary. Demonstrates conduct appropriate for the workplace and acts consistently within organizational values and objectives.

**Below Performance Standards** - does not achieve baseline performance expectations due to insufficient skill or effort. Results of some or all assigned responsibilities fail to meet baseline expectations. Frequently requires assistance, coaching or regular oversight to complete basic/routine job responsibilities. May be inconsistent in the demonstrated ability to adapt to change and apply new information to assigned tasks or roles and their performance may slow or damage group productivity, functioning or credibility.

Employees who receive a Below Standards rating will receive formal performance reviews at six-month intervals until documented performance warrants a Fully Meets Standards rating. If after the six-month review the employee receives a Meets Standards or above rating, a six-month merit increase is processed and the next review date is adjusted back to the annual or common review date. Employees who receive multiple or consecutive Below Standards ratings will be subject to disciplinary proceedings, up to and including discharge.

#### **D. Individual Development Plans**

As part of the County's formal performance review process, supervisors and employees are encouraged to jointly complete an Individual Development Plan (IDP). Formal discussions of job and career objectives, position enrichment and development may also be included. Development or career objectives should be tied to departmental and County-wide goals.

Completion of an IDP is required if the employee is planning to request tuition reimbursement or if a supervisor has determined that the employee is to complete one.

## **E. Salary Increase Matrix**

The County Merit Matrix is based on the principle that salary range position and performance as reflected in organizational contribution bear a direct relationship and that gravitation toward the market rate (Q2) should occur.

For purposes of the salary increase matrix, salary range position is identified by compa-ratio. This figure represents participants' actual compensation expressed as a percentage of Q2 of the assigned salary range (i.e. compa-ratio of 100.0 = actual compensation at Q2 of the salary range).

The structure of the annual merit matrix (Attachment I) reflects percentage increases based on two dimensions: range position (Quartile 1, 2, 3 & 4) and performance rating. When a merit increase is available, a high performer in a low segment of the salary range may receive a greater base salary increase than an equivalent performer in an upper portion of the salary range. Note that employees whose performance is rated as Below Standards, are in no case eligible for an increase to base salary or a lump sum payment. In no instance will an employee's base salary be increased above the range maximum.

Administering an effective performance-based, market system requires a commitment to truly differentiate performance. There is no expectation that every employee will reach the salary range maximum. Appropriate ratings differentiation is expected. Those employees who perform at higher levels receive greater rewards.

## **F. Extra Meritorious Award**

The Extra Meritorious Award provides up to a 2% lump sum payment of the employee's salary for recognition of special achievements outside the normal expectations of a non-union employee's position. Employees are eligible for an Extra Meritorious Award once per calendar year. Extra Meritorious Awards are approved or disapproved by the County Manager after review and consultation with Employee Relations.

## **G. Promotion**

A promotion is defined as the selection of an internal candidate through the competitive recruitment process into a position at a higher salary grade.

At the time of a promotion decision, the affected employee receives a performance review of the time worked in the current position since the most recent performance appraisal. Upon promotion, employees are eligible for an increase of up to 10% of their actual base salary, or placement at the new salary range minimum, whichever is greater. If the employee's resulting base salary is below Quartile 2 of the new salary range, internal equity and the employee's appropriate placement within the salary range may be considered when implementing a promotional salary action and an additional increase may be proposed. All promotional salary actions require approval by Employee Relations.

Employees promoted into a supervisory position will typically not earn less than 90% of the highest paid subordinate employee in the work unit unless unique circumstances exist. All promotional salary increases will be approved by Employee Relations and reviewed with the Department Director prior to a promotional job offer being extended.

## **H. Demotion**

### *a. Involuntary*

An involuntary demotion is defined as a reassignment from one position to another, which has a lower salary range or classification as a result of a performance-based consequence or other disciplinary procedure. The employee's salary review date will be adjusted to the effective date of the action. The employee's salary is subject to adjustment on a case by case basis as approved by Employee Relations.

### *b. Voluntary*

A voluntary demotion is defined as the selection of an internal candidate through the competitive process into a position at a lower salary range or classification. The employee's salary review date will be adjusted to the effective date of the action. The employee's salary reduction will generally be no greater than 10% of their base pay per pay grade reduced Adjustments will be based on internal equity considerations and approved by Employee Relations.

### *c. Reorganization*

If a demotion is the result of reorganization or unforeseen organization or structure changes and if the affected employee's salary is above the new salary range maximum, the salary is frozen until such time as the salary is within the new salary range.

## **I. Job Evaluation**

Through the County's job evaluation and classification policy, the County ensures that appropriate relationships between classifications and jobs are established and maintained over time through application of a periodic job description review process and reorganization studies when appropriate.

## **J. Reclassification**

A reclassification is defined as movement to another salary grade or classification as a result of approved changes in job duties significantly modifying the position responsibilities. When a position is reclassified to a higher salary grade, employees are eligible for an increase of up to 5% of their actual base salary or placement at the new salary range minimum, whichever is greatest.

Through the periodic job description review process, the County ensures job descriptions are reviewed and updated regularly as changes to services, processes and related job duties occur. When a department plans a substantive structural or work process change they are urged to contact Employee Relations to determine if a reorganization review is needed to ensure classification consistency is maintained and the proposed changes are cost neutral.

Positions may be reclassified with no change in salary grade, upward (higher classification/salary grade); or downward (lower classification/salary grade). If the affected employee's current salary is below the new salary range minimum, the salary is increased to the range minimum. Reclassification downward generally results in no immediate change to the employees' salary. If the employee's salary is above the salary range maximum for the new classification, the salary is frozen until such time as the salary is within the new salary range. When the employee's salary is within the new salary range and in years when a merit opportunity is available, the employee will be eligible on the normal performance review date

for a merit increase based upon documented performance rating. Reclassification of a job class does not change the employee's review date or seniority date.

#### **K. Within-Grade Advancement**

A series of two positions may be established within the same pay-grade. Both positions in the series will have a position description with the more advanced position indicating the necessary mastery or additional responsibility required for the position. When an employee advances from one position to the next in the series, they are eligible for an up to 3 percent increase of their actual base salary.

#### **L. Working Out of Grade**

Out-of-grade pay may be requested whenever an employee is designated by their supervisor to perform all of the duties and responsibilities of a position in a higher salary grade for a period of 10 consecutive work-days or more. Employee Relations reviews the proposed out-of-grade request prior to an appointment and approvals shall be limited to a period not to exceed six-months, however extensions may be requested. Generally, working out-of-grade is the result of a temporarily vacant position. In such a case and for the duration of the out-of-grade assignment, the employee is eligible for a payment of up to 5% of their actual base salary, or placement at the higher salary range minimum, whichever is greater. The out-of-grade payment will be retroactive to the first day the employee worked in the higher classification and may be paid as an adjustment to the hourly rate or paid in a lump-sum at the conclusion of the out-of-grade assignment. Employees being considered for an out-of-grade assignment must meet the minimum qualifications of the position in the higher classification.

Whenever an employee is directed to temporarily perform most, but not all, of the duties and responsibilities of a position in a higher salary grade as defined above for a period of 10 consecutive work days or more, the employee is eligible for a partial out-of-grade payment of up to 3% of their actual base salary to be paid in a lump-sum as indicated in paragraph one of this section.

If an employee's review date occurs during the time they are working in an out-of-grade assignment, a salary adjustment consistent with the Merit Compensation Plan is computed based upon the employee's regular position salary rate minus the out-of-grade differential, , as defined in this policy or applicable labor contract. The out-of-grade rate is then added to the employee's new base salary. When the employee returns to their regular position, they are compensated at their regular rate and they no longer receive the temporary payment received for the out-of-grade assignment.

If the employee is promoted to the out-of-grade position, the time since the employee's last performance review is "closed out" by conducting a performance review for the period in question. The employee then serves a six month probation period. The salary of the promoted employee shall be no less than the rate of pay while serving in the out-of-grade assignment.

If a classified employee is temporarily appointed to an unclassified position, these guidelines may be adjusted to fit the circumstances, subject to review by Employee Relations.

#### **M. On-Call Compensation**

While employees are outside normal work hours but are designated to be on-call they shall be compensated for on-call status at the rate of two dollars (\$2.00) per hour for each hour they are designated on-call. ~~An employee called back to work outside of the employee's regular shift shall receive a minimum of two (2) hours pay for such~~

~~callback. Exempt employees are compensated at the straight time rate and non-exempt employees are compensated at the rate of one and one-half times the normal pay rate. This provision shall not apply to an extension of shift or early report to a regularly scheduled shift.~~

To utilize this provision, a department shall design an on-call plan for approval by Employee Relations (ref. Policy 3200). Salary adjustments must be made in the context of the approved plan.

## **N. Call-Back Pay**

An employee called back to work outside of the employee's regular shift shall receive a minimum of two (2) hours pay for such callback. Exempt employees are compensated at the straight time rate and non-exempt employees are compensated at the rate of one and one-half times the normal pay rate. This provision shall not apply to an extension of shift or early report to a regularly scheduled shift.

## **O. Wage and Salary Guidelines**

- *Full Merit Concept*

All employee base and any lump sum salary actions are provided based solely on the County's Merit Matrix and related guidelines; all base and any lump sum salary actions occur on employees' established annual merit review dates.

- *Merit Matrix*

The Merit Matrix guidelines provide percentage base and lump-sum increases for each level of performance. The merit increase is a percentage calculated on the Q2 rate of the employee's applicable salary range if the salary is below the Q2 rate and calculated on the employee's base salary if above the Q2 rate.

For employees below the range maximum and whose base adjustment would result in an increase above the salary range maximum, the salary increase is available only to the range maximum rate. There are no base or lump sum increases beyond the range maximum.

- *Performance Review Date*

The performance review date has historically been the date on which the employee was last hired, promoted or demoted to a new job classification. Departments are strongly encouraged to move employees to common review dates in order to more equitably evaluate performance across work units. In the year of movement to a common review date an employee's merit increase is prorated from the date of the most recent merit increase. Employees' review dates are adjusted or in the event of approved unpaid leaves of absence of 90 days or more. Where departmental common review dates exist, merit increases will be prorated for unpaid leaves of absence of 90 days or more.

- *Effective Dates of Increases*

Any available pay increases will be effective the first day of the pay period in which the performance review date falls. This effective date will not affect the employee's performance review date.

- *Six-Month Probationary Performance Reviews*

Six-month probationary performance reviews are conducted to determine if the employee has met all the performance requirements of the position. In years when a merit opportunity is available and based on the plan year merit guidelines within which they fall, 50% of the merit increase is provided upon successful completion of the initial

probationary period. At the conclusion of the first 12 months of work in the job, a second six-month performance review is conducted and depending on available merit guidelines, 50% of the eligible merit increase is provided upon successful performance.

- *Salaries Below the Range Minimum*

At the beginning of a calendar year, employees compensated at rates less than the minimum of the new salary ranges, will be adjusted to the new range minimum.

- *Increases to Top of Range*

No employee's salary may exceed the salary range maximum. In years with an available merit increase opportunity, a base increase may be given up to the maximum. There are no base or lump sum increases if an employee's salary is at the salary range maximum rate.

#### **P. Approval Process**

All performance review and salary increase materials and documentation require two levels of approval signatures. Consistent with County policy, individual Divisions/ Departments may require additional approvals. After appropriate Division/Department approval, all review materials are forwarded to Employee Relations in advance of the payroll deadline, for final approval and processing.

#### **Q. Market Adjustment**

When a market analysis for a specific job class indicates the assigned salary range mid-point deviates, positively or negatively, from the market by more than 10%, the job class may be placed at an established salary grade that most closely corresponds to the applicable market rate. The job class is administered in the context of the adjusted grade. All market adjustments will be re-evaluated on a regular basis.

#### **R. Plan Exceptions**

The County Manager may approve exceptions to the Plan. These will generally involve internal and labor market equity considerations or unusual circumstances and will occur only upon the recommendation of the Employee Relations Director.

#### **S. Policy Implications**

The provisions of this Plan supersede any applicable Dakota County Employee Relations Policies and Procedures.

# DAKOTA COUNTY NON-UNION MERIT COMPENSATION PLAN

## 2022 2023 Merit Matrix

The Merit Matrix guidelines provide maximum recommended percentage increases for each level of performance and for each of the four salary quartiles. All below Q2 salary actions are a percentage of the Q2 rate. All above Q2 salary actions are a percentage of the employee's base salary.

Salary Range	PERFORMANCE RATING				
	<i>Exceptional Performance</i>	Greatly Exceeds Standards	Exceeds Standards	Meets Standards	Below Standards
Q4	<u>7.5% base</u> 2% base+ 3% lump sum	<u>7.5% base</u> 2% base+ 3% lump sum	<u>6.5% base</u> 2% base+ 2% lump sum	<u>5.5% base</u> 2% base+ 1% lump sum	0%
Q3	<u>7.5% base</u> 2% base+ 3% lump sum	<u>7.5% base</u> 2% base+ 3% lump sum	<u>6.5% base</u> 2% base+ 2% lump sum	<u>5.5% base</u> 2% base+ 1% lump sum	0%
Q2	<u>7.5% base</u> 2% base+ 3% lump sum	<u>7.5% base</u> 2% base+ 3% lump sum	<u>6.5% base</u> 2% base+ 2% lump sum	<u>5.5% base</u> 2% base+ 1% lump sum	0%
Q1	<u>7.5% base</u> 2% base+ 3% lump sum	<u>7.5% base</u> 2% base+ 3% lump sum	<u>6.5% base</u> 2% base+ 2% lump sum	<u>5.5% base</u> 2% base+ 1% lump sum	0%

# ~~2022 DAKOTA COUNTY PAY EQUITY COMPENSATION STRUCTURE~~

<b>Grade</b>	<b>Minimum</b>	<b>Q-1</b>	<b>Midpoint</b>	<b>Q-3</b>	<b>Maximum</b>
100	\$25,814	\$29,041	\$32,268	\$36,302	\$40,335
101	\$28,912	\$32,526	\$36,140	\$40,658	\$45,175
102	\$32,382	\$36,430	\$40,477	\$45,537	\$50,596
103	\$36,267	\$40,801	\$45,334	\$51,001	\$56,668
104	\$40,619	\$45,697	\$50,774	\$57,121	\$63,468
105	\$45,494	\$51,181	\$56,867	\$63,976	\$71,084
106	\$50,953	\$57,322	\$63,691	\$71,653	\$79,614
107	\$57,067	\$64,201	\$71,334	\$80,251	\$89,168
108	\$63,915	\$71,905	\$79,894	\$89,881	\$99,868
109	\$71,585	\$80,533	\$89,481	\$100,666	\$111,851
110	\$80,175	\$90,197	\$100,219	\$112,747	\$125,274
111	\$89,796	\$101,021	\$112,245	\$126,276	\$140,306
112	\$100,571	\$113,143	\$125,714	\$141,429	\$157,143
113	\$112,640	\$126,720	\$140,800	\$158,400	\$176,000
114	\$126,157	\$141,927	\$157,696	\$177,408	\$197,120
115	\$141,296	\$158,958	\$176,620	\$198,698	\$220,775
116	\$158,251	\$178,033	\$197,814	\$222,541	\$247,268
117	\$177,242	\$199,397	\$221,552	\$249,246	\$276,940

Shaded salaries exceed the 2022 Local Government Salary Cap and are currently unavailable to Dakota County employees without a waiver.

## 2023 DAKOTA COUNTY PAY EQUITY COMPENSATION STRUCTURE

<u>Grade</u>	<u>Minimum</u>	<u>Q-1</u>	<u>Midpoint</u>	<u>Q-3</u>	<u>Maximum</u>
<u>100</u>	<u>\$26,460</u>	<u>\$29,768</u>	<u>\$33,075</u>	<u>\$37,210</u>	<u>\$41,344</u>
<u>101</u>	<u>\$29,635</u>	<u>\$33,340</u>	<u>\$37,044</u>	<u>\$41,675</u>	<u>\$46,305</u>
<u>102</u>	<u>\$33,191</u>	<u>\$37,340</u>	<u>\$41,489</u>	<u>\$46,675</u>	<u>\$51,861</u>
<u>103</u>	<u>\$37,174</u>	<u>\$41,821</u>	<u>\$46,468</u>	<u>\$52,277</u>	<u>\$58,085</u>
<u>104</u>	<u>\$41,635</u>	<u>\$46,840</u>	<u>\$52,044</u>	<u>\$58,550</u>	<u>\$65,055</u>
<u>105</u>	<u>\$46,631</u>	<u>\$52,460</u>	<u>\$58,289</u>	<u>\$65,575</u>	<u>\$72,861</u>
<u>106</u>	<u>\$52,227</u>	<u>\$58,756</u>	<u>\$65,284</u>	<u>\$73,445</u>	<u>\$81,605</u>
<u>107</u>	<u>\$58,494</u>	<u>\$65,806</u>	<u>\$73,118</u>	<u>\$82,258</u>	<u>\$91,398</u>
<u>108</u>	<u>\$65,514</u>	<u>\$73,703</u>	<u>\$81,892</u>	<u>\$92,129</u>	<u>\$102,365</u>
<u>109</u>	<u>\$73,375</u>	<u>\$82,547</u>	<u>\$91,719</u>	<u>\$103,184</u>	<u>\$114,649</u>
<u>110</u>	<u>\$82,180</u>	<u>\$92,453</u>	<u>\$102,725</u>	<u>\$115,566</u>	<u>\$128,406</u>
<u>111</u>	<u>\$92,042</u>	<u>\$103,547</u>	<u>\$115,052</u>	<u>\$129,434</u>	<u>\$143,815</u>
<u>112</u>	<u>\$103,086</u>	<u>\$115,972</u>	<u>\$128,858</u>	<u>\$144,966</u>	<u>\$161,073</u>
<u>113</u>	<u>\$115,457</u>	<u>\$129,889</u>	<u>\$144,321</u>	<u>\$162,361</u>	<u>\$180,401</u>
<u>114</u>	<u>\$129,312</u>	<u>\$145,476</u>	<u>\$161,640</u>	<u>\$181,845</u>	<u>\$202,050</u>
<u>115</u>	<u>\$144,830</u>	<u>\$162,934</u>	<u>\$181,037</u>	<u>\$203,667</u>	<u>\$226,296</u>
<u>116</u>	<u>\$162,209</u>	<u>\$182,485</u>	<u>\$202,761</u>	<u>\$228,106</u>	<u>\$253,451</u>
<u>117</u>	<u>\$181,674</u>	<u>\$204,383</u>	<u>\$227,092</u>	<u>\$255,479</u>	<u>\$283,865</u>

Shaded salaries exceed the 2023 Local Government Salary Cap and are currently unavailable to Dakota County employees without a waiver.



# Board of Commissioners

## Request for Board Action

Item Number: DC-1608

Agenda #: 7.6

Meeting Date: 11/15/2022

**DEPARTMENT:** Employee Relations

**FILE TYPE:** Consent Action

### TITLE

**Adoption Of 2023 Unclassified Employees Merit Compensation Policy And Plan**

### PURPOSE/ACTION REQUESTED

Adopt the 2023 Unclassified Employees Merit Compensation Policy and Plan.

### SUMMARY

Each year the County updates the non-union Merit Compensation Policy and Plan. In the context of and consistent with this Plan, the County also establishes a Merit Compensation Policy and Plan for unclassified employees. This Plan provides a mechanism for the application of County compensation principles of salaries of appointed Department/Division Heads and the County Manager and defines a process for the establishment of Elected Department Heads' and County Commissioner compensation. A plan document for 2023 is included as an attachment.

The proposed 2023 Unclassified Merit Compensation Policy and Plan include an updated Notice of Intent to Decline 2023 Salary Increase, Attachment B. The non-union 2023 merit matrix and salary ranges have been added to the Unclassified Employee Merit Compensation Policy and Plan document for clarity.

### RECOMMENDATION

Staff recommends approval.

### EXPLANATION OF FISCAL/FTE IMPACTS

The costs of these provisions are included in the County Manager's recommended 2023 budget.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

### RESOLUTION

WHEREAS, market competitive compensation and effective pay policy administration are essential to effective and efficient government; and

WHEREAS, a Dakota County Pay Equity Compensation Structure has been established; and

WHEREAS, the County maintains a process by which Elected Officials' compensation is determined; and

WHEREAS, the Unclassified Employees' Merit Compensation Policy and Plan should be updated for application in 2023.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts, for application in 2023, the 2023 Unclassified Employees' Merit Compensation Policy and Plan:

- The 2023 Pay Equity Compensation Structure recommended to the Board of Commissioners on
- November 29, 2022, applies to unclassified employees; and
- The 2023 non-union Merit Matrix provides for five levels of performance with varying merit opportunity based upon performance levels applies to unclassified employees
- The non-union 2023 merit matrix and salary ranges have been added to the Unclassified Employee Merit Compensation Policy and Plan document for clarity

; and

BE IT FURTHER RESOLVED, That the participants' calendar or payroll year 2023 salaries shall be established in the context of and consistent with this Plan; and

BE IT FURTHER RESOLVED, That the Employee Relations Director is hereby authorized to amend the 2022 Unclassified Employees Merit Compensation Policy and Plan consistent with the above referenced 2023 provisions in Employee Relations Policies and Procedures.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: 2023 Unclassified Employees Merit Compensation

Attachment: Notice of Intent to Decline 2023 Salary Increase

**BOARD GOALS**

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Andy Benish

Author: Andy Benish

**DAKOTA COUNTY**

---

**~~2023-2022~~**

**Unclassified Employees  
Merit Compensation  
Policy & Plan**

---

# DAKOTA COUNTY UNCLASSIFIED EMPLOYEES MERIT COMPENSATION POLICY & PLAN

---

## I. INTRODUCTION

At the direction of the County Board, the Employee Relations Department developed a Compensation Plan for appointed unclassified employees which provides for salary increases based on performance only, provides a structure within which Commissioners and Elected Department Head salaries can be administered absent the performance dimension, and constitutes a framework within which indirect compensation elements could be established. The objective of this Plan is to provide a salary structure which is equitable and competitive and which can reward productivity and effectiveness as well as those performance results that support County, Division and Department purposes and objectives.

To ensure the County's ability to attract and retain qualified individuals for its Unclassified positions, competitive salary ranges are provided consistent with pay equity range structure. The ranges are based on both internal relationships established through job evaluation as well as external market influences.

To ensure that movement within salary ranges is performance based, performance criteria including related standards of performance and annual objectives will be established for each appointed position, consistent with overall County purposes and objectives. Review of results achieved by participants will be provided to appropriate levels of management who will make compensation decisions based on relevant criteria.

Elected Department Heads' and Commissioners' compensation is set by County Board action based on the applicable compensation criteria established in this plan and as provided by law.

## II. ADMINISTRATIVE GUIDELINES

### A. Participation

Participants in the Unclassified Employees Compensation Plan include all Dakota County positions designated and defined as Unclassified in the Dakota County Personnel Act, but limited to:

- ◆ Positions filled by election;
- ◆ Positions for which a county or district court judge is the appointing authority;
- ◆ Positions designated as department heads and appointed by the County Board or the County Manager;
- ◆ Positions designated by the County Board or by law as department heads and filled by a board or commission appointed by the County Board.

Unless otherwise provided for, all new unclassified employees as defined above will participate immediately upon employment.

For the purpose of determining Department Head status with respect to inclusion in this plan, the following criteria drawn from the Minnesota Supreme Court decision, *State ex rel. McGinnis*, 91 N.W.2d at 163, are provided:

1. Does the employee have charge of the work done by the department?
2. Does the work require technical, professional training?
3. Is the employee the highest authority at that level of government as to the official duties?
4. Does the employee supervise all of the work in the department?
5. Does the success of the department depend on the employee's technique?
6. Are the employees in the department under the employee's direction?
7. Are the employee's duties more than merely different from other employees?
8. Does the employee have the power to hire and fire subordinates?

County Commissioners, the County Attorney and County Sheriff will be compensated in the context of this Plan and will have their compensation set annually by action of the County Board, consistent with applicable compensation criteria and as may be required by law. This process will occur during December of each year.

Nothing in this document is to be construed as a guarantee of employment for any fixed period\*; or as a commitment to continue the Unclassified Employees' Compensation Plan for more than one calendar year at a time. Participation in this Plan will be to the exclusion of any other compensation consideration, and all resulting salary actions will be based solely on the processes contained in this Compensation Plan, subject to applicable statutes.

\* Elected officials' continued employment is governed by law.

## **B. Plan Update**

The Employee Relations Director will annually review all aspects of the Plan. Any recommended changes due to internal organization modifications, external market factors, necessary programmatic and administrative considerations, or other relevant issues will be proposed to the County Board in a timely fashion, for implementation during the next subsequent plan year.

## **III. PROGRAM ELEMENTS**

### **A. Policy**

It is the policy of Dakota County to provide its employees equitable compensation and financial incentives, to the extent permitted by law, to promote attainment of the highest levels of performance and organization contribution. In addition, the County recognizes that compensation policies are a key factor in the County's ability to attract and retain well-qualified individuals to participate in the achievement of its objectives. The Unclassified Employees' Compensation Plan is based on the principles of equitable compensation relationships, and to the extent possible, it is designed to relate individuals' remuneration to performance and relative contribution to the organization.

## **B. Post Employment Health Care Savings Plan (PEHCSP)**

All Non-union employees have since 2003 been required to participate in a Board adopted PEHCSP. Unclassified employees will participate in the Unclassified Employees Post Employment Health Care Savings Plan and Unclassified Employees PEHCSP provisions are incorporated into this Unclassified Employees Merit Compensation Policy & Plan.

## **C. Position Classification**

Appointed positions will be classified using the Decision Band Method of job evaluation. The results of this process will determine the level and corresponding salary grade of each position. When significant changes occur in a position, a review will be conducted consistent with established County job evaluation procedures and, if indicated, assignment to a different salary grade will be made. If a below-range-minimum condition exists, the incumbents' salary will be set at the salary range minimum.

Elected positions will be placed into the salary grade structure based on the Decision Band Method of job evaluation and related, applicable internal/external salary criteria. Resulting midpoints of assigned salary grades will most nearly reflect the prevailing market rates for the respective positions.

## **D. Job Grade and Salary Range Structure**

Job grades form the framework of the compensation structure. The County's compensation structure for unclassified positions includes job salary grades 110-117. These grades represent increasing levels of position responsibility.

Each salary grade consists of a salary range to which positions having generally equal value have been assigned. Salary grades for all job grades have the following characteristics:

1. The range minimum represents the lowest dollar value to the County (as determined by internal and external equity considerations) of any job assigned to that grade.
2. The range maximum represents the highest dollar value of jobs assigned to the range and serves as a salary cost control mechanism.

Each salary range is segmented into four quartiles. The lowest quartile is generally designed for employees who are new in their job or performers with limited expertise who have not yet achieved a fully satisfactory performance level. The second quartile is designed for employees demonstrating fully satisfactory performance in all phases of the job. The third and fourth quartiles are designed to properly compensate employees who perform at higher levels. Salary ranges, midpoint differentials, and range spreads in this structure are based on the Dakota County Merit Compensation Structure.

## **E. Performance Determination**

### **1. County Commissioners and Elected Department Heads**

County Commissioners, the County Attorney and the County Sheriff will not be subject to the performance analysis/appraisal process.

### **2. County Manager**

Progression within salary ranges for the County Manager is based on an annual appraisal at the end of each year to determine results against defined performance criteria. The rating of the County Manager's annual performance is the basis for subsequent compensation decisions.

The County Manager's performance review process involves three key events through the annual review cycle. At the beginning of the year, the County Board and County Senior Leadership team identify the County's Annual Goals for the year. Mid-year, the County Manager and County Board engage in a feedback process to assess mid-year progress and provide informal feedback about the County Manager's performance to date based on the performance appraisal criteria.

A detailed, formal performance appraisal is conducted by the County Board based on the analysis and materials submitted to substantiate the performance review criteria and a narrative self-review provided by the County Manager to provide context regarding achievements through the annual review cycle. The County Board reviews the completed performance appraisal with the County Manager. Any compensation determination is based on the performance appraisal rating.

The criteria for the County Manager's performance are based on two key performance elements, goals and core competencies. Dakota County's Annual Board Goals and Annual Priorities provides a comprehensive framework for defining and evaluating organizational outcomes for Dakota County. It provides a report of County outcomes that measure annual accomplishment against benchmark measures. Behaviorally defined Core Competencies, identified by the County Board, are used to assess the personal skills and abilities critical to facilitating the processes needed to manage and conduct the County's business.

### **3. Appointed Participants (Excluding County Manager)**

For appointed employees, progression within salary ranges will be based on results against identified performance criteria for each participating position. On an annual basis, the extent to which appointed participants have achieved performance expectations will be evaluated. The results of these evaluations will be the basis for compensation decisions. The Dakota County Performance Management system will be used in this process.

Following the performance review, each appointed participant will develop written performance criteria and annual goals applicable to the function in question, which will be subject to the review and approval of responsible management.

Appointed participants will produce an analysis of specific results accomplished in the context of the predetermined performance criteria and goals prior to their performance review. This analysis will be provided to the employee's immediate supervisor, who will develop a detailed

performance appraisal utilizing the analysis and other materials and information deemed appropriate.

As part of the formal performance appraisal process, appointed employees may be expected to complete an Individual Development Plan (IDP) with their supervisor. Each IDP may contain previously identified areas needing development and corresponding action plans, formal discussions of job and career objectives including current position enrichment, as well as future career expectations. The development areas and career objectives identified should be tied to departmental and county-wide goals.

## **F. Salary Increase Matrix**

This Plan follows the Dakota County Pay Equity Merit Matrix and gravitation toward the range midpoint should occur.

The merit matrix provides recommended percentage increases based on two dimensions: range position (Quartile 1, 2, 3 & 4) and performance rating.

For purposes of the salary increase matrix, salary range position is identified by compa-ratio. This figure represents participants' actual compensation expressed as a percentage of the Q2 of the assigned salary range (i.e. compa-ratio of 100.0 = actual compensation at Q2 of the salary range).

Since Commissioners and Elected Department Heads do not receive performance reviews, the salary increase matrix will apply to those positions only as outlined in Sec. G, 1 & 2. All matrix related compensation considerations are consistent with matrix guidelines contained in the 2020 Merit Compensation Plan.

If applying the applicable salary increase matrix to an employee's salary results in a salary that exceeds the Local Government Salary Cap or the Dakota County Salary Cap waiver, the amount of salary exceeding the cap shall be deposited into the Post Employment Health Care Savings Plan.

## **G. Compensation Review**

### **1. County Commissioners**

Annual establishment of County Commissioners' compensation will occur following the Unclassified Employees' Compensation Plan update but no later than December 31 of each year. A recommendation of the annual salary of County Commissioners for the next year shall be made by the Employee Relations Director and County Manager and shall be based upon consistency with Dakota County's compensation structure for unclassified positions.

Dakota County Commissioners may file an irrevocable notice to individually reject the proposed yearly increase by signing a notice of salary increase declination (Attachment I). This form must be returned to the Employee Relations Director on or before the date indicated on the form.

### **2. Elected Department Heads**

Annual review and establishment of elected department head compensation will occur following the Unclassified Employees' Compensation Plan update, but not later than December 31 of each year.

Unless otherwise established by the County Board, the annual salaries of elected department heads shall be determined based upon the following designated salary ranges under Dakota County's compensation structure:

- County Attorney: salary grade 115
- County Sheriff: salary grade 114

Salaries for elected Department Heads will be calculated by determining the previous years' weighted average performance rating based merit increases of appointed Department and Division Heads and applying the resulting increase percentage to the previously established Elected Department Head salary.

Elected Department Heads are eligible to participate in an employer-funded compensation equivalency account consistent with the Elected Department Head Benefits Parity Plan.

If the proposed annual compensation of the County Attorney or County Sheriff exceeds the maximum compensation permitted by law to be paid to the County Manager, the elected Department Head will be paid at a rate equal to ~~such percentage of~~ the maximum compensation permitted by law to be paid to the County Manager. In no event shall an Elected Department Head's base salary exceed the maximum for the designated salary range assigned to the position.

This proposed compensation level will be recommended to the County Board for approval effective January 1.

### 3. County Manager

Annual review of County Manager's compensation will occur only after a comprehensive performance appraisal. The salary increase matrix will be used as a guide to relate performance to salary range position. Resulting matrix percentages will be applied to the relevant salary range to determine the appropriate annual dollar increase.

Based on the approved performance appraisal, related performance rating and salary increase matrix, the Employee Relations Director will compute the specific merit increase. The resulting figure will be applied to the incumbents' compensation, and the sum, will constitute the proposed annual compensation, subject to the maximum compensation permitted by law to be paid to the County Manager. In no event shall the Manager's base salary exceed the maximum for the designated salary range assigned to the position.

Merit increase recommendations will be forwarded in writing to the County Board for approval, effective January 1.

#### 4. Appointed Participants (Excluding County Manager)

Annual review of appointed participants' compensation will occur only after a comprehensive performance appraisal. The salary increase matrix will be used as a guide to relate performance to salary range position. Resulting matrix percentages will be applied to the relevant salary range to determine the appropriate annual dollar increase.

Based on the approved performance appraisal, related performance rating and salary increase matrix, the Employee Relations Director will compute the specific merit increase. It will constitute the proposed annual compensation, subject to the maximum compensation permitted by law.

~~Appointed participants' salary increase recommendations will be forwarded in writing to the County Manager for approval.~~ In no event shall an appointed participant's base salary exceed the maximum for the designated salary range of the position.

Appointed participants' salary levels are normally reviewed annually, but incumbents may receive a performance appraisal and related salary consideration at intervals of less than 12 months. This is to occur only in unusual circumstances.

#### H. Extra Meritorious Award

The Extra Meritorious Award provides up to a 2% lump sum payment of the employee's salary for recognition of special achievements outside the normal expectations of an employee's position. Extra Meritorious Awards are approved or disapproved by the County Manager after review and consultation with the Employee Relations Director.

#### I. Promotion

A promotion is defined as the selection of an internal candidate through the competitive process into a position at a higher salary grade.

At the time of a promotion decision, the employee is reviewed for time worked in the current position since the most recent performance appraisal. All promotional increases will be approved by Employee Relations. Resulting internal equity and the employee's appropriate placement within the salary range are to be considered when implementing a promotional salary action.

#### J. Demotion

- *Involuntary*

An involuntary demotion is defined as a reassignment from one position to another, which has a lower salary range or classification as a result of a performance-based consequence or other disciplinary procedure. The employee's salary review date will be adjusted to the effective date of the action. The employee's salary is subject to adjustment on a case-by-case basis as approved by Employee Relations.

- *Voluntary*

A voluntary demotion is defined as the selection of an internal candidate through the competitive process into a position at a lower salary range or classification. The employee's salary review date will be adjusted to the effective date of the action. The employee's salary will be adjusted on a case-by-case basis as approved by Employee Relations.

- *Reorganization*

If a demotion is the result of reorganization or unforeseen organization or structure changes and if the affected employee's salary is above the new salary range maximum, the salary is frozen until such time as the salary is within the new salary range.

**K. Working Out of Grade**

Out-of-grade pay may be requested whenever a participant is designated to perform the duties and responsibilities of a vacant position in a higher classification. Out-of-grade pay for unclassified positions will be determined on a case-by-case basis. Appropriate compensation will be approved by the County Manager upon recommendation of the Employee Relations Director.

**L. Market Adjustment**

When a specific job class market analysis indicates the assigned salary range midpoint deviates, positively or negatively, from the market by more than 10%, the job class may be placed at an established salary range that most closely corresponds to the applicable market rate. The job class is administered in the context of the adjusted range. All market adjustments will be re-evaluated on an annual basis.

**M. Plan Exceptions**

The County Manager may approve exceptions to the Plan which do not involve County Manager or elected official compensation. These will generally involve internal and labor market equity considerations or unusual circumstances and will occur only upon the recommendation of the Employee Relations Director.

**N. Policy Implications**

The provisions of this Plan supersede any applicable Dakota County Employee Relations Policies or Procedures.

DAKOTA COUNTY NON-  
UNION MERIT COMPENSATION PLAN

**2022 2023 Merit Matrix**

The Merit Matrix guidelines provide maximum recommended percentage increases for each level of performance and for each of the four salary quartiles. All below Q2 salary actions are a percentage of the Q2 rate. All above Q2 salary actions are a percentage of the employee's base salary.

Salary Range	PERFORMANCE RATING				
	<i>Exceptional Performance</i>	Greatly Exceeds Standards	Exceeds Standards	Meets Standards	Below Standards
Q4	<u>7.5% base</u> 2% base+ 3% lump sum	<u>7.5% base</u> 2% base+ 3% lump sum	<u>6.5% base</u> 2% base+ 2% lump sum	<u>5.5% base</u> 2% base+ 1% lump sum	0%
Q3	<u>7.5% base</u> 2% base+ 3% lump sum	<u>7.5% base</u> 2% base+ 3% lump sum	<u>6.5% base</u> 2% base+ 2% lump sum	<u>5.5% base</u> 2% base+ 1% lump sum	0%
Q2	<u>7.5% base</u> 2% base+ 3% lump sum	<u>7.5% base</u> 2% base+ 3% lump sum	<u>6.5% base</u> 2% base+ 2% lump sum	<u>5.5% base</u> 2% base+ 1% lump sum	0%
Q1	<u>7.5% base</u> 2% base+ 3% lump sum	<u>7.5% base</u> 2% base+ 3% lump sum	<u>6.5% base</u> 2% base+ 2% lump sum	<u>5.5% base</u> 2% base+ 1% lump sum	0%

~~2022 DAKOTA COUNTY PAY EQUITY COMPENSATION STRUCTURE~~

<b>Grade</b>	<b>Minimum</b>	<b>Q-1</b>	<b>Midpoint</b>	<b>Q-3</b>	<b>Maximum</b>
100	\$25,814	\$29,041	\$32,268	\$36,302	\$40,335
101	\$28,912	\$32,526	\$36,140	\$40,658	\$45,175
102	\$32,382	\$36,430	\$40,477	\$45,537	\$50,596
103	\$36,267	\$40,801	\$45,334	\$51,001	\$56,668
104	\$40,619	\$45,697	\$50,774	\$57,121	\$63,468
105	\$45,494	\$51,181	\$56,867	\$63,976	\$71,084
106	\$50,953	\$57,322	\$63,691	\$71,653	\$79,614
107	\$57,067	\$64,201	\$71,334	\$80,251	\$89,168
108	\$63,915	\$71,905	\$79,894	\$89,881	\$99,868
109	\$71,585	\$80,533	\$89,481	\$100,666	\$111,851
110	\$80,175	\$90,197	\$100,219	\$112,747	\$125,274
111	\$89,796	\$101,021	\$112,245	\$126,276	\$140,306
112	\$100,571	\$113,143	\$125,714	\$141,429	\$157,143
113	\$112,640	\$126,720	\$140,800	\$158,400	\$176,000
114	\$126,157	\$141,927	\$157,696	\$177,408	\$197,120
115	\$141,296	\$158,958	\$176,620	\$198,698	\$220,775
116	\$158,251	\$178,033	\$197,814	\$222,541	\$247,268
117	\$177,242	\$199,397	\$221,552	\$249,246	\$276,940

Shaded salaries exceed the 2022 Local Government Salary Cap and are currently unavailable to Dakota County employees without a waiver.

2023 DAKOTA COUNTY  
PAY EQUITY COMPENSATION STRUCTURE

<u>Grade</u>	<u>Minimum</u>	<u>Q-1</u>	<u>Midpoint</u>	<u>Q-3</u>	<u>Maximum</u>
<u>100</u>	<u>\$26,460</u>	<u>\$29,768</u>	<u>\$33,075</u>	<u>\$37,210</u>	<u>\$41,344</u>
<u>101</u>	<u>\$29,635</u>	<u>\$33,340</u>	<u>\$37,044</u>	<u>\$41,675</u>	<u>\$46,305</u>
<u>102</u>	<u>\$33,191</u>	<u>\$37,340</u>	<u>\$41,489</u>	<u>\$46,675</u>	<u>\$51,861</u>
<u>103</u>	<u>\$37,174</u>	<u>\$41,821</u>	<u>\$46,468</u>	<u>\$52,277</u>	<u>\$58,085</u>
<u>104</u>	<u>\$41,635</u>	<u>\$46,840</u>	<u>\$52,044</u>	<u>\$58,550</u>	<u>\$65,055</u>
<u>105</u>	<u>\$46,631</u>	<u>\$52,460</u>	<u>\$58,289</u>	<u>\$65,575</u>	<u>\$72,861</u>
<u>106</u>	<u>\$52,227</u>	<u>\$58,756</u>	<u>\$65,284</u>	<u>\$73,445</u>	<u>\$81,605</u>
<u>107</u>	<u>\$58,494</u>	<u>\$65,806</u>	<u>\$73,118</u>	<u>\$82,258</u>	<u>\$91,398</u>
<u>108</u>	<u>\$65,514</u>	<u>\$73,703</u>	<u>\$81,892</u>	<u>\$92,129</u>	<u>\$102,365</u>
<u>109</u>	<u>\$73,375</u>	<u>\$82,547</u>	<u>\$91,719</u>	<u>\$103,184</u>	<u>\$114,649</u>
<u>110</u>	<u>\$82,180</u>	<u>\$92,453</u>	<u>\$102,725</u>	<u>\$115,566</u>	<u>\$128,406</u>
<u>111</u>	<u>\$92,042</u>	<u>\$103,547</u>	<u>\$115,052</u>	<u>\$129,434</u>	<u>\$143,815</u>
<u>112</u>	<u>\$103,086</u>	<u>\$115,972</u>	<u>\$128,858</u>	<u>\$144,966</u>	<u>\$161,073</u>
<u>113</u>	<u>\$115,457</u>	<u>\$129,889</u>	<u>\$144,321</u>	<u>\$162,361</u>	<u>\$180,401</u>
<u>114</u>	<u>\$129,312</u>	<u>\$145,476</u>	<u>\$161,640</u>	<u>\$181,845</u>	<u>\$202,050</u>
<u>115</u>	<u>\$144,830</u>	<u>\$162,934</u>	<u>\$181,037</u>	<u>\$203,667</u>	<u>\$226,296</u>
<u>116</u>	<u>\$162,209</u>	<u>\$182,485</u>	<u>\$202,761</u>	<u>\$228,106</u>	<u>\$253,451</u>
<u>117</u>	<u>\$181,674</u>	<u>\$204,383</u>	<u>\$227,092</u>	<u>\$255,479</u>	<u>\$283,865</u>

Shaded salaries exceed the 2023 Local Government Salary Cap and are currently unavailable to Dakota County employees without a waiver.

# DAKOTA COUNTY BOARD OF COMMISSIONERS

---

## Notice of Intent to Decline 2023 Salary

Commissioner:

- I hereby notify Dakota County that I IRREVOCABLY DECLINE to receive the 2023 salary established by the County Board on November 29, 2022 and elect to receive in 2023 the 2022 salary established by the County Board. I understand that this statement must be filed with the Employee Relations Director no later than December 23, 2022.

Signature:

Date:



# Board of Commissioners

## Request for Board Action

Item Number: DC-1570

Agenda #: 8.1

Meeting Date: 11/15/2022

**DEPARTMENT:** Information Technology

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Contract With NetSPI To Perform Security Audit On Dakota County's Internal, External And Cloud Environments**

### PURPOSE/ACTION REQUESTED

Authorize contract with NetSPI to perform security audit on Dakota County's internal, external and cloud environments.

### SUMMARY

Due to the increased need to validate complete protection of Dakota County Networks, the Information Technology Department desires to contract with a third party to perform an extensive security audit on the entire network. The consultant will also be conducting specialized reviews of the new cloud systems as well as reviewing standard workstation and laptop deployments.

A request for proposal was posted on the county website from September 16, 2022 through October 14, 2022. The County received 23 responses (Attachment).

NetSpi has been selected as having the best response. They stood out above other respondents in their ability to perform a review of the cloud (M365) environment and perform a detailed evaluation of configuration settings on workstations and laptops used throughout our environment.

### RECOMMENDATION

Staff recommend the County Board authorize a contract with NetSPI in the amount of \$99,877.75 to conduct security audit testing for the County.

### EXPLANATION OF FISCAL/FTE IMPACTS

There is sufficient budget within Information Technology from previous year project carryover.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

### RESOLUTION

WHEREAS, due to the increased need to validate complete protection of Dakota County Networks; and

WHEREAS, the Information Technology Department needs to contract with a 3<sup>rd</sup> party to perform an extensive security audit on the entire network; and

WHEREAS, a request for proposal was advertised from September 16, 2022 through October 14, 2022 and 23 responses were received; and

WHEREAS, NetSPI responded to the advertised request for proposal with the lowest qualified proposal to conduct the testing; and

WHEREAS, sufficient funding is available.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chief Information Officer to enter a contract with NetSPI in the amount of \$99,877.75 for security audit testing, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: RFP Responses

**BOARD GOALS**

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Dan Cater

Author: Dan Ferber

The following vendors submitted to the Request for Proposal

22nd Century Tech	\$64,320
Affinity	\$17,264
Alliant CyberSec	\$35,900
CESO	\$58,200
Cogent	108/hr
Cyber Force Q	\$26,350
CyberProtex	\$36,400
Janus	\$35,955
Marco	\$26,625
MMS Gov	\$64,416
MTG Consulting	\$99,000
NetSPI	\$99,878
RSI Security	\$56,220
Securance Consulting	\$16,500
Security Compliance Associates	\$30,000
Sentinel	\$69,992
SoftSages	\$72,000
Sterling	\$44,500
System Soft Technologies	\$111,300
Tevora	\$89,510
True North Consulting	\$29,380
Verizon	\$46,000
vTech	\$106,530



# Board of Commissioners

## Request for Board Action

Item Number: DC-1579

Agenda #: 8.2

Meeting Date: 11/15/2022

**DEPARTMENT:** Information Technology

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Contract Amendment For Training Specialist Consultant**

### PURPOSE/ACTION REQUESTED

Authorize the Information Technology (IT) Chief Information Officer (CIO) to execute a contract amendment to extend the term and to purchase additional Training Specialist Services.

### SUMMARY

County IT has contracted with a Training Specialist consultant to assist staff with Oracle Enterprise Resource Planning (ERP) Training.

Deliverables to be included are:

- Review training manuals for clarity
- Screenshot changes
- Review Training manuals for business process
- Train end users
- Work with Dakota County Training Lead
- Provide Train-The-Trainer to Module Leads
- Update Test Scripts
- Create Training Agendas
- Assist with determining who needs to be in classroom training by job role

The original contract was to assist staff as noted above. Additional services are needed to complete implementation and post-implementation training activities The contract amendment extends the term from Dec. 31, 2022 through January 30, 2023 and increases the amount from \$94,000 to \$144,000 (an increase of \$50,000). This extended term will continue training activities through a one-month post implementation of the new ERP system.

### RECOMMENDATION

Staff recommends that the Board authorize the Information Technology (IT) Chief Information Officer (CIO) to execute the contract amendment with C4 Technical Services. This amendment will provide additional Training Specialist services and will increase the contract amount by \$50,000 in a total not to exceed \$144,000.

### EXPLANATION OF FISCAL/FTE IMPACTS

The contract amendment will increase the contract amount by \$50,000, resulting in a revised contract

amount not to exceed \$144,000. There are sufficient funds available in the 2022 Countywide training budget to cover this contract extension.

- None             Current budget             Other  
 Amendment Requested             New FTE(s) requested

**RESOLUTION**

WHEREAS, professional services are required to ensure the continuation of Oracle ERP (Enterprise Resource Planning) training; and

WHEREAS, IT has contracted with a Training Specialist consultant to assist staff in ensuring that training material is reviewed, updated and executed; and

WHEREAS, the original contract in the amount of \$94,000 needs to be extended to continue the training of Dakota County staff on the Enterprise Resource Planning (ERP); and

WHEREAS, the amendment extends the contract terms by one month, ending January 30, 2023, and increases the cost of services by \$50,000 for a total contract amount of \$144,000; and

WHEREAS, there are sufficient funds available in the 2022 Countywide training budget to cover the contract extension.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Information Technology Chief Information Officer to execute a contract amendment with C4 Technical Services for additional Training Specialist services from December 31, 2022 through January 30, 2023, at a cost of \$50,000, for a total contract amount of \$144,000, subject to approval by the County Attorney's office as to form.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: None.

**BOARD GOALS**

- A Great Place to Live             A Healthy Environment  
 A Successful Place for Business and Jobs             Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen             Discuss             Involve             N/A

**CONTACT**

Department Head: Dan Cater  
Author: Sherry Falb-Joslin



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1534

Agenda #: 9.1

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Physical Development Administration

**FILE TYPE:** Consent Action

### TITLE

**Ratification Of Quarterly Entitlement And Special Funding Requests To U.S. Department Of Housing And Urban Development**

### PURPOSE/ACTION REQUESTED

Ratify quarterly entitlement and special allocation funding requests to the U.S. Department of Housing and Urban Development (HUD).

### SUMMARY

The Dakota County Community Development Agency (CDA) administers three federal entitlement programs on behalf of Dakota County: the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships (HOME) program, and the Emergency Solutions Grant (ESG) program. Funds for the three federal entitlement programs are provided through HUD through the Treasury Letter of Credit process. Per an annual subrecipient agreement between the CDA and Dakota County, the CDA must prepare a listing of all claims certified and paid for by the CDA for the CDBG, HOME, and ESG programs. The listing must be submitted to the Dakota County Board of Commissioners for its ratification on a quarterly basis. In 2020, Dakota County also received special allocations of CDBG and ESG for activities that prevent, prepare for, and respond to the coronavirus; these expenses are also included for ratification. In 2021, the Dakota County HOME Consortium received a special allocation of HOME-American Rescue Plan Act (HOME-ARPA) funds. The attachment shows the entitlement and special allocation expenses for July 1, 2022 - September 30, 2022.

The CDBG entitlement and special allocation expenses for July 1, 2022 - September 30, 2022, totaled \$824,173.94. The HOME entitlement and special allocation expenses for the same period for all HOME Consortium members, including Dakota, suburban Ramsey, Washington, and Anoka counties, and the City of Woodbury, totaled \$1,206,880.14. The ESG entitlement and special allocation expenses for the same period totaled \$7,405.43. These funds were expended for previously approved projects from Fiscal Years 2018 - 2021.

### RECOMMENDATION

Community Development Agency and County staff recommend the ratification of the quarterly expenditures for the Dakota County CDBG, HOME, ESG federal entitlement and special allocation programs (total of \$2,038,459.51) for the period of July 1, 2022 - September 30, 2022.

### EXPLANATION OF FISCAL/FTE IMPACTS

These funds were expended for previously approved projects from Fiscal Years 2018 - 2021.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

**RESOLUTION**

WHEREAS, the Dakota County Community Development Agency (CDA) administers the entitlement of Community Development Block Grant (CDBG) program, HOME Investment Partnerships (HOME) program, and Emergency Solutions Grant (ESG) program for Dakota County, as well as special allocations of the CDBG and ESG programs for activities that prevent, prepare for, and respond to the coronavirus, and a special allocation of HOME American Rescue Plan Act funds; and

WHEREAS, funds expended from previously approved projects for Fiscal Years 2018 - 2021 of the CDBG, HOME, and ESG programs and special allocations must be ratified by the Dakota County Board of Commissioners; and

WHEREAS, the CDBG entitlement and special allocation expenses during the timeframe of July 1, 2022 - September 30, 2022, totaled \$824,173.94; and

WHEREAS, the HOME entitlement and special allocation expenses during the timeframe of July 1, 2022 - September 30, 2022, totaled \$1,206,880.14; and

WHEREAS, the ESG entitlement and special allocations expenses during the timeframe of July 1, 2022 - September 30, 2022, totaled \$7,405.43; and

WHEREAS, the CDA has paid the requests for payment associated with the CDBG, HOME, and ESG programs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the requisitions to the U.S. Department of Housing and Urban Development for \$2,038,459.51 for July 1, 2022 - September 30, 2022, as presented.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: CDBG, HOME, and ESG Expenses - July 1, 2022 - September 30, 2022

**BOARD GOALS**

- A Great Place to Live
- A Healthy Environment
- A Successful Place for Business and Jobs
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Erin Stowra  
Author: Maggie Dykes

## COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG): JULY - SEPTEMBER 2022

<b>2018</b>		
Countywide Youth Services	\$	3,816.00
Lakeville Residential Rehab		10,419.30
Mendota Heights Residential Rehab		6,575.30
	\$	<b>20,810.60</b>
<b>2019</b>		
Burnsville Residential Rehab	\$	15,497.50
Northfield Residential Rehab		11,430.00
Rosemount Residential Rehab		5,064.71
	\$	<b>31,992.21</b>
<b>2020</b>		
Burnsville Residential Rehab	\$	4,173.64
Countywide Residential Rehab		25,302.21
Eagan Public Service - Seniors		620.00
Eagan Public Service - Youth		552.00
Hastings Assessment Abatement Admin		328.26
Lakeville Residential Rehab		17,003.62
Rosemount Residential Rehab		21,210.39
	\$	<b>69,190.12</b>
<b>2021</b>		
Apple Valley Public Service - Seniors	\$	4,570.00
Burnsville Public Service - Youth		20,164.23
Combined Cities Rehab Admin		52,272.56
Countywide General Grant Administration		57,525.36
Countywide Well Sealing		23,983.75
Eagan Public Service - Seniors		5,236.48
Eagan Public Service - Youth		8,869.08
Farmington Public Service - Seniors		650.00
Hastings Assessment Abatement Admin		1,027.54
Lakeville Public Service - Seniors		8,317.00
Lakeville Public Service - Transportation		6,250.00
Lakeville Residential Rehab		48,138.38
	\$	<b>237,004.38</b>
<b>2022</b>		
Countywide Public Service - Housing Counseling	\$	634.24
	\$	<b>634.24</b>
<b>CDBG-CV 2020</b>		
CDA Grant Administration	\$	12,423.34
Emergency Assistance Payments		164,727.72
Food Banks		28,573.58
Health Services		12,844.75
Homeless Facilities		205,871.00
Mental Health Services		5,915.00
Senior Services		34,187.00
	\$	<b>464,542.39</b>
	\$	<b>824,173.94</b>

\* - CDBG-CV Public Services includes assistance to food banks, senior transportation, homeless facilities, health services, mental health services, and mortgage assistance for income-eligible Dakota County residents impacted by the COVID-19 pandemic.

**HOME INVESTMENT PARTNERSHIPS (HOME): JULY - SEPTEMBER 2022**

**Dakota County**

2018	Rental Rehab	68,374.94
2019	Rental Rehab	365,178.32
2018	New Rental Construction	300,796.24
2019	New Rental Construction	376,428.00
2020	New Rental Construction	36,816.34
2020	Grant Administration	6,157.10
2021	Grant Administration	21,252.40
2021	HOME - ARPA Grant Admin	4,353.80

**\$1,179,357.14**

**Ramsey County**

2019	Acquisition - Rehab	
2021	Grant Administration	

**\$0.00**

**Anoka County**

2019	Grant Administration	8,075.76
2020	Grant Administration	1,373.44
2020	Tenant Based Rental Assistance	1,750.00
2021	HOME - ARPA Grant Admin	8,873.97

**\$20,073.17**

**Washington County**

2019	Administration	5,770.31
2020	Administration	1,081.85
2020	New Homeowner Construction	-
2021	HOME - ARPA Grant Admin	597.67

**\$7,449.83**

**Woodbury**

2020	New Rental Construction	-
------	-------------------------	---

**\$0.00**

**GRAND TOTAL**

**\$1,206,880.14**

## EMERGENCY SOLUTIONS GRANT (ESG): JULY - SEPTEMBER 2022

2021 CDA Grant Administration	1,103.30	
2021 County Grant Administration		
2021 Emergency Shelter Operations		
2021 HMIS Component	3,259.40	
2021 Rental Assistance	-	
		<b>\$4,362.70</b>

### ESG-CV 2020

2020 CDA Grant Administration	3,042.73	
2020 Emergency Shelter Operations	-	
		<b>\$3,042.73</b>

<b>GRAND TOTAL</b>		<b>\$7,405.43</b>
--------------------	--	-------------------

HMIS - Homeless Management Information System

<b>CDBG and CDBG-CV Total</b>	<b>\$ 824,173.94</b>
<b>HOME and HOME-ARPA Total</b>	<b>\$ 1,206,880.14</b>
<b>ESG and ESG-CV Total</b>	<b>\$7,405.43</b>
	<b>\$ 2,038,459.51</b>



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1493

Agenda #: 9.2

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Environmental Resources

**FILE TYPE:** Consent Action

### TITLE

**Appointment To Lower Minnesota River Watershed District Board Of Managers**

### PURPOSE/ACTION REQUESTED

Appoint a Dakota County representative to the Lower Minnesota River Watershed District (LMRWD) Board of Managers.

### SUMMARY

The LMRWD is located just south of the Twin Cities along the Minnesota River. Portions of the communities of Mendota Heights, Mendota, Lilydale, Eagan, and Burnsville are located within the LMRWD boundaries in Dakota County (see Attachment: Map of Dakota County portion of MLRWD). The LMRWD is a Special Purpose Unit of government formed under Minn. Stat. § 103D. Upon establishment, the LMRWD became a legal entity for providing local participation to the U.S. Army Corps of Engineers to construct a navigational channel. With this purpose in mind, a nine-foot navigation channel was developed from the mouth of the Minnesota River to mile 14.7 at Savage, Minnesota. Construction of the project began in 1966 and was completed in 1968. The LMRWD is still actively involved today with the maintenance of the channel and also works with local units of government, private citizens, and local organizations to provide strategic resource evaluation and management.

Patricia Mraz, the former Dakota County representative on the LMRWD Board of Managers, will no longer be serving due to a change of residence outside the LMRWD. Patricia Mraz's change in residency created an appointment opportunity on the LMRWD Board of Managers for a Dakota County representative. The LMRWD and Dakota County collaborated in the recruitment of candidates for appointment and contacted former applicants to fill the position. One candidate applied and was determined eligible.

Minn. Stat. § 103D.311 maintains that a "person may not be appointed as a manager who: (1) is not a voting resident of the watershed district; and (2) is a public officer of the county, state, or federal government, except that a soil and water conservation supervisor may be a manager." Theresa Kuplic applied to be appointed as Dakota County representative on the Board of Managers of the LMRWD and meets the eligibility requirements set forth in the statute.

Members of the LMRWD Board of Managers serve three-year terms. The current incumbent term for the member appointed to the LMRWD Board of Managers for Dakota County began February 28, 2021.

### RECOMMENDATION

Staff recommends appointment of Theresa Kuplic as the Dakota County Member of the Board of Managers for the LMRWD for the remainder of the incumbent term ending February 29, 2024.

**EXPLANATION OF FISCAL/FTE IMPACTS**

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

**RESOLUTION**

WHEREAS, the Lower Minnesota River Watershed District (LMRWD) is located just south of the Twin Cities along the Minnesota River and includes portions of the communities of Mendota Heights, Mendota, Lilydale, Eagan, and Burnsville; and

WHEREAS, the previous Dakota County representative on the LMRWD Board of Managers resigned her position due to a change in residence outside of the Watershed; and

WHEREAS, the LMRWD and Dakota County collaborated in the recruitment of candidates for appointment; and

WHEREAS, one candidate applied and was determined eligible; and

WHEREAS, Dakota County staff discussed the appointment with the applicant; and

WHEREAS, Theresa Kuplic applied to Dakota County for potential appointment as the Dakota County Member of the Board of Managers for the LMRWD; and

WHEREAS, Theresa Kuplic meets the eligibility requirements set forth in Minn. Stat. § 103D.311; and

WHEREAS, staff recommends Theresa Kuplic be appointed to the Board of Managers for the LMRWD.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints Theresa Kuplic to the Lower Minnesota River Watershed District Board of Managers for a term which expires February 29, 2024.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: Map of Dakota County portion of LMRWD

**BOARD GOALS**

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

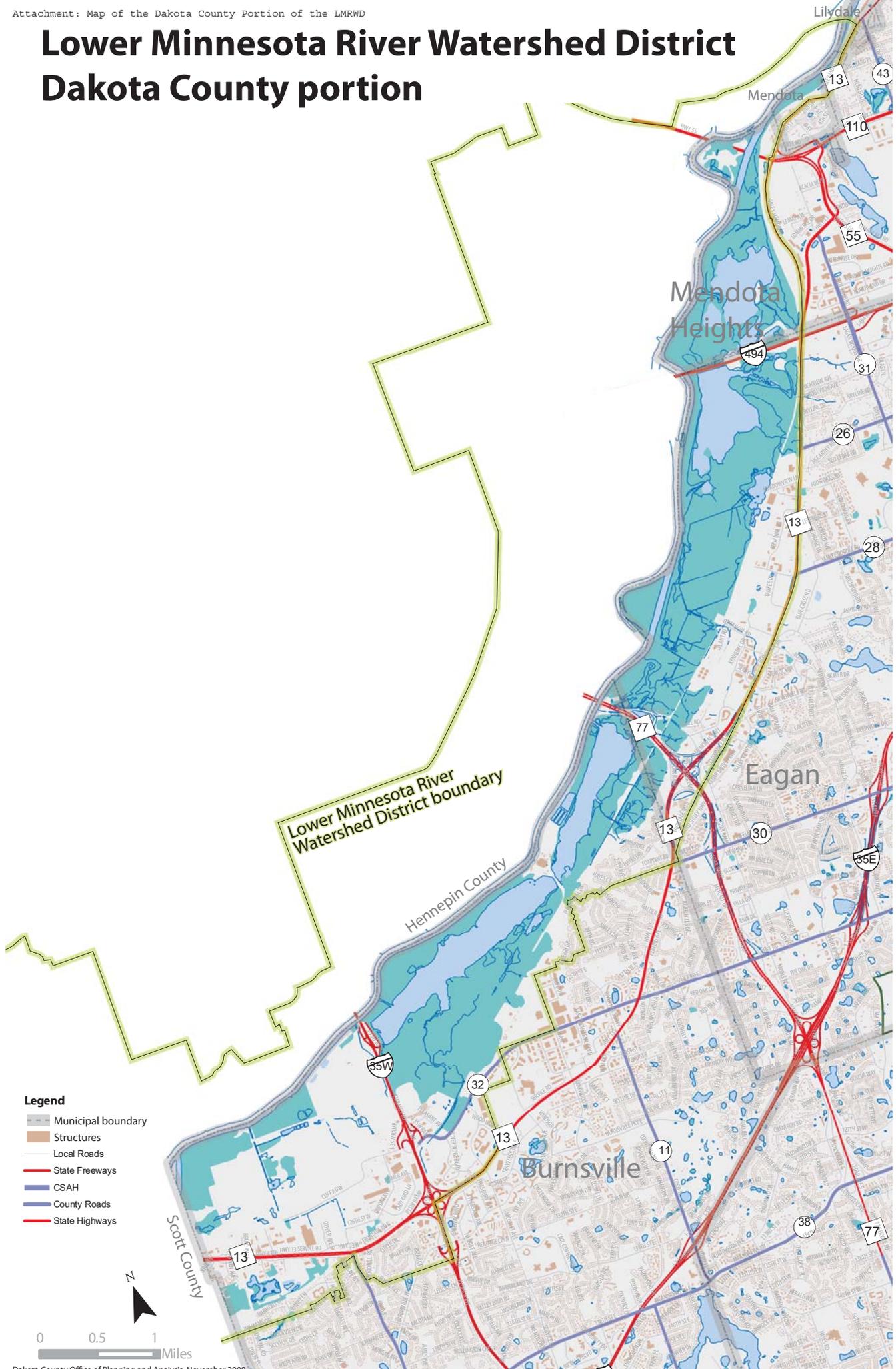
- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Nikki Stewart

Author: Mark Zabel

# Lower Minnesota River Watershed District Dakota County portion





# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1525

Agenda #: 9.3

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Environmental Resources

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Fourth Amendment To Contract With Ayres Associates For Engineering Support Services For Construction Of Byllesby Dam Water-To-Wire Redevelopment Project**

### PURPOSE/ACTION REQUESTED

Authorize execution of a fourth amendment to the contract with Ayres Associates for additional engineering support services for construction of the Byllesby Dam Water-To-Wire Redevelopment Project.

### SUMMARY

Dakota County owns the Byllesby Dam and operates its hydroelectric facility under the Federal Energy Regulatory Commission (FERC) safety regulations. Over the past few years, the Dakota County Board of Commissioners has made significant capital investments to the facility.

By Resolution No. 14-149 (March 18, 2014), the Dakota County Board of Commissioners authorized staff to complete a turbine efficiency study during the summer of 2014. It was determined that the most feasible long-term option for energy production at Byllesby Dam was to replace the current equipment with new modernized vertical Kaplan turbine units. By Resolution No. 15-532 (October 20, 2015), the Dakota County Board of Commissioners authorized the execution of a contract with Ayres Associates for engineering and design services to complete turbine and powerhouse upgrades for the Byllesby Dam Water-to-Wire Redevelopment. The design was completed in May 2020, but design engineering services are still required to complete the project due to changes and modifications to the original design throughout the construction process. On August 25, 2020, staff executed a contract with Ayres Associates, with a first amendment authorized on June 18, 2021, a second on February 22, 2022, and a third on July 19, 2022.

The project design has changed as the contractor removed portions of the unearthed 110-year old facility. This has resulted in reassessments of the original design including electrical design, precast paneling, and architectural and structural review needs. Working with the original design engineers (Ayres Associated) is critical to the success of the project. Staff evaluated the requested amendment from Ayres Associates and found it to be sound and justified.

### RECOMMENDATION

Staff recommends a fourth contract amendment of \$99,900, bringing the total contract amount to \$336,500, subject to approval by County Attorney's Office as to form.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The current balance of the 2022 Byllesby Dam Turbine Upgrade project budget is sufficient to cover the cost of the amendment. This fourth amendment to the Ayres Associates contract in the amount of \$99,900 will result in a total contract amount of \$336,500.

- None             Current budget             Other  
 Amendment Requested             New FTE(s) requested

**RESOLUTION**

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

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

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

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

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

WHEREAS, the design was completed in May 2020, but design engineering services are still required to complete the project due to changes and modifications to the original design throughout the construction process; and

WHEREAS, on August 25, 2020, staff executed a contract with Ayres Associates, with a first amendment authorized on June 18, 2021, a second on February 22, 2022, and a third amendment on July 19, 2022; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a forth amendment to the contract with Ayres Associates for additional design support services to complete the Byllesby Dam Water-to-Wire Redevelopment Project at the Byllesby Dam in the amount of \$99,900, bringing the total contract amount to \$336,500, subject to approval by the County Attorney’s Office as to form.

**PREVIOUS BOARD ACTION**

- 14-149; 3/18/14  
15-532; 10/20/15

**ATTACHMENTS**

None.

**BOARD GOALS**

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Nikki Stewart

Author: Josh Petersen



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1526

Agenda #: 9.4

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Environmental Resources

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Contract With Xcel Energy For Engineering And Procurement Agreement For Byllesby Dam Energy Sales Interconnection**

### PURPOSE/ACTION REQUESTED

Authorize to execute a contract with Xcel Energy for engineering and procurement prior to completion of Midcontinent Independent System Operator (MISO) power sales application to start the process for interconnection to Xcel Energy substation.

### SUMMARY

Dakota County owns the Byllesby Dam and operates the hydroelectric facility under Federal Energy Regulatory Commission (FERC) safety regulations. Since 1987, the County has coordinated dam operations and maintenance with Neshkoro Power Associates (NPA) through a lease agreement. The County Board authorized replacing the NPA's lease agreement with an operating agreement to provide hydropower operation services at Byllesby Dam by Resolution No. 11-305 (June 21, 2011), beginning May 1, 2011, and running through March 2021. The March 2021 agreement termination date was selected as it was also the expiration date of the Power Purchase Agreement (PPA) between NPA and Xcel Energy for the Byllesby Dam. A new approach was needed for an agreement for power sales. By Resolution No. 20-295 (June 16, 2020), Dakota County authorized submittal of an application with the MISO for sale of energy. A MISO connection would allow the County to sell Byllesby Dam's power to other utilities in the Midwest or on the one-day-ahead spot energy market.

As part of the process, MISO studies determined upgrades are necessary to the system to accept Byllesby onto the grid. These upgrades are not allowed to begin before the completion of the MISO application process, which is still not completed. It has been determined that interconnection to the Xcel Energy substation could take 18 months or more. To expedite this process, an engineering and procurement agreement can be accepted between Dakota County and Xcel Energy for Xcel Energy to start the engineering and purchasing process and further delay interconnection after the MISO application process is complete. The agreement requires a \$150,000 deposit to cover estimated engineering and procurement costs, with Xcel Energy reserving the right to request increased deposits to cover costs as necessary. Once the MISO application is approved, this agreement will be replaced with a Generator Interconnection Agreement that will provide for, among other things, the interconnection of the County's facility to the Cannon Falls Transmission Substation.

### RECOMMENDATION

Staff recommends to execute a contract with Xcel Energy for engineering and procurement agreement for Byllesby Dam energy sales interconnection.

**EXPLANATION OF FISCAL/FTE IMPACTS**

Sufficient funds are available in the Byllesby Dam fund balance to cover the fees associated with this agreement.

- None             Current budget             Other  
 Amendment Requested             New FTE(s) requested

**RESOLUTION**

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

WHEREAS, since 1987, the County has coordinated dam operations and maintenance with Neshkoro Power Associates (NPA) through a lease agreement; and

WHEREAS, the County Board authorized replacing the NPA’s lease agreement with an operating agreement to provide hydropower operation services at Byllesby Dam by Resolution No. 11-305 (June 21, 2011), beginning May 1, 2011, and running through March 2021; and

WHEREAS, the March 2021 agreement termination date was selected as it was also the expiration date of the Power Purchase Agreement (PPA) between NPA and Xcel Energy for the Byllesby Dam, and a new approach was needed for an agreement for power sales; and

WHEREAS, by Resolution No. 20-295 (June 16, 2020), Dakota County authorized submittal of an application with the MISO for sales of energy; and

WHEREAS, a Midcontinent Independent System Operator (MISO) connection would allow the County to sell Byllesby Dam’s power to other utilities in the Midwest or on the one-day-ahead spot energy market; and

WHEREAS, as part of the process, MISO studies determined upgrades are necessary to the system to accept Byllesby onto the grid; and

WHEREAS, these upgrades are not allowed to begin before the completion of the MISO application process, which is still not completed; and

WHEREAS, it has been determined that interconnection to the Xcel Energy substation could take 18 months or more; and

WHEREAS, to expedite this process, an engineering and procurement agreement can be accepted between Dakota County and Xcel Energy for Xcel Energy to start the engineering and purchasing process and further delay interconnection after the MISO application process is complete; and

WHEREAS, the agreement requires a \$150,000 deposit to cover estimated engineering and procurement costs, with Xcel Energy reserving the right to request increased deposits to cover costs as necessary; and

WHEREAS, once the MISO application is approved, this agreement will be replaced with a Generator

Interconnection Agreement that will provide for, among other things, the interconnection of the County's facility to the Cannon Falls Transmission Substation.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Environmental Resources Director to execute a contract with Xcel Energy for an engineering and procurement agreement for Byllesby Dam energy sales interconnection, including a minimum \$150,000 deposit, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

11-305; 6/21/11

20-295; 6/16/20

**ATTACHMENTS**

Attachment: Engineering and Procurement Agreement

**BOARD GOALS**

A Great Place to Live

A Healthy Environment

A Successful Place for Business and Jobs

Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

Inform and Listen

Discuss

Involve

N/A

**CONTACT**

Department Head: Nikki Stewart

Author: Josh Petersen



# Board of Commissioners

## Request for Board Action

Item Number: DC-1566

Agenda #: 9.5

Meeting Date: 11/15/2022

**DEPARTMENT:** Environmental Resources

**FILE TYPE:** Consent Action

### TITLE

**Certification Of Property Assessed Clean Energy Charges For Energy Improvements On Property In City Of Rosemount**

### PURPOSE/ACTION REQUESTED

Certify Property Assessed Clean Energy (PACE) charges for an energy improvement project on the Coventry Properties of Rosemount, LLC, property in the city of Rosemount.

### SUMMARY

By Resolution No. 17-144 (March 21, 2017), the Dakota County Board of Commissioners approved a joint powers agreement (JPA) with the Port Authority of the City of Saint Paul (Port Authority) for the implementation of the PACE program within Dakota County. Through the JPA, the Port Authority is responsible for implementing and administering the PACE program in Dakota County and providing financing for energy improvements to eligible applicants. The County provides for the impositions of special assessments pursuant to Minn. Stat. § 216C.435 and 216C.436 and Chapter 429 as needed in connection with that program. To facilitate and encourage the financing of energy improvements on the property so benefitted, the Port Authority has approved the application of and has requested PACE special assessments on the following property in Dakota County:

Property Owner:	Conventry Properties of Rosemount, LLC
Parcel Number:	34-64852-010-60
Assessment:	\$2,500,000.00
Interest Rate:	7.59%
Finance Period:	20 years
Accrual Date:	1/1/2023

After the imposition of special assessments, the County shall collect such assessments twice a year and remit them to the Port Authority for use in the repayment of the loan(s) or bond(s). The County will take all actions permitted by law to recover the assessments, including, without limitation, reinstating the outstanding balance of assessments when the land returns to private ownership, in accordance with Minn. Stat. § 429.071, subd. 4.

The special assessment shall be certified to the County Treasurer-Auditor and entered into the tax lists for the following year. The annual installment and interest shall be collected at the same time and in the same manner as real property taxes. The special assessment, with accruing interest, is a lien upon the benefitted property until paid.

**RECOMMENDATION**

Staff recommends authorizing the Dakota County Treasurer-Auditor to extend the proposed special assessment plus accruing interest on the properties set forth and listed above.

**EXPLANATION OF FISCAL/FTE IMPACTS**

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

**RESOLUTION**

WHEREAS, the Dakota County Board of Commissioners approved the joint powers agreement (JPA) with the Port Authority of the City of Saint Paul (Port Authority) by Resolution No. 17-144 (March 21, 2017), designating the Port Authority to implement and administer Property Assessed Clean Energy (PACE) improvement financing on behalf of the County and providing for the impositions of special assessments pursuant to Minn. Stat. § 216C.435 and 216C.436 and Chapter 429 and as needed in connection with that program; and

WHEREAS, the County understands that the Port Authority will issue its PACE special assessment revenue bonds to finance the improvements and that the sole security for the bond will be special assessments imposed by the other cities and/or counties participating in PACE; and

WHEREAS, after imposition of the special assessments, the County shall collect such assessments twice a year and remit them to the Port Authority for use in the repayment of the loan(s) or bond(s); and

WHEREAS, the County will take all actions permitted by law to recover the assessments, including, without limitation, reinstating the outstanding balance of assessments when the land returns to private ownership, in accordance with Minn. Stat. § 429.071, subd. 4; and

WHEREAS, the special assessment shall be certified to the County Treasurer-Auditor and entered into the tax lists for the following year; and

WHEREAS, the annual installment and interest shall be collected at the same time and in the same manner as real property taxes; and

WHEREAS, the special assessment, with accruing interest, is a lien upon the benefited property until paid.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Treasurer-Auditor to extend the proposed special assessment plus accruing interest on the property set forth and listed below:

Property Owner: Conventry Properties of Rosemount, LLC  
 Parcel Number: 34-64852-010-60  
 Assessment: \$2,500,00.00  
 Interest Rate: 7.59%  
 Finance Period: 20 years  
 Accrual Date: 1/1/2023  
 ; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the County Treasurer-Auditor to extend the proposed special assessment plus interest on the properties identified herein and record this assessment against the properties with the Dakota County Recorder.

**PREVIOUS BOARD ACTION**

17-144; 3/21/17

**ATTACHMENTS**

None.

**BOARD GOALS**

- |  |   |
|--|---|
| <input type="checkbox"/> A Great Place to Live                               | <input type="checkbox"/> A Healthy Environment        |
| <input checked="" type="checkbox"/> A Successful Place for Business and Jobs | <input type="checkbox"/> Excellence in Public Service |

**PUBLIC ENGAGEMENT LEVEL**

- |  |                                  |                                  |   |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/> N/A |
|--|----------------------------------|----------------------------------|---|

**CONTACT**

Department Head: Nikki Stewart

Author: Nikki Stewart



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1515

Agenda #: 9.6

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Contract With Kimley-Horn, Inc. For Planning And Design Services For County Project 38-64, CSAH 38 Trail Gap And Retaining Walls, In City Of Apple Valley**

### PURPOSE/ACTION REQUESTED

Authorize execution of a contract with Kimley-Horn, Inc. for planning services on County Project (CP) 38-64, McAndrews Road Feasibility Study.

### SUMMARY

To provide a safe and efficient transportation system, Dakota County (County) is proceeding with CP 38-64 to evaluate the feasibility of a multi-use trail and determine necessary retaining wall repairs on County State Aid Highway (CSAH) 38 (McAndrews Road) in Apple Valley between 140<sup>th</sup> Street and Galaxie Avenue (Attachment: Map). Construction of trail facilities addressing the existing gap on CSAH 38 was identified for implementation concurrent with other road work through the 2040 Dakota County Transportation Plan. The aim of the feasibility study is to determine whether a trail facility is constructible within the corridor and whether changes to the roadway, intersection and retaining walls are needed to accommodate it. General needs for retaining wall maintenance and repair will also be identified through this effort.

To advance this project, a request for proposals for planning and design services was issued on September 29, 2022, to four consulting firms. Staff from the County and the City of Apple Valley evaluated the proposals and recommends Kimley-Horn as the most cost-effective and responsive to the scope of work. The design work is expected to begin in early December 2022, with completion by August 2023.

Four firms submitted proposals with the following estimated total and hourly costs:

- Bolton & Menk; \$75,824; \$145.29 per hour
- Kimley-Horn; \$159,400; \$137.09 per hour
- SEH; \$250,000; \$149.75 per hour
- SRF; \$173,422; \$135.70 per hour

### RECOMMENDATION

Staff recommends execution of a contract with Kimley-Horn for professional services for CP 38-64 based on the quality and cost-effectiveness of their proposal (Attachment: Evaluation Summary).

**EXPLANATION OF FISCAL/FTE IMPACTS**

The 2022-2026 Transportation Capital Improvement Program (CIP) includes \$216,750 in County funds for the study and design of trail improvements on McAndrews Road, with a \$38,250 contribution from Apple Valley consistent with the County’s cost participation policy (Attachment: Financial Summary).

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

**RESOLUTION**

WHEREAS, Dakota County has included County Project 38-64 in its 2022-2026 Capital Improvement Program to construct trail facilities on McAndrews Road; and

WHEREAS, a request for proposals was released on September 29, 2022, to conduct a feasibility study on the construction of trail facilities and necessary associated improvements to the McAndrews Road corridor; and

WHEREAS, four responses were received from qualified proposers; and

WHEREAS, Kimley-Horn, Inc. was identified as the most responsive to the request for proposals and within the project budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Kimley-Horn, Inc. to complete planning and design services necessary to advance the design and construction of a multiuse trail on County State Aid Highway 38 (McAndrews Road) in Apple Valley in an amount not to exceed \$159,400, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

- Attachment: Map
- Attachment: Evaluation Summary
- Attachment: Financial Summary

**BOARD GOALS**

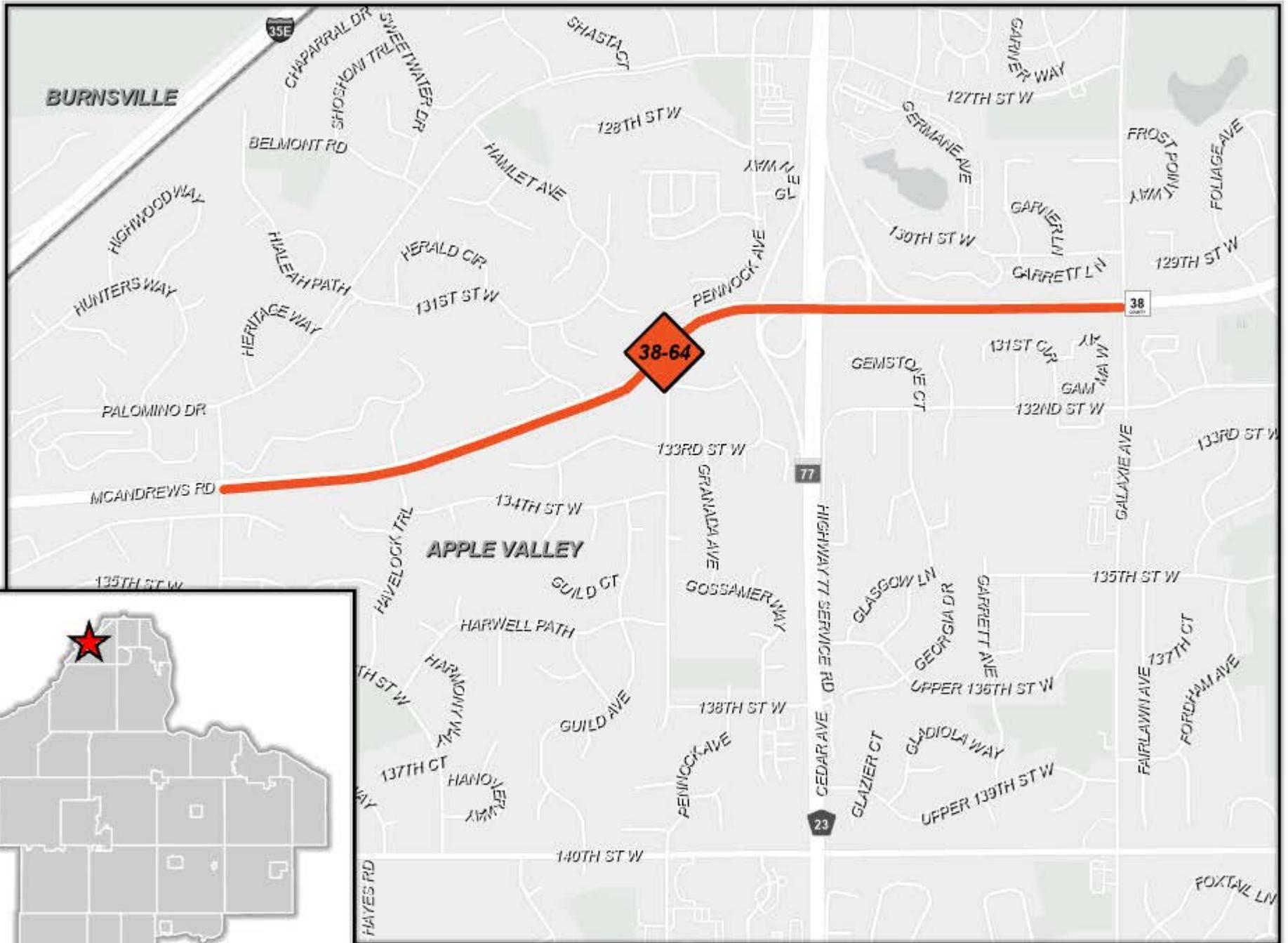
- A Great Place to Live
- A Healthy Environment
- A Successful Place for Business and Jobs
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Erin Laberee  
Author: Joe Morneau



38-64 Project Area

# Consultant Selection Information for Project 38-064

## Project Information

**Project Purpose:** This project seeks construct trail on the south side of County State Aid Highway (CSAH 38) between Garden View Drive and Galaxie Avenue in Apple Valley. The initial feasibility study will evaluate alternatives for a trail alignment and understand necessary changes to CSAH 38 for its accommodation. The outcome of this feasibility project is the definition of all project elements necessary to construct the trail within the corridor

**Deliverables:** Project management, quality management plan, public and agency involvement, functional review of corridor survey and right of way evaluation, environmental site assessment, wetland delineation, trail feasibility analysis.

**Public and Agency Engagement:** Activities for public engagement will include two open houses, newsletter mailings, content for the project web page, up to eight stakeholder meetings, and up to two agency presentations. The consultant is responsible for creating all communication materials for public involvement.

### Schedule:

- Feasibility Study: December 2022 to August 2023
- Design: September 2023 to September 2024
- Right of Way Acquisition: September 2023 to September 2024
- Construction: 2025

## Consultant Selection Summary

**Request for Proposals (RFP):** An RFP for the Feasibility Study was released on September 29, 2022, with proposals due on October 25, 2022. The RFP was sent to four firms, Bolton & Menk, Kimley-Horn, SEH, SRF. County staff had discussed the project with each firm and all indicated interest. Each firm submitted a proposal by the due date.

**Review Process:** Proposals were reviewed by staff from Dakota County and West St. Paul and assigned scores. The reviewers met on November 3, 2022 to discuss the scoring and select a preferred consultant.

**Evaluation Results:** All four proposals were generally responsive to the requirements of the RFP, including project management capabilities, demonstrated success in related projects, and costs. Evaluation of the proposals were made on these criteria, in addition to overall project understanding and approach for individual tasks.

**Summary of Proposed Costs:**

<b>Proposer</b>	<b>Cost/Hour</b>		<b>Total Hours</b>	<b>Total Cost</b> (2)
Bolton & Menk	145.29	(1)	336	\$75,824
Kimley-Horn	137.09		1,031	\$159,400
SEH	149.75		1,517	\$250,000
SRF	135.70	(1)	1,119	\$173,422

(1) Subconsultant hours and costs not reflected in cost per hour

(2) Total costs include soil borings, presented as optional in some of the proposals

**Recommendation and Summary:** The project review team selected Kimley-Horn for CP 38-064 as they provided a strong record of experience on projects with elements similar to those of CP 38-064. The proposed project manager and lead design engineer had key roles in these past projects, and a substantial share of time committed to this project. The estimates provided for total cost and hours billed were in line with staff expectations. Moreover, staff was pleased with their approach to several key technical tasks and public involvement.

Of the other proposals received, one provided a proposed team and project approach similar in quality to Kimley-Horn, but with a somewhat higher cost. The other two proposals provided costs and work hour estimates well outside of the expected range, with one overestimating the needed resources, and the other underestimating.

County Project 38-64

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 2022	-	-	-	-	-	-	-	-	-	-
2022 Budget	-	-	-	-	-	-	-	-	-	-
2023 Plan	255,000	-	255,000	216,750	-	216,750	38,250	-	38,250	255,000
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
<i>Current CIP Total</i>	<i>255,000</i>	<i>-</i>	<i>255,000</i>	<i>216,750</i>	<i>-</i>	<i>216,750</i>	<i>38,250</i>	<i>-</i>	<i>38,250</i>	<i>255,000</i>
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>255,000</b>	<b>-</b>	<b>255,000</b>	<b>216,750</b>	<b>-</b>	<b>216,750</b>	<b>38,250</b>	<b>-</b>	<b>38,250</b>	<b>255,000</b>



# Board of Commissioners

## Request for Board Action

---

**Item Number:** DC-1521

**Agenda #:** 9.7

**Meeting Date:** 11/15/2022

---

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Approval Of Right Of Way Acquisition And Authorization To Initiate Quick-Take Condemnation For County Project 88-24 On CSAH 88 (292<sup>nd</sup> Street) In Randolph Township**

### PURPOSE/ACTION REQUESTED

Approve acquisition of necessary right of way and authorize the initiation of quick-take condemnation for County Project (CP) 88-24 on County State Aid Highway (CSAH) 88 (292<sup>nd</sup> Street) between Trunk Highway (TH) 56 and Finch Court in Randolph Township.

### SUMMARY

To provide a safe and efficient transportation system, Dakota County is proceeding with CP 88-24. The project consists of preliminary and final engineering designs, public involvement process, surveying, geotechnical analysis, traffic analysis, and environmental analysis services required to reconstruct CSAH 88 in Randolph Township (see Attachment: Project Location).

The purpose of CP 88-24 is to address pavement quality, safety, and operational issues. The existing road has minimal paved shoulders, no turn lanes, and multiple curves with advisory speeds below the posted speed limit. In addition, CSAH 88 currently intersects Highway 56 at a skew near a railroad crossing, which has led to several crashes. County Project 88-24 also explored the feasibility of a trail along existing and reconstructed CSAH 88 to connect the Dakota County Parks on both ends of the project, utilizing the right of way needed for the road reconstruction. This project, when complete, will be consistent with county state aid standards for this type of highway.

The adopted alignment intersects existing Union Pacific Rail on the West half of the project between Finch Court and TH 56. The project has been split into two phases to allow time to work with Union Pacific Rail for the railroad crossing approval needed in phase two. The first phase between the East Dakota County Line and Finch Court is scheduled to begin in the summer of 2023, which is CP 88-20. The right of way needed for phase two, CP 88-24, which is between Finch Court and TH 56, is reflected in the attached confidential memorandum.

Acquisition of right of way from 17 private parcels (Attachment: Acquisition Map) is recommended to advance with CP 88-24. Staff is proposing acquisition of the necessary permanent highway easements from these identified parcels. Appraisal reports have been completed by Nicollet Partners for the parcels for a total appraised value of \$2,528,800. Data about the appraisals have been provided to the County Board in a confidential spreadsheet because the appraisal is currently confidential, non-public data pursuant to Minn. Stat § 13.44, subd. 3.

In the event that timely acquisition by direct negotiation of all required parcels does not appear possible, staff recommends that the County Board authorize the County Attorney’s Office to initiate a quick-take condemnation of the remaining parcels. Efforts will be made to negotiate agreeable settlements before and after the start of the condemnation process.

**RECOMMENDATION**

Staff recommends approval of the right of way acquisition and authorization for potential condemnation for the right of way necessary for CP 88-24.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The funding for this acquisition was included as part of the original project budget for CP 88-20 but has since been split into two phases. Transportation staff will be returning to the Board at a future date with a budget amendment request for the estimated right of way costs.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

**RESOLUTION**

WHEREAS, Dakota County and Randolph Township are partnering on County Project 88-24 (the “Project”); and

WHEREAS, the Project includes the segment of County State Aid Highway (CSAH) 88 from Trunk Highway (TH) 52 to TH 56; and

WHEREAS, the purpose and need for the Project is to improve safety, operations, and capacity along the Project corridor; and

WHEREAS, to address the purpose and need for the Project, the County is proposing to reconstruct CSAH 88 to address pavement quality, safety, and operational issues by improving drainage, modifying access, improving sight angles, and adding turn lanes; and

WHEREAS, the County is the lead agency for the Project; and

WHEREAS, the County utilized public engagement for this project, including a public open house on October 8, 2020, at Lake Byllesby Park and December 16, 2021, at United Methodist Church and presentations at the Randolph Township Meetings on September 15, 2020, May 24, 2022, and June 14, 2022; and

WHEREAS, right of way acquisition is needed to allow for construction to begin in 2023 as scheduled; and

WHEREAS, CP 88-24 design has determined preliminary right of way needs, including permanent highway easement and temporary easement from the following parcels:

Parcel 1; Jerold and Karen Otte; Highway Easement 4,915 SF;

Parcels 2, 3, 4, 22 and 23; Nora Felton; Highway Easement 1,126,827 SF; Temporary Easement 197,528 SF; Drainage Easement 6,056 SF;

Parcels 5 and 6; Felton Family Farms; Highway Easement 18,612; Temporary Easement 10,006; Drainage Easement 557 SF;

Parcels 7 and 10; T&M Properties; Highway Easement 210,774; Temporary Easement 13,388 SF;  
Parcel 11; Dinesen Family; Temporary Easement 525 SF;  
Parcel 13; Grant and Tiffany Sjoquist; Temporary Easement 303 SF;  
Parcel 17; Karl and Cynthia Molenaar; Temporary Easement 408 SF; Drainage Easement 2,599 SF;  
Parcel 18; Kevin and Suzanne Hinton; Drainage Easement 876 SF;  
Parcel 19; Gene and Gayle Parent; Highway Easement 300 SF;  
Parcel 21; Roberta Archambault; Highway Easement 291 SF; Temporary Easement 3,330 SF;  
Parcel 24; Joshua Dockter; Highway Easement 6,568 SF; Temporary Easement 3,199 SF; and

WHEREAS, appraisals have been completed by Nicollet Partners; and

WHEREAS, the 2022 Transportation Capital Improvement Program budget for the Project includes sufficient funds for right of way acquisition: and

WHEREAS, seventeen parcels have been appraised, and the values have been presented to the County Board in a confidential spreadsheet.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised value prepared by Nicollet Partners for the acquisition of the two parcels as described below for Dakota County Project 88-24 and authorizes County staff, in its discretion, to share the appraisal data with the respective landowner, including all or portions of the completed appraisals as part of the negotiation process; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves acquisition of the seventeen parcels for County Project 88-24, at the approved appraised value, and authorizes payment from the 2022 Transportation Capital Improvement Program budget; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to initiate quick-take condemnation on the properties identified, in the event that timely acquisition by direct negotiations of all properties does not appear possible.

### PREVIOUS BOARD ACTION

18-423; 8/14/18  
19-887; 12/17/19  
20-629; 12/15/20

### ATTACHMENTS

Attachment: Project Location  
Attachment: Confidential Spreadsheet (Board Only)

### BOARD GOALS

- |   |  |
|---|--|
| <input type="checkbox"/> A Great Place to Live                    | <input type="checkbox"/> A Healthy Environment                   |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input checked="" type="checkbox"/> Excellence in Public Service |

### PUBLIC ENGAGEMENT LEVEL

Inform and Listen

Discuss

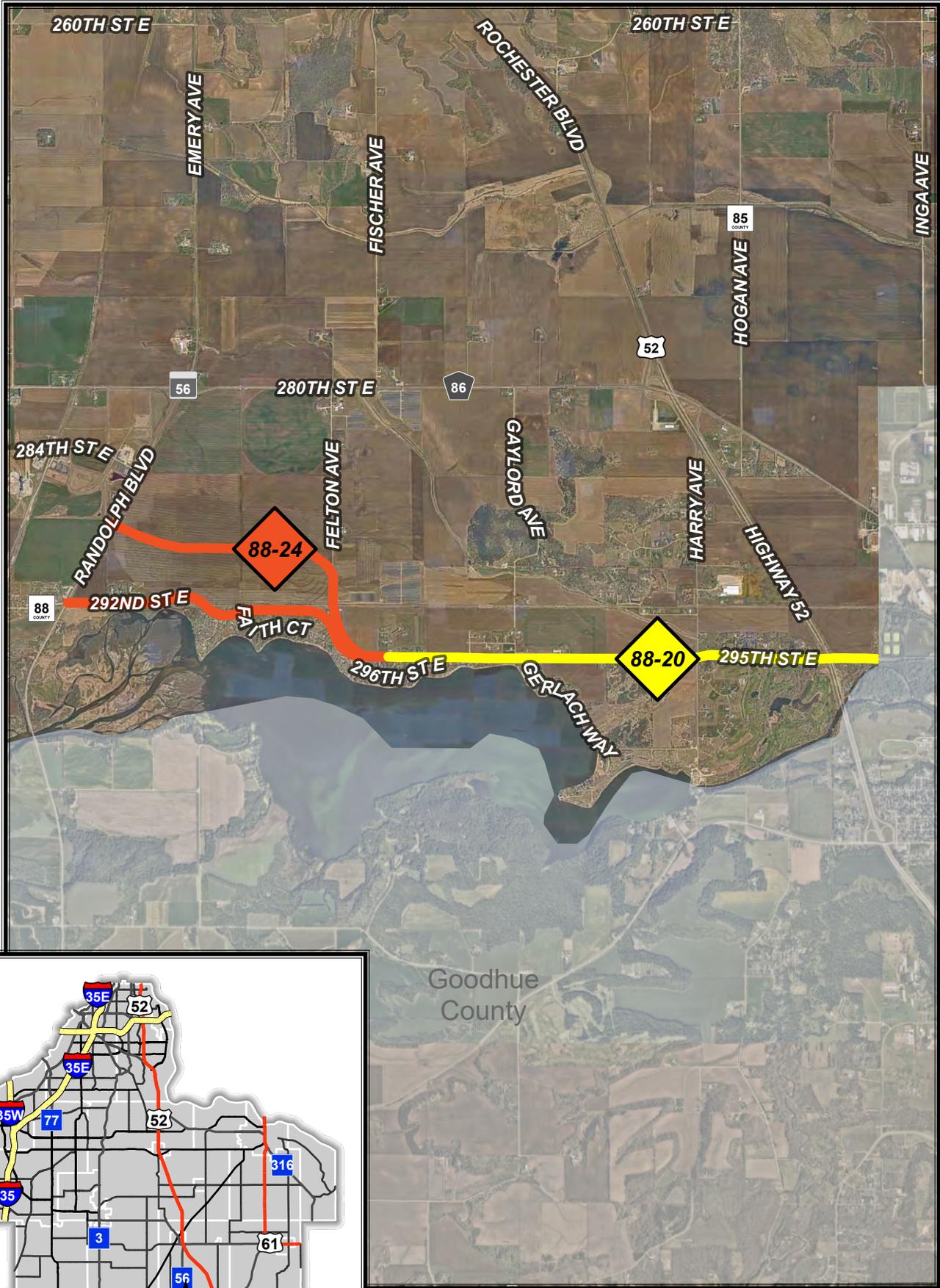
Involve

N/A

**CONTACT**

Department Head: Erin Laberee

Author: Matthew Parent



County Projects 88-24 & 88-20



# Board of Commissioners

## Request for Board Action

**Item Number:** DC-1522

**Agenda #:** 9.8

**Meeting Date:** 11/15/2022

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Approval Of Final Plats Recommended By Plat Commission**

### PURPOSE/ACTION REQUESTED

Approve final plats contiguous to County Roads as recommended by the Plat Commission.

### SUMMARY

To provide for the orderly development of property in Dakota County, new subdivisions adjoining County highways are reviewed under the Dakota County Contiguous Plat Ordinance No. 108. The Ordinance requires new subdivisions adjoining County highways to comply with the County’s access spacing and right of way guidelines in order that existing and future highway corridors are preserved to accommodate existing and forecasted traffic volumes safely and efficiently.

The Plat Commission examines plats prior to the time they are submitted for County Board approval. The Plat Commission has reviewed and recommends approval of the final plats by the County Board. The final plat approval by the County Board is subject to the conditions established by the Plat Commission review (Attachments: Meeting Notes and Location Maps).

### RECOMMENDATION

Staff recommends approval of the final plats by the County Board as recommended by the Plat Commission.

### EXPLANATION OF FISCAL/FTE IMPACTS

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

### RESOLUTION

WHEREAS, new subdivisions adjoining County highways are reviewed under the Dakota County Contiguous Plat Ordinance No. 108; and

WHEREAS, the Plat Commission examines plats prior to County Board approval; and

WHEREAS, the Plat Commission has reviewed and recommends approval of the final plats by the County Board; and

WHEREAS, the final plat approval by the County Board is subject to the conditions established by the Plat Commission review; and

WHEREAS, the following plats below require approval by their respective City Council prior to the recording of the plats.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following final plats:

ROSEMOUNT INDUSTRIAL ADDITION	Rosemount
AMBER FIELDS EIGHTH ADDITION	Rosemount
ADAMS FIRST ADDITION	Rosemount

### PREVIOUS BOARD ACTION

None.

### ATTACHMENTS

Attachment: Meeting Notes

Attachment: Location Maps

### BOARD GOALS

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> A Great Place to Live         | <input type="checkbox"/> A Healthy Environment        |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input type="checkbox"/> Excellence in Public Service |

### PUBLIC ENGAGEMENT LEVEL

- |  |                                  |                                  |   |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/> N/A |
|--|----------------------------------|----------------------------------|---|

### CONTACT

Department Head: Erin Laberee

Author: Todd Tollefson

**DAKOTA COUNTY PLAT COMMISSION  
MEETING SUMMARY**

October 26, 2022

The Plat Commission meeting began at 1:30 p.m. via Zoom. Members present included: Todd Tollefson, Tom Bowlin, Scott Peters, Jake Chapek, and Kurt Chatfield. Others present: Butch McConnell

<b>Plat Name:</b>	<b>ROSEMOUNT INDUSTRIAL ADDITION</b>
<b>PID:</b>	<b>340321070025</b>
<b>City:</b>	<b>Rosemount</b>
County Road:	CSAH 46 (160 <sup>th</sup> St. W.)
Current ADT (2017):	14,200
Projected ADT (2040):	21,000
Current Type:	4-lane, divided
Proposed Type:	4-lane, divided
R/W Guideline:	75ft (½ R/W)
Spacing Guideline:	½ mile full access
Posted Speed Limit:	55 mph
Proposed Use:	Commercial
Status:	Preliminary
Location:	Sec. SW ¼ 32-115-19
In attendance (10/26/22):	Anthony Nemcek (city)

REVIEW 10/26/22:

This site includes a one lot industrial building located at the northeast quadrant of Highway 3 and CSAH 46. There are two main access locations on the northern portion of the property to the proposed city street. A secondary access is on the southern portion that connects to CSAH 46 via a frontage road. As discussed, the existing restricted access location at CSAH 46, off the western frontage road, may be closed with the design of the future CSAH 46 reconstruction project. The right-of-way needs along CSAH 46 have been met. The plat includes existing restricted access along Highway 3 and CSAH 46.

RECOMMENDATION 10/26/22:

The Plat Commission has approved the preliminary and final plat, provided that the described conditions are met, and will recommend approval to the County Board of Commissioners.

<b>Plat Name:</b>	<b>AMBER FIELDS EIGHTH ADDITION</b>
<b>PID:</b>	<b>341125000040</b>
<b>City:</b>	<b>Rosemount</b>
County Road:	CSAH 42 (145 <sup>th</sup> St. W.)
Current ADT (2017):	14,900
Projected ADT (2040):	23,000
Current Type:	4-lane, divided
Proposed Type:	4-lane, divided
R/W Guideline:	75ft (½ R/W)
Spacing Guideline:	½ mile full access
Posted Speed Limit:	55 mph
Proposed Use:	Residential
Status:	Preliminary
Location:	Sec. SW ¼ 27-115-19
In attendance (10/26/22):	Anthony Nemcek (city)

REVIEW 10/26/22:

This apartment site includes a replat of one lot from the recent AMBER FIELDS plat. The right-of-way needs along CSAH 42 have been met and access to CSAH 42 is restricted per document no. 3538196. All access to site will be from city streets. There are no other comments.

RECOMMENDATION 10/26/22:

The Plat Commission has approved the preliminary and final plat, provided that the described conditions are met, and will recommend approval to the County Board of Commissioners.

<b>Plat Name:</b>	<b>ADAMS FIRST ADDITION</b>
<b>PID:</b>	<b>340181028014, 340181028015, 344860000010</b>
<b>City:</b>	<b>Rosemount</b>
County Road:	CSAH 38 (McAndrews)
Current ADT (2017):	9,800
Projected ADT (2040):	15,300
Current Type:	3-lane
Proposed Type:	3-lane
R/W Guideline:	60 ft ½ R/W
Spacing Guideline:	¼ mile full access
Posted Speed Limit:	55 mph
Proposed Use:	Residential
Status:	Preliminary
Location:	NW ¼, Sec 18-115-19
In attendance (10/03/16):	Anthony Nemcek (city); Kyle Klatt (city); Clay Adams (property owner)
In attendance (10/26/22):	Anthony Nemcek (city)

REVIEW 10/3/2016:

The proposed plat includes two larger residential lots along CSAH 38. The right of way needs along CSAH 38 for a future four-lane divided roadway are 75 feet of half right of way. The site includes 50 feet of existing right of way along CSAH 38; therefore, the plat is required to dedicate an additional 25 feet. The access spacing guidelines are ¼ mile (1,320 feet) full access and 1/8 mile (660 feet) restricted access. Restricted access should be shown along all of CSAH 38 except the eastern driveway access location across from Danbury Way. The western driveway access is to be removed because it no longer meets access spacing guidelines, and the easterly driveway will be a safer location to access the property in the future when left turn lanes are added by the County in 2018 (the westerly driveway will not have a left turn lane available). A driveway easement for Lot 2 across Lot 1 to the easterly driveway exists, providing legal access. A quit claim deed for restricted access to Dakota County is required at the time of recording the plat mylars.

RECOMMENDATION 10/3/216:

The preliminary plat was approved with the above conditions.

REVIEW 10/26/22:

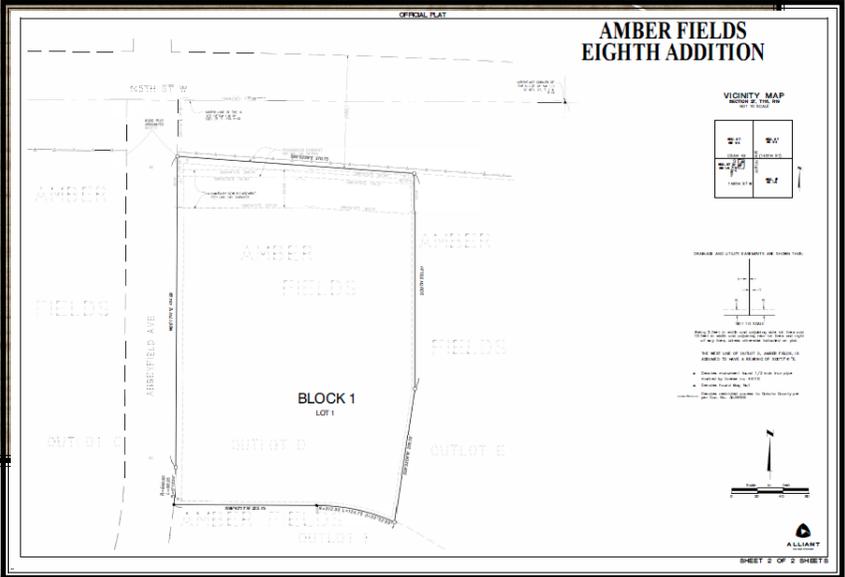
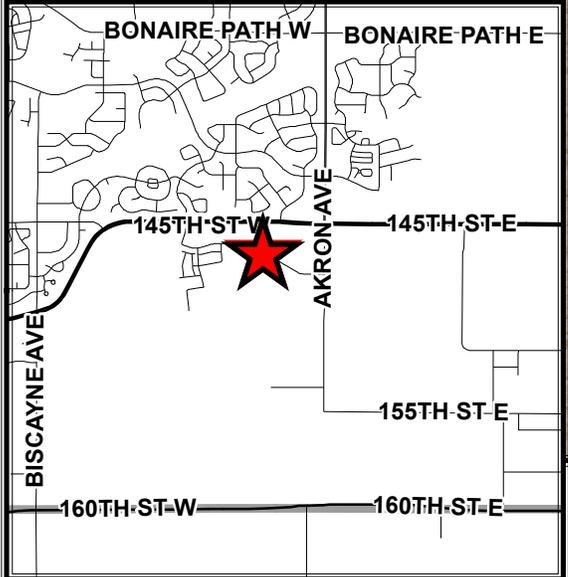
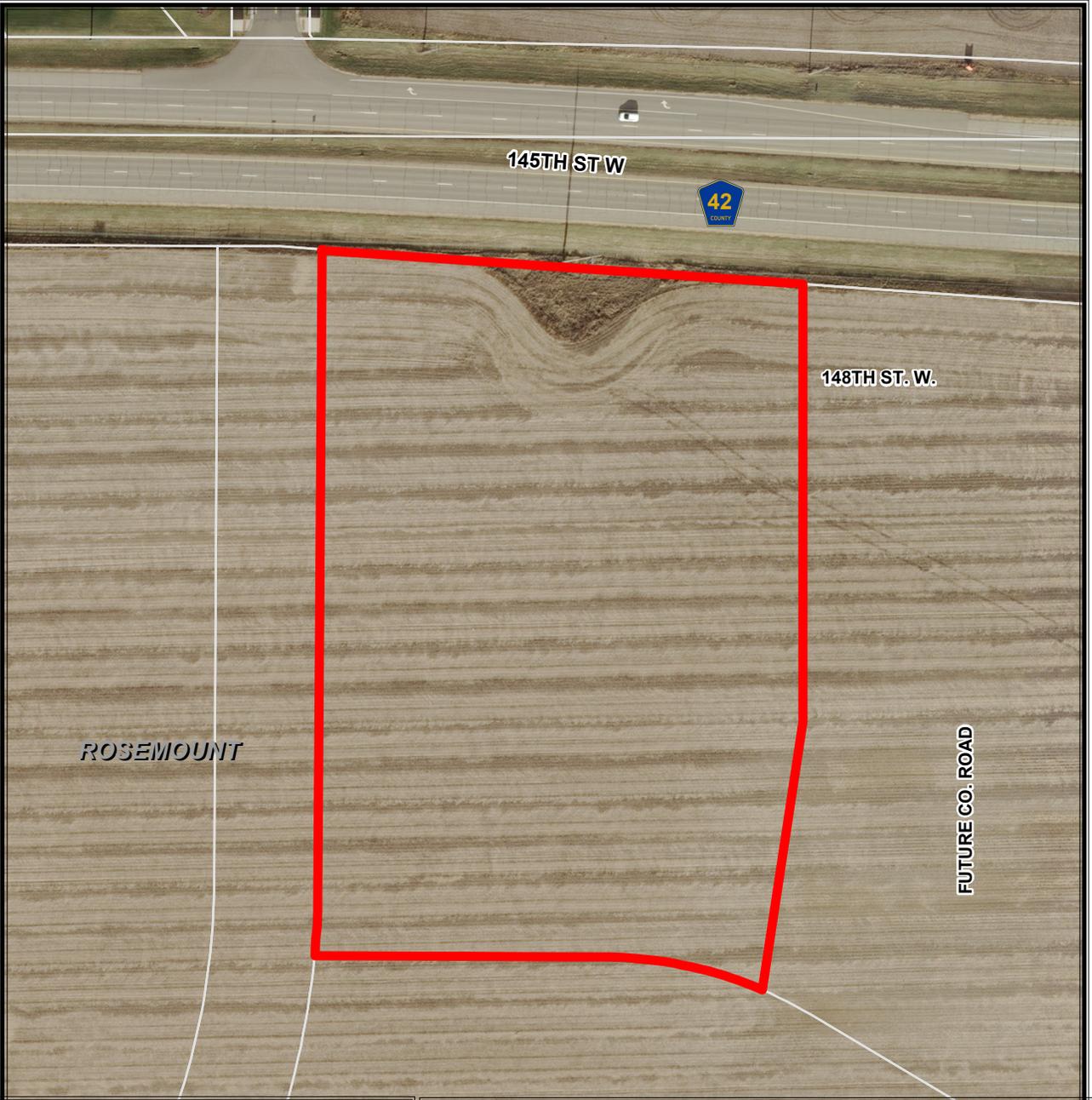
The proposed site includes two existing rural lots to create two additional new lots. The right-of-way needs are 60 feet of half right of way, which has been met. There are two existing accesses to the site that will each become shared access locations. The western access will share access for two lots and the eastern access will share access with two lots. Restricted access should be shown along all of CSAH 38 except for the two openings. A quit claim deed to Dakota County for restricted access is required with the recording of the plat mylars.

RECOMMENDATION 10/26/22:

The Plat Commission has approved the preliminary and final plat, provided that the described conditions are met, and will recommend approval to the County Board of Commissioners.

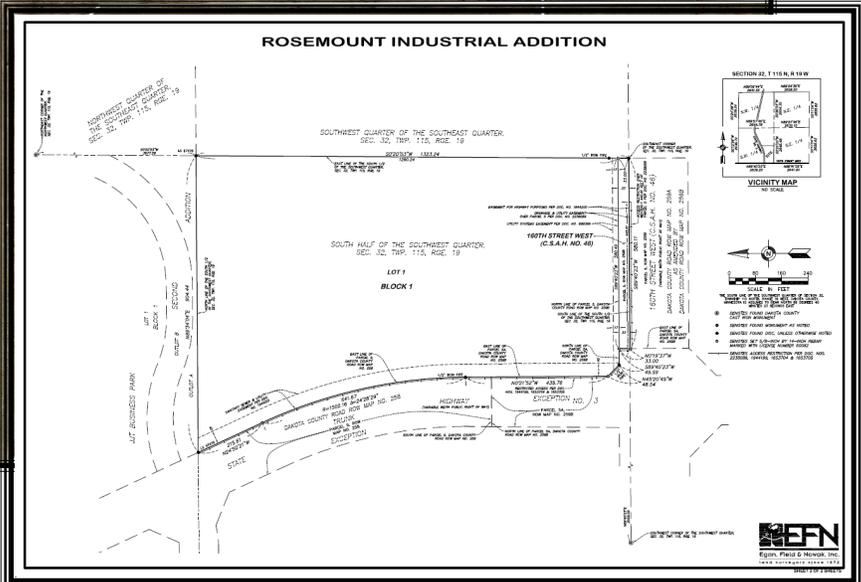
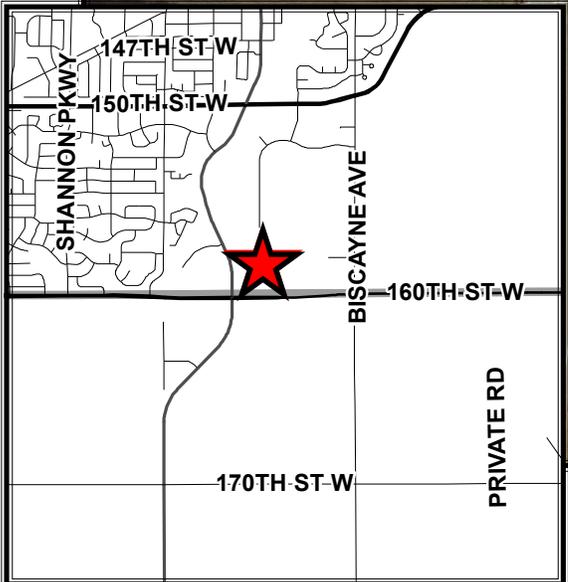
# AMBER FIELDS EIGHTH ADDITION

Prepared by Dakota County Physical Development Division



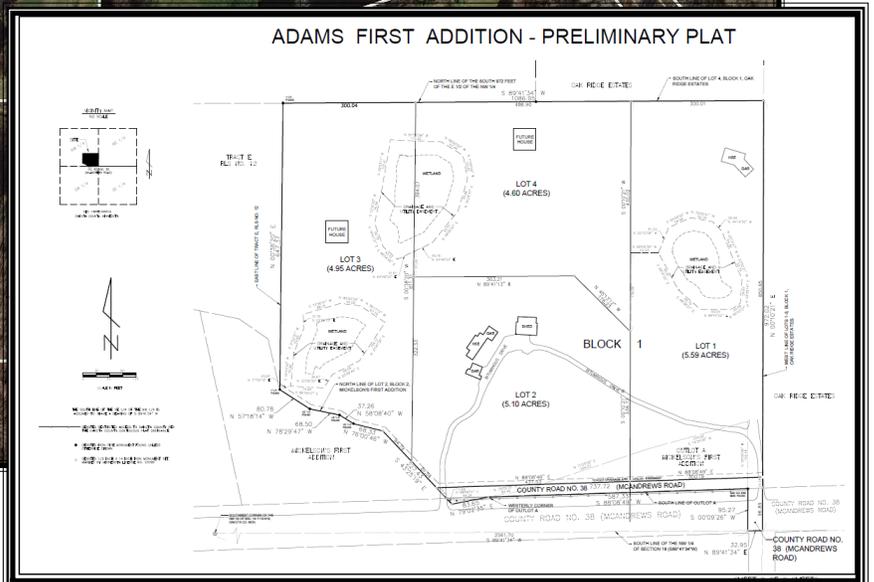
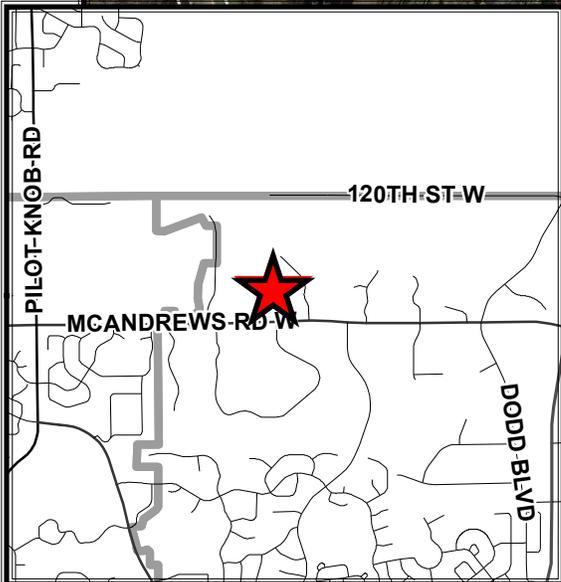
# ROSEMOUNT INDUSTRIAL ADDITION

Prepared by Dakota County Physical Development Division



# ADAMS FIRST ADDITION

Prepared by Dakota County Physical Development Division





# Board of Commissioners

## Request for Board Action

Item Number: DC-1519

Agenda #: 9.9

Meeting Date: 11/15/2022

**DEPARTMENT:** Parks, Facilities, and Fleet Management

**FILE TYPE:** Consent Action

### TITLE

**Approval Of Right Of Way Acquisition For North Creek Greenway Lakeville-Farmington Segment In City of Farmington**

### PURPOSE/ACTION REQUESTED

Approve acquisition of right of way necessary for the North Creek Greenway Lakeville-Farmington Segment (P00146) construction in the City of Farmington (see Attachment: Project Location Map).

### SUMMARY

To provide a safe and efficient greenway system, Dakota County is proceeding with the North Creek Greenway Lakeville-Farmington Segment Project, which is the construction of 2.2 miles of shared-use trail along North Creek and nearby tributaries and wetlands from East Lake Community Park in Lakeville at 173<sup>rd</sup> Street West to Jim Bell Park and Preserve in Farmington at 189<sup>th</sup> Street West. The design includes a ten-foot shared-use trail, two new trail bridges which cross North Creek, a tributary stream, trail nodes, connections to local trails and city parks, and two improved local street crossings. The project is currently scheduled for construction beginning in the spring of 2023.

The purpose of the project is to complete a segment of the North Creek Greenway utilizing existing City and County property and parkland. Upon completion, this trail segment will provide a connection to East Lake Community Park, Jim Bell Park and Preserve, and other local parks. Other projects, current, and future, will connect this trail segment to points north in Apple Valley and Eagan and to downtown Farmington. This year-round facility will serve people of diverse interests and abilities while protecting and enhancing the natural surroundings. Additionally, this facility will provide a safe and efficient route for pedestrian and bicycle transportation in the area.

Dakota County is the lead agency for the design and right of way acquisition. Acquisition of temporary construction easements from six private parcels (see Attachment: Parcel Map) is recommended to move forward with the construction of the North Creek Greenway Lakeville-Farmington Segment. Federal funding of this project in the amount of \$480,000 has been awarded through Regional Solicitation. Federal authorization associated with the Regional Solicitation funding award requires that right of way be fully secured prior to bidding for construction.

The appraisals consist of acquisitions of temporary easements from private residences or vacant land for construction access, minor grading, and restoration due to existing trail removal, trail relocation, and reconstruction. Valbridge Property Advisors has completed appraisals with a total appraised value of \$12,950.00. Appraisal data has been provided to the County Board in a separate confidential spreadsheet, as the appraisals are confidential, non-public data pursuant to Minn. Stat. §

Sec. 13.44, subd. 3.

**RECOMMENDATION**

Staff recommends approval of right of way acquisitions necessary for the construction of the North Creek Greenway Lakeville-Farmington Segment.

**EXPLANATION OF FISCAL/FTE IMPACTS**

Acquistion costs are paid by the P00040 Acquisition Set-Aside in the Parks Capital Improvement Program (see Attachment: Financial Summary). Sufficient funds are available for the recommended right of way acquisition totaling \$12,950.00.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

**RESOLUTION**

WHEREAS, to provide a safe and efficient greenway system, Dakota County is proceeding with the North Creek Greenway Lakeville-Farmington Segment Project (P00146); and

WHEREAS, the purpose of the project is the construction and improvement of 2.2 miles of the North Creek Greenway from its connection to East Lake Park at 173<sup>rd</sup> St W in Lakeville to Jim Bell Park and Preserve in Farmington; and

WHEREAS, Dakota County is the lead agency for the Project; and

WHEREAS, right of way acquisition is needed to allow for construction to begin in 2023 as scheduled; and

WHEREAS, to move forward with the construction of the Project, the acquisition of temporary easements on six parcels is necessary, as identified in the Parcel Map attachment; and

WHEREAS, the acquisition of the following six parcels is necessary to move forward with the Project:

14-47802-04-360 - Zachary Gilman and Amanda Riley - Parcel 1

A temporary easement for construction purposes over, under, across, and through part of the following described property:

Lot 36, Block 4, MEADOW CREEK 3RD ADDITION

Said temporary easement being the Southeasterly 5.00 feet of the Northeasterly 30.00 feet of said Lot 36.

Together with a temporary easement for construction purposes over, under, across, and through the Northwesterly 5.00 feet of the Southeasterly 10.00 feet of the Northeasterly 10.00 feet of said Lot 36.

Temporary Easement Area = 200 SF

14-47802-02-140 - Anthony and Angela Sisco - Parcel 2

A temporary easement for construction purposes over, under, across, and through part of the following described property:

Lot 14, Block 2, MEADOW CREEK 3RD ADDITION

Said temporary easement being the Northeast 10.00 feet of said Lot 14.

Together with a temporary easement for construction purposes over, under, across, and through the East 5.00 feet of the South 28.60 feet of the North 38.60 feet of said Lot 14.

Together with a temporary easement for construction purposes over, under, across, and through that part of said Lot 14, described as follows:

Beginning at the southeast corner of said Lot 14; thence westerly along the south line of said Lot 14 a distance of 8.00 feet; thence northeasterly to a point on the east line of said Lot 14 distant 25.00 feet north of the southeast corner of said Lot 14; thence south along said east line a distance of 25.00 feet to the point of beginning.

Temporary Easement Area = 1,067 SF

14-47803-05-320 - Daniel C. and Amber J. Ottney - Parcel 3

A temporary easement for construction purposes over, under, across and through part of the following described property:

Lot 32, Block 5, MEADOW CREEK 4TH ADDITION

Said temporary easement being the Northwesterly 10.00 feet of the Northeasterly 18.32 feet of said Lot 32.

Temporary Easement Area = 197 SF

14-47803-05-310 - Charles and Katherine Maahs - Parcel 4

A temporary easement for construction purposes over, under, across and through part of the following described property:

Lot 31, Block 5, MEADOW CREEK 4TH ADDITION

Said temporary easement being the Northeasterly 5.00 feet of the Southeasterly 75.00 feet of said Lot 31.

Together with a temporary easement for construction purposes over, under, across and through the Southwesterly 14.30 feet of the Northeasterly 19.30 feet of the Southeasterly 10.00 feet of said Lot 31.

Temporary Easement Area = 524 SF

14-47803-05-130 - Aaron and Holly Groff - Parcel 5

A temporary easement for construction purposes over, under, across and through part of the following described property:

Lot 13, Block 5, MEADOW CREEK 4TH ADDITION

Said temporary easement being the Southeasterly 5.00 feet of the Southwesterly 30.00 feet of the Northeasterly 49.50 feet of said Lot 13.

Temporary Easement Area = 151 SF

14-01800-52-030 - Michael E. McMahon, Trustee, and Richard M.C. Glenn III, Trustee - Parcel 22

A temporary easement for construction purposes over, under, across and through part of the following described property:

That part the Southwest Quarter of the Southwest Quarter of Section 18, Township 114 North, Range 19 West lying southerly and westerly of a line commencing at the Southwest Corner of said Section 18, thence north along the west line of said Section 18 a distance of 721.31 feet to the point of beginning of said line; thence South 80 degrees 27 minutes 24 seconds East a distance of 606.62 feet; thence South 35 degrees 26 minutes 04 seconds East a distance of 766.11 feet more or less to the south line of the Southwest Quarter and there terminating. Except that part platted as FAIRHILL PARK.

Said temporary easement being the West 10.00 feet of the Southwesterly 88.00 feet of the Northeasterly 178.00 feet of said described property.

Temporary Easement Area = 893 SF

; and

WHEREAS, appraisals have been completed for six parcels by Valbridge Property Advisors for a total appraised value of \$12,950.00; and

WHEREAS, the 2022 Parks Capital Improvement Program Budget includes sufficient funds for the right of way acquisitions required by the Project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised values prepared by Valbridge Property Advisors for the acquisition of the right of way for the North Creek Greenway Lakeville-Farmington Segment and authorizes County staff, in its discretion, to share the appraisal data with the respective landowners, including all or portions of the completed appraisals as part of the negotiation process; and

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

the acquisition of right of way for the North Creek Greenway Lakeville-Farmington Segment at the approved appraised values and in accordance with County policy and authorizes payment from the adopted 2022 Parks Capital Improvement Program budget.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: Project Location Map

Attachment: Parcel Map

Attachment: Financial Summary

Attachment: Confidential Memo (Given to Board only)

**BOARD GOALS**

A Great Place to Live

A Healthy Environment

A Successful Place for Business and Jobs

Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

Inform and Listen

Discuss

Involve

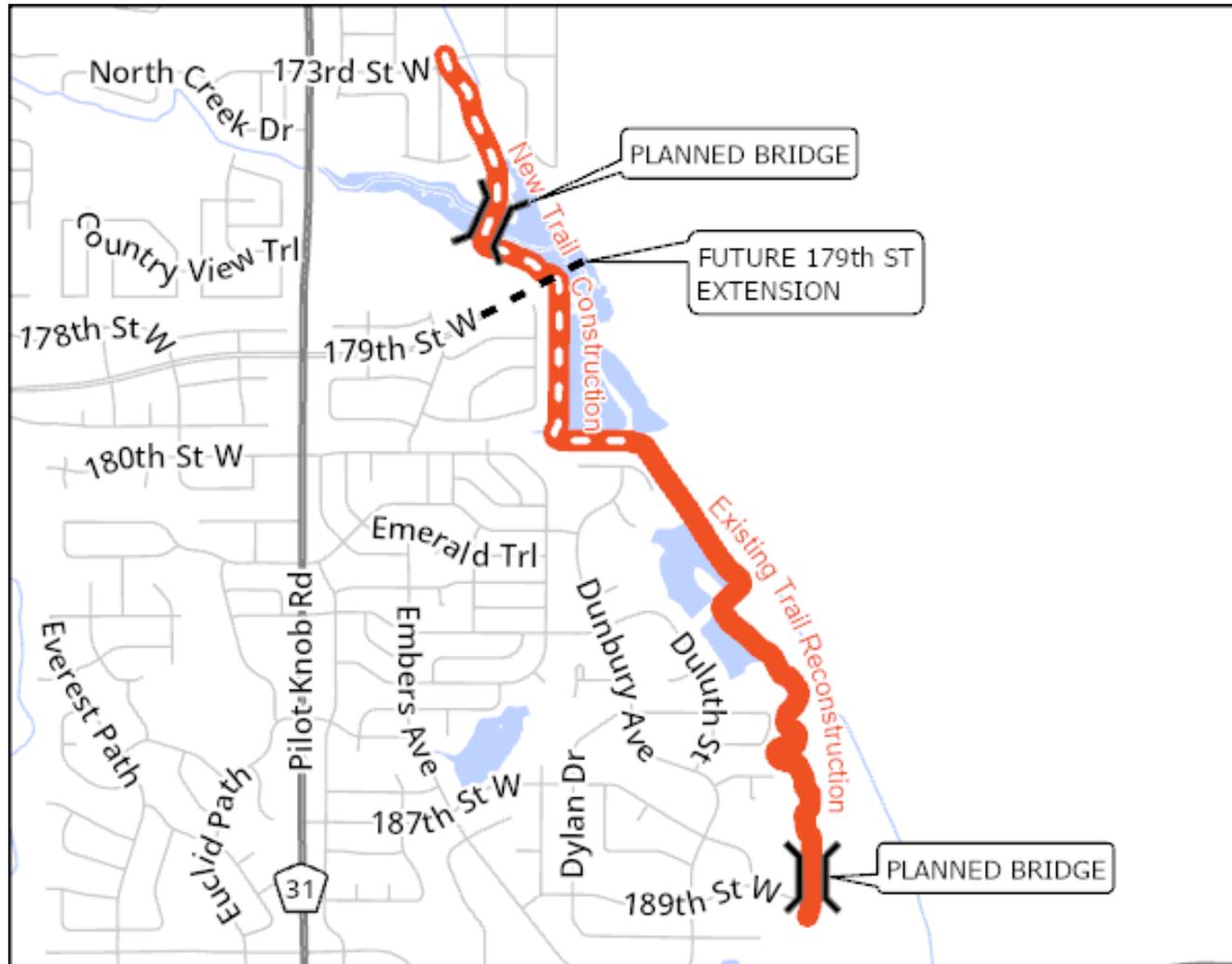
N/A

**CONTACT**

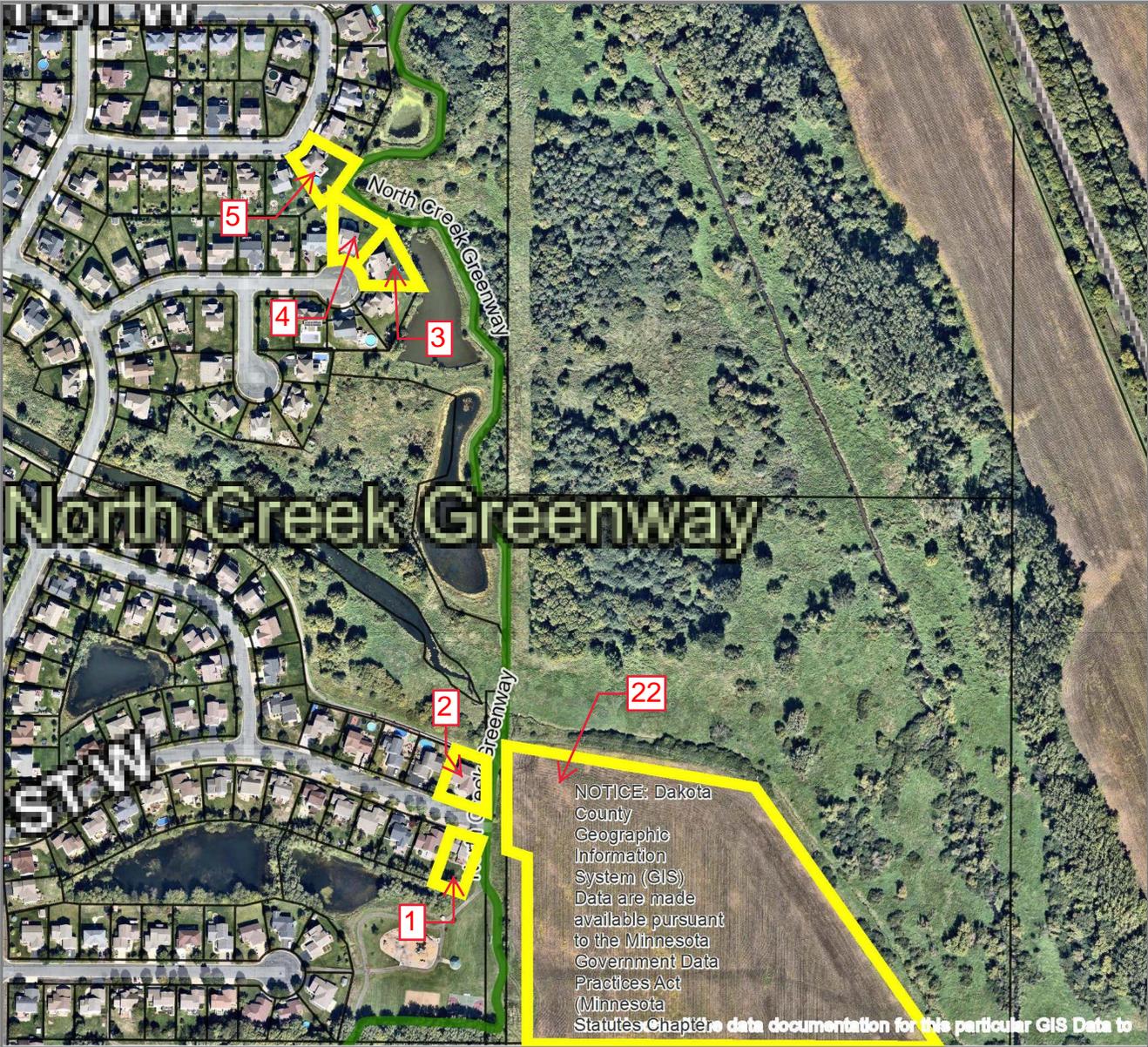
Department Head: Niki Geisler

Author: Bryce LeBrun

## County Project 97-210: North Creek Greenway Lakeville-Farmington Segment Project Location Map



CP 97-210 ROW Parcel Map



1	140180052030	4	144780305130 18636 DULANEY DR
2	144780305320 18605 DULCIMER CT	5	144780204360 4668 189TH ST W
3	144780305310 18615 DULCIMER CT	22	144780202140 4675 189TH ST W



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale  
1 inch = 400 feet  
10/10/2022

Project P00040 - Parks Acquisitions

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 2022	-	-	-	-	-	-	-	-	-	-
2022 Budget	4,533,333	-	4,533,333	1,133,333	-	1,133,333	3,400,000	-	3,400,000	4,533,333
2023 Plan	-	-	-	-	-	-	-	-	-	-
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
<i>Current CIP Total</i>	<i>4,533,333</i>	<i>-</i>	<i>4,533,333</i>	<i>1,133,333</i>	<i>-</i>	<i>1,133,333</i>	<i>3,400,000</i>	<i>-</i>	<i>3,400,000</i>	<i>4,533,333</i>
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>4,533,333</b>	<b>-</b>	<b>4,533,333</b>	<b>1,133,333</b>	<b>-</b>	<b>1,133,333</b>	<b>3,400,000</b>	<b>-</b>	<b>3,400,000</b>	<b>4,533,333</b>



# Board of Commissioners

## Request for Board Action

---

**Item Number:** DC-1524

**Agenda #:** 9.10

**Meeting Date:** 11/15/2022

---

**DEPARTMENT:** Parks, Facilities, and Fleet Management

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Purchase Fuel From State Of Minnesota Fuel Consortium Program**

### PURPOSE/ACTION REQUESTED

Authorize the purchase of 70 percent of the County's anticipated unleaded and diesel fuel needs for the period of February 1, 2023, to January 31, 2024, on a fixed price basis from the State of Minnesota Fuel Consortium Program (Consortium) with the remainder being purchased under the State or local spot pricing purchasing programs.

### SUMMARY

In 2022, Dakota County Fleet Management participated in the 14<sup>th</sup> year of the Consortium, which provides an option to purchase fuels at a fixed price. Prior to 2009, all County unleaded and diesel fuel needs were met through purchases on the spot price market. For 2022, participation in this State program enabled the County to lock in a fixed price of \$2.82 a gallon for 70 percent of its unleaded fuel needs and a fixed price of \$3.32 a gallon for 70 percent of its diesel fuel needs. In comparison with purchasing on the spot market, the ability to lock in the fuel purchased at competitive prices via the Consortium helped ensure accurate County budget planning as well as budget stability.

Due to the continuing success of the Consortium, the State will continue to offer this program to all its Cooperative Purchasing Venture (CPV) members in the nine-county metropolitan area. In 2022, this program has over 50 municipalities joining together to purchase over 15 million gallons of fuel. Although 2023 pricing is not yet available, historically municipalities have been able to secure lower prices per gallon by joining together in the Consortium.

The Consortium will provide CPV members an opportunity to purchase fuel based on two pricing strategies once again in 2023. Those scenarios include a fixed pricing and spot pricing. Fixed pricing is a fixed amount per gallon for an exact number of gallons to be purchased. Spot pricing is a fixed markup on the current open-marked rail price per gallon at the refinery. The current program pricing will expire on January 31, 2023. The new program will run for 12 months: from February 1, 2023, to January 31, 2024. Solicitation for CPV members is taking place in November so they can react quickly to market conditions that would affect fuel prices for the new program term.

While the primary intent of this program is to manage the County's fuel costs within budget, Dakota County has, since 2009, saved over \$717,335 when comparing the State contract price per gallon to the average annual open market rates, not including the savings in staff time due to the use of the State contract (see Attachment: Fuel Cost Comparison).

Current State mandates require all unleaded fuel sold in Minnesota to contain 10 percent ethanol and all diesel fuel purchased from April to September to contain 20 percent biofuel, with all diesel fuel purchased from October to March to contain a five percent biofuel blend.

**RECOMMENDATION**

Given the volatility of the fuel marks and the uncertainty regarding fuel pricing in 2023, staff recommends that the County reduce the potential variability of County fuel expenses in 2023 by again participating in the State fixed price Fuel Consortium Program. More specifically, the Fleet Management staff and Budget staff recommend that Dakota County purchase 70 percent of its estimated unleaded gas supplies and diesel fuel supplies through the Consortium. Based on the average fuel use, staff estimates this would equate to purchasing 131,300 gallons of unleaded fuel and 118,500 gallons of diesel fuel through the program. This would require the County to commit to expending approximately \$791,475 of an estimated \$1,180,679 fuel budget for 2023 on the fixed price program, with the remaining fuel purchases completed on the spot price market.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The proposed 2023 Fleet fuel budget for unleaded and diesel fuel is \$1,180,679. Purchasing a fixed percentage of the Dakota County fuel needs on a fixed price basis will better position the County to maintain total fuel expenditures within the 2023 County Manager’s recommended budget for this line item.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

**RESOLUTION**

WHEREAS, Dakota County has experienced significant variability in spot market fuel prices in the past; and

WHEREAS, the State of Minnesota is offering participants in the Fuel Consortium Program (Consortium) an opportunity to purchase fuel on a fixed price basis for a period of February 1, 2023 to January 31, 2024; and

WHEREAS, the fixed prices available under the Consortium program are expected to be lower than prices available through the spot market; and

WHEREAS, purchasing fuel on a fixed price basis will ensure accurate County budget planning and budget stability; and

WHEREAS, Dakota County holds a cooperative purchase agreement with the State of Minnesota that allows the County to purchase from vendors under contract with the State of Minnesota; and

WHEREAS, use of the Consortium will reduce Dakota County administrative costs associated with the competitive bidding process and avoid duplication of activity.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to purchase 70 percent (131,300 gallons) of the County’s estimated unleaded fuel need and 70 percent (118,500 gallons) of the County’s estimated diesel fuel needs for the period of February 1, 2023, to January 31, 2023, through the State Fuel Consortium Program, at the rates approved by the State of Minnesota; and

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

Parks, Facilities, and Fleet Management Director to purchase the remaining amount of fuel necessary for County operations from the State Spot Price Program or through local spot price vendors.

**PREVIOUS BOARD ACTION**

21-524; 11/2/21

**ATTACHMENTS**

Attachment: Fuel Cost Comparison

**BOARD GOALS**

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

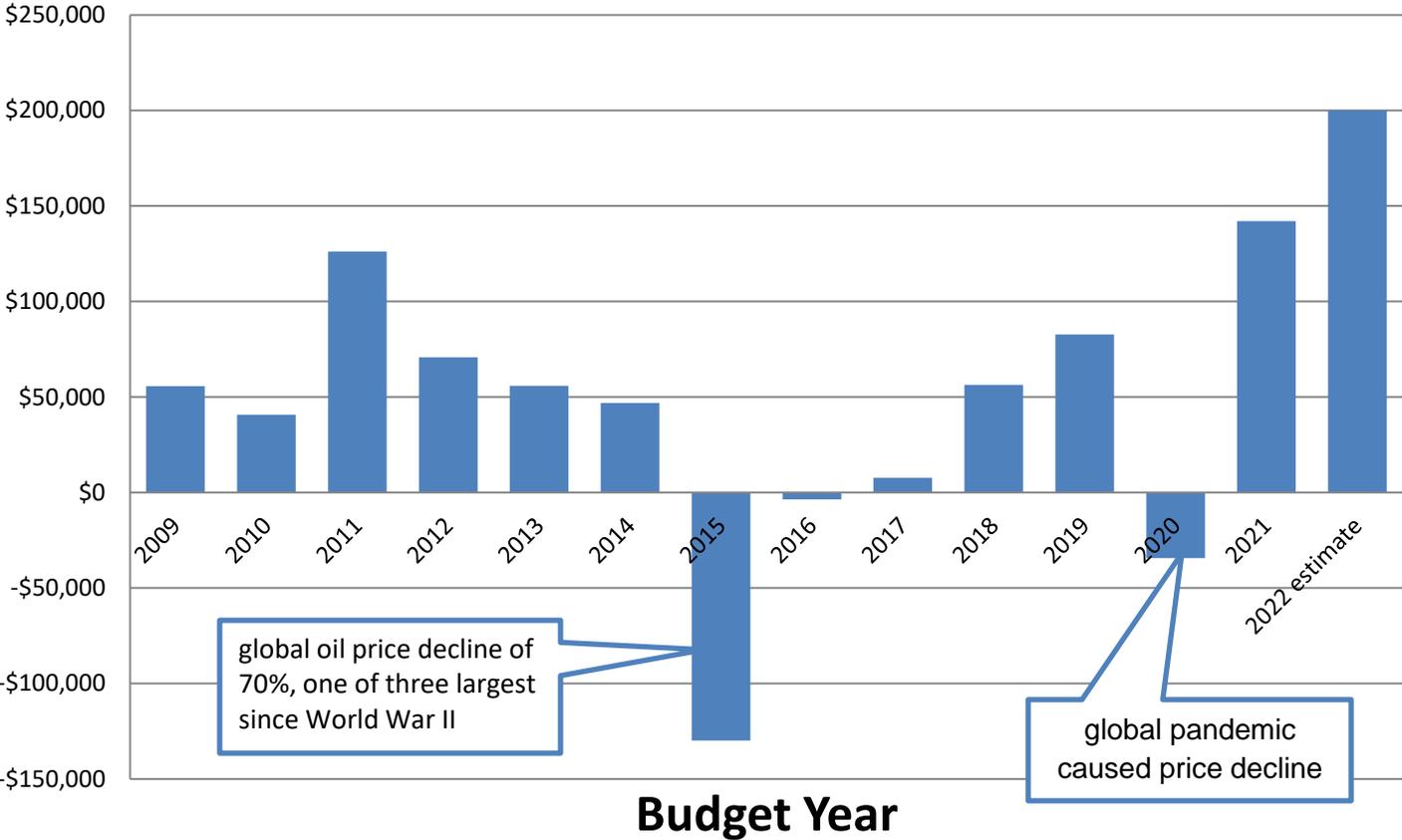
**CONTACT**

Department Head: Taud Hoopingarner

Author: Kevin Schlangen

### 14 Year Program Savings \$717,335 Over Open Market

Annual Program Savings Over Open Market



global oil price decline of 70%, one of three largest since World War II

global pandemic caused price decline



# Board of Commissioners

## Request for Board Action

Item Number: DC-1540

Agenda #: 9.11

Meeting Date: 11/15/2022

**DEPARTMENT:** Parks, Facilities, and Fleet Management

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute 2022 Lease Agreement For Agricultural Use Of County Property**

### PURPOSE/ACTION REQUESTED

Authorize execution of lease agreement for agricultural use of County property.

### SUMMARY

Dakota County has historically leased some unimproved County-owned land for interim agricultural purposes until such time it can be converted to its highest and best use according to approved plans.

#### Lease Approach

The parcel of land in Hampton for the future Grounds and Transportation Maintenance shop was purchased by the County, and the closing occurred in early June 2022. The previous owner had an existing relationship with the farmer, Joseph H. Meyer, to farm the land for the 2022 growing season. Upon closing, the County confirmed with Mr. Meyer that he planned to continue farming the parcel for the 2022 season and harvest his crop in the Fall. The County and Mr. Meyer agreed on a price of \$200/acre for the 19 tillable acres planted, which aligns with other County leases for agricultural use. See (Attachment: Draft Farm Lease Agreement).

In early 2023, the County will plant the site in suitable vegetation for the long-term stability of the soils until construction happens on the site in future years.

### RECOMMENDATION

Staff recommends that the County Board authorize execution of the lease agreement with Joseph H. Meyer.

### EXPLANATION OF FISCAL/FTE IMPACTS

Interim agricultural land rental revenue in 2022 is \$3,800 for this property in the Facilities Management Operating Budget.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

### RESOLUTION

WHEREAS, Dakota County has historically leased some unimproved County-owned land for interim agricultural purposes until such time it can be converted to its highest and best use according to

approved plans; and

WHEREAS, the parcel of land in Hampton for the future Grounds and Transportation Maintenance shop was purchased by the County, and the closing occurred in early June 2022; and

WHEREAS, the previous owner had an existing relationship with the farmer, Joseph H. Meyer, to farm the land for the 2022 growing season; and

WHEREAS, upon closing, the County confirmed with Mr. Meyer that he planned to continue farming the parcel for the 2022 season and harvest his crop in the Fall; and

WHEREAS, the County and Mr. Meyer agreed on a price of \$200/acre for the 19 tillable acres planted, which aligns with other County leases for agricultural use; and

WHEREAS, in early 2023, the County will plant the site in a suitable vegetation for the long-term stability of the soils until construction happens on the site in future years; and

WHEREAS, staff recommends that the County Board authorize execution of the lease agreement with Joseph H. Meyer in the amount of \$3,800.

NOW, THEREFORE BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a farm lease agreement with Joseph H. Meyer for 19 tillable acres of farmland for the period of April 1, 2022, through December 31, 2022, in the amount of \$3,800, subject to the approval of the County Attorney's Office as to form.

### PREVIOUS BOARD ACTION

None.

### ATTACHMENTS

Attachment: Draft Farm Lease Agreement

### BOARD GOALS

- |   |  |
|---|--|
| <input type="checkbox"/> A Great Place to Live                    | <input type="checkbox"/> A Healthy Environment                   |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input checked="" type="checkbox"/> Excellence in Public Service |

### PUBLIC ENGAGEMENT LEVEL

- |  |                                  |                                  |   |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/> N/A |
|--|----------------------------------|----------------------------------|---|

### CONTACT

Department Head: Taud Hoopingarner  
Author: Mike Lexvold

**FARM LEASE AGREEMENT BETWEEN COUNTY OF DAKOTA AND JOSEPH H. MEYER**

THIS FARM LEASE AGREEMENT ("Lease") made this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between COUNTY OF DAKOTA ("Landlord"), a political subdivision of the State of Minnesota, and JOSEPH H. MEYER ("Tenant"), a natural person. Landlord and Tenant may be referred to together as the "Parties."

Section 1. *Description of the Farm.* In consideration of the terms and covenants specified below, the Landlord hereby leases to the Tenant real property located in Dakota County, State of Minnesota, as described and depicted as follows:

**See attached Exhibit A**

(hereinafter the "Farm").

Section 2. *Use of Farm.* The Farm is to be used for the purpose of agricultural crop production.

Section 3. *Length of Lease.* This Lease is for a term of one growing season beginning on April 1, 2022, and ending on December 31, 2022.

Section 4. *Amount of Rent.* The Tenant shall pay to the Landlord as rental for the Farm, the sum of Two Hundred and No/100 Dollars (\$200.00) per tillable acre, for a total of Three Thousand, Eight Hundred and No/100 Dollars (\$3,800) due upon lease execution.

Section 5. *Default.* If Tenant fails to make the rental payments when due, or fails to fulfill any of the covenants contained in this Lease, then Landlord may re-enter and take possession of the Farm and hold and enjoy the Farm without the re-entering working a forfeiture of the rents to be paid by the Tenant for the full term of the Lease.

Section 6. *Additional Conditions.*

- (a) Tenant, upon completion of Lease period, will leave the bean stubble in place with no further tillage after harvest.
- (b) Any existing waterways and natural drainage will be retained;
- (c) Landlord reserves the right to enter the Farm from time to time to conduct activity incidental to the County's intended use of the Farm property after the term of this Lease has expired. Such entry and activity shall be conducted in such a way as have the least amount of impact possible on crops planted on the property and minimize to the greatest extent possible any interference with Tenant's agricultural production activity.

Section 7. *Termination.* If the Tenant remains in possession of the Farm after the expiration of the term for which it is hereby leased, such possession shall not be construed to be a renewal of this Lease, but to be tenancy at the will of the Landlord, which may be terminated upon ten (10) days' notice given by the Landlord in writing, delivered to the Tenant at 11502 240th St E, Hampton MN 55031, which is hereby declared by Tenant to be Tenant's usual Post Office address.

Section 8. *No Assignment.* Tenant agrees not to assign this Lease or sublet the Farm or any part thereof without the written consent of Landlord.

**Attachment: Farm Lease Agreement**

Section 9. *No Waste by Tenant.* Tenant agrees to cultivate, maintain, and keep up the Farm in a careful and husband-like manner, to commit no waste or damage to the crops, trees, or other vegetation thereon, and suffer none to be done by others.

Section 10. *Removal of Dirt.* Tenant agrees not to remove any dirt from the Farm.

Section 11. *Quiet Enjoyment.* Landlord covenants that the Tenant, upon paying the rents and performing the covenants set forth above, shall peaceably and quietly have, hold, and enjoy the Farm for the term of this Lease.

Section 12. *Indemnification.* To the fullest extent permitted by law, Tenant agrees to indemnify the Landlord, it's officers, employees, agents, and others acting on its behalf and to hold them harmless and defend and protect them from and against any and all loss, damage, liability, cost and expense specifically including attorneys' fees and other costs and expenses of defense, which result from, or otherwise arise in connection with, any actions, claims or proceedings of any sort and which is caused by any act or omission of Tenant, its officers, employees or agents, or any other person(s) or entity(ies) for whose acts or omissions Tenant may be legally responsible.

**LANDLORD**  
**COUNTY OF DAKOTA**

**TENANT**  
**JOSEPH H. MEYER**

By: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Joseph G. Marek  
Assistant County Attorney  
Board Res. No. \_\_\_\_\_  
KS-21-00173

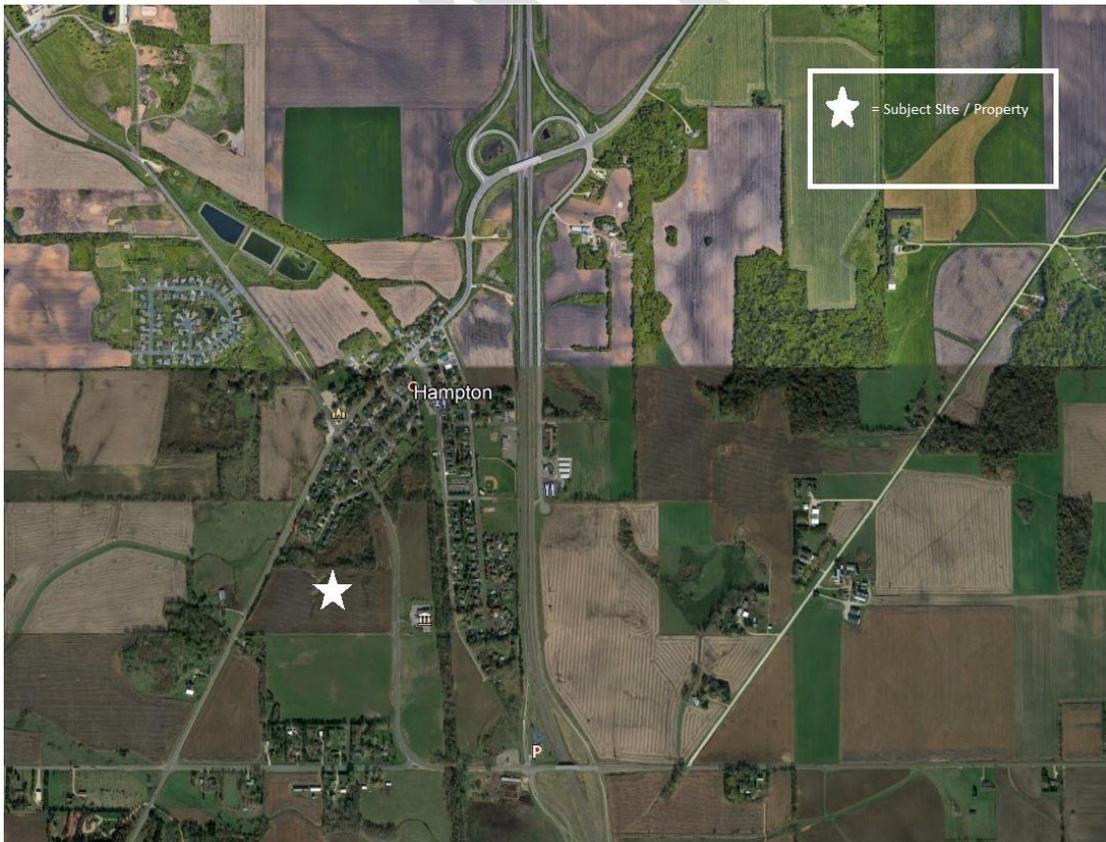
Drafted by:  
Joseph G. Marek  
Assistant County Attorney  
Atty Reg. No. 0400168  
Dakota County Judicial Center  
1560 Highway 55  
Hastings, MN 55033  
Telephone: (651)-438-4438

Exhibit A

Parcel ID Number: 18-00800-77-017

SECTION 8 TWN 113 RANGE 18

PT OF NE ¼ OF SW ¼ & OF NW ¼ OF SE ¼ & OF  
NE ¼ LYING SE'LY OF CR #47 & W OF STH #50  
EX MATHIS MANOR EX COM INT W LINE STH #50  
& SE LINE WATER ST S ON W LINE #50 231 FT W  
300.2 FT TO WATER ST NE ON ST 350 FT TO  
BEG EX COM INT CR #47 & STH #50 ON CR #47  
209 FT E TO C/L STH #50 NW ON C/L 209 FT TO  
BEG EX PT PLATTED AS RAYSPARK EX PT  
DESIGNATED AS PARCEL 41 MN DOT R/W MAP  
NOS 19-166 SUBJ TO PAR 24 DAKOTA CO R/W  
MAP NO 178





# Board of Commissioners

## Request for Board Action

Item Number: DC-1548

Agenda #: 9.12

Meeting Date: 11/15/2022

**DEPARTMENT:** Parks, Facilities, and Fleet Management

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Contract Amendment With Waste Management Of Minnesota, Inc., For Resource Management Services At County Buildings, Parks Facilities, And Residential Organics Drop-Off Locations**

### PURPOSE/ACTION REQUESTED

Authorize execution of a contract amendment for resource management services to collect and properly manage organics, recycling, and trash from County buildings, park facilities, and identified residential organics drop-off locations.

### SUMMARY

Dakota County currently contracts with Waste Management for resource management services at County buildings, including service centers, libraries, detention facilities, transportation buildings, park facilities, and some residential organics drop-off locations (e.g., Thompson Park, Holland Lake).

The contract with Waste Management was executed in late 2019 for a 3-year period ending December 31, 2022. Due to several factors listed below, a contract amendment is necessary to account for increased costs over this contract period. Extending the contract by one additional month moves the transition of vendors away from the holidays. These are summarized as follows:

Extended the contract term from December 31, 2022, to January 31, 2023	\$ 15,000
Dumpster overages, contamination fees, on-call services	\$ 20,000
Additional dumpster fees at Northern Service Center	\$ 18,000
Thompson County Park increased service level needs	\$ 2,700
Lake Byllesby Park increased service level needs	\$ 13,000
New Organics collection at Hastings Highway Shop drop site	\$ 6,100
Increased Organics collection at Holland Lake drop site	\$ 2,900
New service at SMART Center	\$ 6,000
Contingency for additional services and fees through January 31, 2023	\$ 20,000
Total	\$103,700

The original contract with Waste Management was signed for \$438,893 and was administratively amended in September 2021 in the amount of \$43,889 for a revised total of \$482,782. The proposed second amendment to the contract in the amount of \$59,811 requires County Board approval and will bring the amended contract maximum to a total of \$542,593 over the 37-month term.

### RECOMMENDATION

Staff recommends executing a contract amendment with Waste Management for resource

management services through January 31, 2023, for a maximum amount of \$542,593.

**EXPLANATION OF FISCAL/FTE IMPACTS**

Total contract costs for resource management services are included in the Adopted 2022 Facilities Management Operating Budget.

- None             Current budget             Other  
 Amendment Requested             New FTE(s) requested

**RESOLUTION**

WHEREAS, Dakota County currently contracts with Waste Management for resource management services at County buildings, including service centers, libraries, detention facilities, transportation buildings, park facilities, and some residential organics drop-off locations (e.g., Thompson Park, Holland Lake); and

WHEREAS, the contract with Waste Management was executed in late 2019 for a 3-year period ending December 31, 2022; and

WHEREAS, due to several factors, including; extending the contract term by one month, dumpster overages and fees, additional service levels due to residential organics drop sites, increased demand for services in parks, the addition of the SMART Center, among others, a contract amendment is necessary to account for increased costs over this contract period; and

WHEREAS, the original contract with Waste Management was signed for \$438,893 and was administratively amended in September 2021 in the amount of \$43,889 for a revised total of \$482,782; and

WHEREAS, the proposed second amendment to the contract in the amount of \$59,811 requires County Board approval and will bring the amended contract maximum to a total of \$542,593 over the 37-month term; and

WHEREAS, staff recommends executing a contract amendment with Waste Management for resource management services from through January 31, 2023, for a maximum amount of \$542,593; and

WHEREAS, funds are included in the Facilities Management Adopted Budget for 2022 expenses.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract amendment with Waste Management of Minnesota, Inc., for resource management services through January 31, 2023, in an amount not to exceed \$542,593 for the total contract, subject to the approval of the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

19-796; 10/29/19

**ATTACHMENTS**

None.

**BOARD GOALS**

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Taud Hoopingarner

Author: Michael Lexvold



# Board of Commissioners

## Request for Board Action

---

**Item Number:** DC-1580

**Agenda #:** 10.1

**Meeting Date:** 11/15/2022

---

**DEPARTMENT:** Sheriff

**FILE TYPE:** Consent Action

### **TITLE**

**Authorization to Execute Contract With Doug Nelson Consulting To Provide Radiological Emergency Preparedness, Emergency Management, And Homeland Security Planning Services**

### **PURPOSE/ACTION REQUESTED**

Authorize contract with Doug Nelson Consulting to provide radiological emergency preparedness (REP), emergency management, and homeland planning services.

### **SUMMARY**

The contract with Doug Nelson Consulting (Attachment) would provide REP, contracted city emergency planning, and Dakota County homeland security planning services support.

The Dakota County Sheriff's Office has contracted with Doug Nelson Consulting since 2013 for these services and has been very satisfied with the performance and work product. The Sheriff's Office desires to continue this relationship for the period January 1, 2023, through December 31, 2025. Dakota County is the recipient of the Homeland Security grants under the REP Program and the Urban Area Security Initiative (UASI) Grant. These grants are administered by the Minnesota Department of Public Safety for Xcel Energy and for the U.S. Department of Homeland Security.

The REP and UASI grants can be used to cover costs for planning activities. Examples of grant-eligible planning activities include the following areas: tracking grant spending and physical assets; coordinating emergency response training for the County and cities within Dakota County; planning, training, and exercising the requirements of the REP and Emergency Preparedness Programs and planning of exercises for public safety staff.

Dakota County will also continue partnerships with Inver Grove Heights, Mendota Heights, South St. Paul, West St. Paul and Farmington through joint powers agreements (JPAs) to provide emergency management planning services for each respective City and subsequent cost reimbursement. It is beneficial to have the cities contract with the County for emergency planning activities, as it allows for the use of the County Emergency Operations Plan as a workable template for the cities for better emergency planning consistency. This allows for consistency in oversight and improved efficiency in emergency response Countywide. With new annual requirements from Minnesota Homeland Security and Emergency Management regarding plan requirements, this contract allows for timely compliance with state standards. By contracting with the Cities for emergency planning services, Dakota County remains a leader of emergency preparedness countywide and can provide uniformity in emergency

planning and response. The consulting services provided under this contract with Doug Nelson Consulting will be used to support the planning activities under the Cities JPAs.

**RECOMMENDATION**

The Sheriff recommends authorizing the contract with Doug Nelson Consulting to cover services up to a maximum of 1,430 hours annually for the City contracts and additional Dakota County duties at the following rates:

- \$43 per hour for the period of January 1, 2023, through December 31, 2023.
- \$44 per hour for the period of January 1, 2024, through December 31, 2024.
- \$45 per hour for the period of January 1, 2025, through December 31, 2025.

**EXPLANATION OF FISCAL/FTE IMPACTS**

Planning funds for these amounts currently are available, or will be available, from the upcoming 2023 to 2025 REP Grant Programs, 2022 to 2024 UASI Grant, and joint power agreements with the Cities Inver Grove Heights, West St. Paul, Mendota Heights, and South St. Paul for planning services from 2023 through 2025.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

**RESOLUTION**

WHEREAS, the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, has been provided funding from the federal government under the Radiological Emergency Preparedness (REP) and Urban Area Security Initiative (UASI) grant programs to enhance preparedness activities related to natural disasters and terrorism; and

WHEREAS, Dakota County has been awarded the REP and UASI grants by the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, for the purpose of improving Dakota County’s ability to plan for, respond to, and recover from potential Countywide disasters or emergencies; and

WHEREAS, Dakota County will continue partnerships with the Cities of Inver Grove Heights, Mendota Heights, South St. Paul, West St. Paul, and Farmington through joint powers agreements to provide emergency management planning services and consulting services provided under this contract; and

WHEREAS, Dakota County Sheriff deems it to be in its best interests to continue to contract with Doug Nelson Consulting to assist in the facilitation of REP, emergency management, and homeland security planning activities that will better prepare Dakota County and its citizenry to prepare for and respond to any potential countywide disasters or emergencies.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Sheriff to execute a contract with Doug Nelson Consulting, for radiological emergency preparedness, emergency management, and homeland security planning activities for the period of January 1, 2023, through December 31, 2025, up to a maximum of 1,430 hours annually for the City contracts and additional Dakota County duties at a rate of \$43 per hour for 2023, \$44 per hour for 2024, and \$45 per hour for 2025, subject to approval by the County Attorney's

Office as to form.

**PREVIOUS BOARD ACTION**

19-824; 11/12/19

**ATTACHMENTS**

None.

**BOARD GOALS**

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Joe Leko

Author: Joe Leko



# Board of Commissioners

## Request for Board Action

---

Item Number: DC-1586

Agenda #: 10.2

Meeting Date: 11/15/2022

---

**DEPARTMENT:** Sheriff

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Contract Amendment With Summit Food Service For Food Service Costs In Dakota County Jail And Juvenile Services Center**

### PURPOSE/ACTION REQUESTED

Authorize the Sheriff to execute a contract amendment with Summit Food Service for food service to the Dakota County Jail and Juvenile Services Center.

### SUMMARY

The Dakota County Sheriff is charged with operating a 263-bed jail facility, which includes providing food service for its inmates. In effort to provide efficient services, the Sheriff has worked with Dakota County Community Corrections to coordinate the services with the Juvenile Services Center as well. The Sheriff currently contracts with Summit Food Service to provide these services.

In 2021, the Sheriff received authorization to execute a contract with Summit Food Service for the period of January 1, 2022, through December 31, 2022. This included an updated meal price matrix, which varied between \$1.877 and \$2.633 per meal, depending on inmate population, for three meals per day. There was no increase to the Sheriff's budget in 2022 related to food service.

The approved contract with Summit Food Service for the period of January 1, 2022, through December 31, 2022 included a not to exceed amount of \$474,863.10. The total expenditures for meals at the Jail and Juvenile Services Center through August 2022 is \$408,257.53, leaving a remaining balance in the contract maximum of \$66,605.57. The increase to the original not to exceed amount is due to prior projections based upon a lower average daily population.

The Sheriff is requesting a contract amendment to the not to exceed totals from \$474,863.10 to \$675,000 for the current 2022 contract.

### RECOMMENDATION

Authorize the Sheriff to execute a contract amendment with Summit Food Service for food service to the Dakota County Jail and the Juvenile Services Center for the period of January 1, 2022, through December 31, 2022, based on the above financial need.

### EXPLANATION OF FISCAL/FTE IMPACTS

There is sufficient funding in the County budget to cover the increased cost of the 2022 contract. Cost increases for the 2023 contract is included in the County Manager's Recommended Budget.

- None       Current budget       Other  
 Amendment Requested       New FTE(s) requested

**RESOLUTION**

WHEREAS, the Sheriff received approval to execute a contract with Summit Food Service for the period of January 1, 2022 through December 31, 2022 for food service in the Dakota County Jail and Juvenile Service Center; and

WHEREAS, the contract maximum was set at \$474,863.10; and

WHEREAS, total expenditures through August 2022 are \$408,257.53, leaving a remaining amount of \$66,605.57 within the contract maximum; and

WHEREAS, there is a need to amend the contract maximum for the period of January 1, 2022, through December 31, 2022 to \$675,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Sheriff is hereby authorized to execute a contract amendment with Summit Food Service to provide food service to the Dakota County Jail and the Juvenile Services Center for the period of January 1, 2022 through December 31, 2022, based on the not to exceed totals above, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

21-615; 12/14/21

**ATTACHMENTS**

None.

**BOARD GOALS**

- A Great Place to Live       A Healthy Environment  
 A Successful Place for Business and Jobs       Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen       Discuss       Involve       N/A

**CONTACT**

Department Head: Joe Leko  
Author: Joe Leko



# Board of Commissioners

## Request for Board Action

Item Number: DC-1568

Agenda #: 11.1

Meeting Date: 11/15/2022

**DEPARTMENT:** Property Taxation and Records

**FILE TYPE:** Consent Action

### TITLE

**Renewal Of Policy Regarding Installment Plan For Repurchases Of Non-Homestead Tax-Forfeited Property**

### PURPOSE/ACTION REQUESTED

Approve renewal of the five-year installment repurchase plan for non-homestead property for one year beginning the first business day of 2023.

### SUMMARY

Minn. Stat. 282.241 and Minn. Stat. § 282.261, subd. 1, provide that a person repurchasing a tax-forfeited parcel must pay at least one-tenth of the purchase price and shall pay the balance in nine equal annual installments.

Alternatively, Minn. Stat. § 282.261, subd. 3, provides that a county board may annually resolve to require that for non-homestead property, the minimum down payment must be twenty percent of the purchase price with the balance payable in four equal annual installments. The resolution shall remain in force for one year after approval and shall be applied uniformly to all non-homestead property in the county. In previous years, the Dakota County Board of Commissioners has chosen to adopt the alternative, five year repurchase plan for non-homestead property.

### RECOMMENDATION

Dakota County staff recommends that the Dakota County Board of Commissioners adopt the alternative five year repurchase plan for non-homestead property.

### EXPLANATION OF FISCAL/FTE IMPACTS

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

### RESOLUTION

WHEREAS, Minn. Stats. § 282.241 and 282.261 require a person repurchasing a tax-forfeit parcel pay at least one-tenth of the purchase price and shall pay the balance in nine equal installments; and

WHEREAS, Minn. Stat. § 282.261, subd. 3, provides that a county board may annually resolve to require that for non-homesteaded property, the minimum down payment must be twenty percent of the purchase price with the balance paid in four equal annual installments.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby

resolves that the five-year installment repurchase plan, authorized in Minn. Stat. § 282.261, subd. 3, shall apply to all non-homestead, tax-forfeited property in Dakota County for one year beginning the first business day of 2023.

**PREVIOUS BOARD ACTION**

20-602; 12/1/20

21-569; 11/30/21

**ATTACHMENTS**

None.

**BOARD GOALS**

A Great Place to Live

A Successful Place for Business and Jobs

A Healthy Environment

Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

Inform and Listen

Discuss

Involve

N/A

**CONTACT**

Department Head: Amy Koethe

Author: Airabella Lepinski



# Board of Commissioners

## Request for Board Action

Item Number: DC-1581

Agenda #: 11.2

Meeting Date: 11/15/2022

**DEPARTMENT:** Law Library

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Grant Agreement With Dakota County Law Library For American Rescue Plan Act State And Local Fiscal Recovery Funds**

### PURPOSE/ACTION REQUESTED

Authorize execution of grant agreement with the Dakota County Law Library for American Rescue Plan (ARP) Act State and Local Fiscal Recovery Funds (SLFRF).

### SUMMARY

Adequate law library resources serve the citizens hardest hit by the current economic environment or who may otherwise encounter barriers to navigating our judicial system. All county law libraries are governed by Minnesota Statutes Chapter 134A. The statute also specifies how fees are determined. No taxes are used to fund the Dakota County Law Library. Funding is generated by collecting a fee from filings associated with court cases, both civil and criminal. All expenses including salaries and benefits for Law Library employees are paid from the filing fee income. Fee income is still down over 26 percent from 2019 revenue levels and current trends do not indicate signs of recovery to former levels. Due to the increasing cost of materials, staff salaries and benefits, and the simultaneous lack of growth in filing fee revenues, the Law Library fund balance is drawn upon annually to fund law library services. Law Library fund balance is anticipated to be depleted by mid-2024.

By Resolution No. 21-618 (December 14, 2021), the County Board approved using ARP State and Local Fiscal Recovery Funds for a Law Library grant of \$115,000 for revenue replacement. Annual ARP grants combats revenue shortfalls and are necessary to sustain law library operations at current service levels.

### RECOMMENDATION

Authorize the Public Services and Revenue Director to execute a grant agreement (Attachment) with the Dakota County Law Library for revenue replacement in an amount not to exceed \$115,000.

### EXPLANATION OF FISCAL/FTE IMPACTS

The grant is funded by available ARP funds in the amount of \$115,000 that were approved in the 2022 adopted budget.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

### RESOLUTION

WHEREAS, adequate law library resources serve the citizens hardest hit by the current economic environment or who may otherwise encounter barriers to navigating our judicial system; and

WHEREAS, all county law libraries are governed by Minnesota Statutes Chapter 134A which specifies how fees are determined; and

WHEREAS, Dakota County Law Library funding is generated by collecting a fee from filings associated with court cases, both civil and criminal; and

WHEREAS, Fee income is still down over 26 percent from 2019 revenue levels and current trends do not indicate signs of recovery to former levels; and

WHEREAS, due to the increasing cost of materials, staff salaries and benefits, and the simultaneous lack of growth in filing fee revenues, the Law Library fund balance is drawn upon annually to fund law library services and is anticipated to be depleted by mid-2024; and

WHEREAS, by Resolution No. 21-618 (December 14, 2021), the County Board approved using American Rescue Plan (ARP) Act State and Local Recovery Funds (SLFRF) revenue replacement funds for a \$115,000 Law Library grant in 2022; and

WHEREAS, all expenses are ARP-SLFRF eligible under the expenditure category of provision of government services pursuant to Final Rule, 31 CFR Part 35, Subp. A, Section 35.6 (d) Providing Government Services - to the extent of a reduction in the recipient's general revenue.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Public Services and Revenue Director to execute a grant agreement with the Dakota County Law Library in an amount not to exceed \$115,000 for the Law Library 2022 budget, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

21-618; 12/14/21

**ATTACHMENTS**

Attachment: Agreement

**BOARD GOALS**

- |   |  |
|---|--|
| <input type="checkbox"/> A Great Place to Live                    | <input type="checkbox"/> A Healthy Environment                   |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input checked="" type="checkbox"/> Excellence in Public Service |

**PUBLIC ENGAGEMENT LEVEL**

- |  |                                  |                                  |   |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/> N/A |
|--|----------------------------------|----------------------------------|---|

**CONTACT**

Department Head: Teresa Mitchell

Author: Teresa Mitchell

## AMERICAN RESCUE PLAN ACT GRANT AGREEMENT

### Between County of Dakota and the Dakota County Law Library

This Agreement is between County of Dakota ("County") and the Dakota County Law Library, established pursuant to Minn. Stat. § 134A.01, 1560 Highway 55, Hastings, MN 55033, ("Recipient"). This Agreement uses the word "parties" for both County and Recipient.

**WHEREAS**, on March 11, 2021, the American Rescue Plan Act (H.R. 1319), § 4001, ("ARPA") was signed into law providing federal funding relief for American workers, families, industries, and state and local governments associated with the COVID-19 health emergency; and

**WHEREAS**, on April 1, 2022, the United State Department of Treasury released final rules on allowed uses of funds and allocated \$350 billion for state, local, territorial, and Tribal governments from the ARPA Fund; and

**WHEREAS**, the County was allocated \$83,332,300 from the ARPA Fund; and

**WHEREAS**, ARPA permits expenditure of ARPA Funds for various purposes, including provision of government services pursuant to Final Rule, 31 CFR Part 35, Subp. A, Section 35.6 (d) Providing Government Services – to the extent of a reduction in the recipient's general revenue; and

**WHEREAS**, Recipient is established by the County pursuant to Minn. Stat. § 134A.01 and is managed by a board of Trustees established pursuant to Minn. Stat. § 134A.03 to provide legal information to residents, attorneys, judges, and represented and pro se litigants that is vital to the justice system; and

**WHEREAS**, all expenses of the Recipient are paid from the filing fee income from court cases, both civil and criminal, which were directly impact by COVID-19 related shutdowns of the court system and fee income remains down over 26 percent from 2019 revenue levels; and

**WHEREAS**, the County desires to provide, in the form of a grant, \$115,000 of its ARPA Fund allocation received due to revenue loss to the Recipient to provide legal information to residents, attorneys, judges, and represented and pro se litigants that is vital to the justice system; and

**WHEREAS**, all expenses are American Rescue Plan (ARP) State and Local Fiscal Recovery Funds (SLFRF) eligible under the expenditure category of provision of government services pursuant to Final Rule, 31 CFR Part 35, Subp. A, Section 35.6 (d) Providing Government Services – to the extent of a reduction in the recipient's general revenue (c)(3) of ARPA.

**NOW THEREFORE**, in consideration of the mutual benefits and covenants contained herein, the parties agree as follows:

#### 1. TERM

This Agreement is effective and enforceable on the date the last party executes this Agreement ("Effective Date") and terminates on December 31, 2022.

#### 2. RECIPIENT'S OBLIGATIONS

- 2.1. General Description. Recipient shall provide the legal information services to residents, attorneys, judges, and represented and pro se litigants that is vital to the justice system. Collectively, these are referred to as the "Services."
- 2.2. Provision of Services to Public. Recipient represents, covenants, and warrants it has during

the 2022 calendar year and will continue to perform the Services for the public during the term of this Agreement.

### **3. GRANT**

- 3.1. Total Grant. County will pay Recipient a total amount not to exceed One hundred fifteen thousand and 00/100 Dollars (\$115,000.00) (“Agreement Maximum”).
- 3.2. Performance. Upon execution of this Agreement, the County shall issue the grant in a lump sum to the Recipient for expenses incurred by Recipient in 2022 for the provision of the Services.

### **4. COMPLIANCE WITH LAWS/STANDARDS**

- 4.1. General. Recipient shall abide by all Federal, State or local laws, statutes, ordinances, rules and regulations now in effect or hereafter adopted pertaining to this Agreement or to the facilities, programs, and staff for which Recipient is responsible. This includes, but is not limited to all Standard Assurances, which are attached and incorporated as Exhibit 1. Any violation of this section is a material breach of this Agreement. No Notice of default is required to terminate under this section.
- 4.2. Minnesota Law to Govern. The laws of Minnesota govern all matters related to this Agreement, without giving effect to the principles of conflict of law. Venue and jurisdiction for any litigation related to this Agreement must be in those courts located within Dakota County, State of Minnesota or U.S. District Court, District of Minnesota.

### **5. ACCOUNTING, RECORD AND AUDIT REQUIREMENTS**

- 5.1. Accounting and Record Keeping. The Recipient agrees to maintain accurate and complete books, records, documents and other evidence pertaining to the costs and expenses of the related to the grant funds received.
- 5.2. Audit. The Recipient shall maintain books, records, documents and other evidence pertaining to the costs or expenses associated with the grant funds received pursuant to this Agreement. Upon request, the Recipient shall allow the County, its auditor, Legislative Auditor, the State Auditor or Department of Treasury to inspect, audit, copy or abstract all of the books, records, papers or other documents relevant to this Agreement.

### **6. INDEMNIFICATION**

Each party agrees to indemnify, save, and hold harmless the other party, its agents and employees from any claims or causes of action, including attorney’s fees, incurred by the indemnified party that arise from the performance of the this Agreement. The indemnification obligations do not apply in the event the claim or cause of action is the result of the other parties sole negligence.

The Parties agree that the provisions of the Municipal Tort Claims Act, Minn. Stat. Ch. 466, and other applicable laws govern liability arising from the Parties’ acts or omissions. In the event of any claims or actions asserted or filed against either party, nothing in this Agreement shall be construed to allow a claimant to obtain separate judgments or separate liability caps from the individual parties.

### **7. TERMINATION**

Termination by County – Lack of Funding. The County may immediately terminate this Agreement for lack of funding. A lack of funding occurs when funds appropriated for this Agreement as of the Effective Date from a

non-county source are unavailable or are not appropriated by the County Board. The County has sole discretion to determine if there is a lack of funding. The County is not obligated to pay for any Services that are performed after providing Notice of Termination for lack of funding. The County is not subject to any penalty or damages for termination due to lack of funding. No Notice of Default is required to terminate under this section.

**8. AGREEMENT RIGHTS AND REMEDIES**

- 8.1. Rights Cumulative. All remedies under this Agreement or by law are cumulative and may be exercised concurrently or separately. The exercise of any one remedy does not preclude exercise of any other remedies.
- 8.2. Waiver. Any waiver is only valid when reduced to writing, specifically identified as a waiver, and signed by the waiving party’s Authorized Representative. A waiver is not an amendment to the Agreement. The County’s failure to enforce any provision of this Agreement does not waive the provision or the County’s right to enforce it.

**9. AUTHORIZED REPRESENTATIVE**

9.1. The Authorized Representatives of the respective parties for purposes of this Agreement are as follows:

<p><b>To Recipient:</b>          Timothy Devine          Law Library Manager          Judicial Center          1560 Highway 55          Hastings, MN 55033  <a href="mailto:Timothy.Devine@CO.DAKOTA.MN.US">Timothy.Devine@CO.DAKOTA.MN.US</a></p>	<p><b>To the County:</b>          Tom Novak          Public Services &amp; Revenue Director          Administration Center          150 Highway 55          Hastings, MN 55033  <a href="mailto:Tom.Novak@CO.DAKOTA.MN.US">Tom.Novak@CO.DAKOTA.MN.US</a></p>
--	--

9.2. The Authorized Representative, or his or her successor, has authority to bind the party he or she represents and sign this Agreement. The County’s Authorized Representative shall have only the authority granted by the County Board. The parties shall promptly provide Notice to each other when an Authorized Representative’s successor is appointed. The Authorized Representative’s successor shall thereafter be the Authorized Representative for purposes of this Agreement.

**10. AMENDMENTS**

Any amendments to this Agreement are only valid when reduced to writing, specifically identified as an amendment, and signed by both parties’ Authorized Representative.

**11. SEVERABILITY**

The provisions of this Agreement are severable. If any provision of this Agreement is void, invalid, or unenforceable, it will not affect the validity and enforceability of the remainder of this Agreement unless the void, invalid, or unenforceable provision substantially impairs the value of the entire Agreement with respect to either party.

**12. MERGER**

12.1 Final Agreement. This Agreement is the final expression of the agreement of the parties. This Agreement is the complete and exclusive statement of the provisions agreed to by the parties. This Agreement supersedes all prior negotiations, understandings, or agreements.

There are no representations, warranties, or provisions, either oral or written, not contained herein.

12.2 Exhibits. The following Exhibits and addenda, including all attachments, are incorporated and made a part of this Agreement:

Exhibit 1 - Standard Assurances;

By signing this Agreement, Recipient acknowledges receipt of all the above Exhibit and addenda, including all attachments. If there is a conflict between any part of any Exhibit and the body of this Agreement, the body of this Agreement will prevail. To the extent reasonably possible, the Exhibit will be construed and constructed to supplement, rather than conflict with, this Agreement, unless such construing or construction results in ambiguity.

**13. AGREEMENT INTERPRETATION AND CONSTRUCTION**

This Agreement was fully reviewed and negotiated by the Parties. Any ambiguity, inconsistency, or question of interpretation or construction in this Agreement shall not be resolved strictly against the Party that drafted the Agreement. It is the intent of the Parties that every section (including any subsection), clause, term, provision, condition, and all other language used in this Agreement shall be constructed and construed so as to give its natural and ordinary meaning and effect.

**14. ELECTRONIC SIGNATURES**

Each party agrees the electronic signatures of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as wet ink signatures.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the date(s) indicated below.

Approved as to form:

**COUNTY OF DAKOTA**

\_\_\_\_\_  
Assistant County Attorney/Date  
File No. KS-

By \_\_\_\_\_

Date of Signature \_\_\_\_\_

**RECIPIENT**  
*(I represent and warrant that I am authorized by law to execute this Agreement and legally bind the Recipient)*

By \_\_\_\_\_

Title \_\_\_\_\_

Date of Signature \_\_\_\_\_

## EXHIBIT 1

### STANDARD ASSURANCES

1. **NON-DISCRIMINATION.** During the performance of this Agreement, the Recipient shall not unlawfully discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, national origin, disability, sexual orientation, age, marital status, veteran's status or public assistance status. The Recipient will take affirmative action to ensure that applicants are employed and that employees are treated during employment without unlawful discrimination because of their race, color, creed, religion, sex, national origin, disability, sexual orientation, age, marital status, veteran's status, or public assistance status. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Recipient agrees to post in conspicuous places, available to employees and applicants for employment, notices which set forth the provisions of this nondiscrimination clause.

The Recipient will, in all solicitations or advertisements for employees placed by or on behalf of Recipient, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, religion, sex, national origin, disability, sexual orientation, age, marital status, veteran's status, or public assistance status.

No funds received under this Agreement shall be used to provide religious or sectarian training or services.

The Recipient shall comply with any applicable federal or state law regarding non-discrimination. The following list includes, but is not meant to limit, laws which may be applicable:

A. The Equal Employment Opportunity Act of 1972, as amended, 42 U.S.C. § 2000e *et seq.* which prohibits discrimination in employment because of race, color, religion, sex, or national origin.

B. Equal Employment Opportunity-Executive Order No.11246, 30 FR 12319, signed September 24, 1965, as amended, which is incorporated herein by reference, and prohibits discrimination by U.S. Government Recipients and subRecipients because of race, color, religion, sex, or national origin.

C. The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701 *et seq.* and 45 C.F.R. 84.3 (J) and (K) implementing Sec. 504 of the Act which prohibits discrimination against qualified handicapped persons in the access to or participation in federally-funded services or employment.

D. The Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.* as amended, and Minn. Stat. § 181.81, which generally prohibit discrimination because of age.

E. The Equal Pay Act of 1963, as amended, 29 U.S.C. § 206(d), which provides that an employer may not discriminate on the basis of sex by paying employees of different sexes differently for the same work.

F. Minn. Stat. Ch. 363A, as amended, which generally prohibits discrimination because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.

G. Minn. Stat. § 181.59 which prohibits discrimination against any person by reason of race, creed, or color in any state or political subdivision Agreement for materials, supplies, or construction. Violation of this section is a misdemeanor and any second or subsequent violation of these terms may be cause for forfeiture of all sums due under the Agreement.

H. Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 through 12213, 47 U.S.C. §§ 225, 611, with regulations at 29 C.F.R. § 1630, which prohibits discrimination against qualified individuals on the basis of a disability in term, condition, or privilege of employment.

I. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* and including 45 CFR Part 80, prohibits recipients of federal financial assistance from discriminating on the basis of national origin which includes not discriminating against those persons with limited English proficiency.

J. Equal Protection of the Laws for Faith-based and Community Organizations-Executive Order No. 13279, signed December 12, 2002 and as amended May 3, 2018. Prohibits discrimination against grant seeking organizations on the basis of religion in the administration or distribution of federal financial assistance under social service programs, including grants and loans.

K. Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, with regulations at 41 C.F.R. Part 60-250, which prohibits discrimination in employment against protected veterans.

2. **DATA PRIVACY.** For purposes of this Agreement all data created, collected, received, stored, used, maintained, or disseminated by Recipient in the performance of this Agreement is subject to the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 and the Minnesota Rules implementing the Act now in force or hereafter adopted as well as any applicable Federal laws on data privacy. Recipient must comply with the applicable data management requirements as if it were a governmental entity. The remedies in Minn. Stat. § 13.08 apply to the Recipient. Recipient does not have a duty to provide access to public data to the public if the public data are available from the governmental agency (County), except as required by the terms of this Agreement. All subcontractors shall contain the same or similar data practices compliance requirements.

3. **RECORDS DISCLOSURE/RETENTION.** Recipient's bonds, records, documents, papers, accounting procedures and practices, and other evidences relevant to this Agreement are subject to the examination, duplication, transcription, and audit by the County and either the Legislative or State Auditor, pursuant to Minn. Stat. § 16C.05, subd. 5. Such evidences are also subject to review by the Comptroller General of the United States, or a duly authorized representative, if federal funds are used for any work under this Agreement. The Recipient agrees to maintain such evidences for a period of six (6) years from the date services or payment were last provided or made or longer if any audit in progress requires a longer retention period.

4. **WORKER HEALTH, SAFETY AND TRAINING.** Recipient shall be solely responsible for the health and safety of its employees in connection with the work performed under this Agreement. Recipient shall make arrangements to ensure the health and safety of all subcontractors and other persons who may perform work in connection with this Agreement. Recipient shall ensure all personnel of Recipient and subcontractors are properly trained and supervised and, when applicable, duly licensed or certified appropriate to the tasks engaged in under this Agreement. Each Recipient shall comply with federal, state, and local occupational safety and health standards, regulations, and rules promulgated pursuant to the Occupational Health and Safety Act which are applicable to the work to be performed by Recipient.

5. **RECIPIENT GOOD STANDING.** Recipient shall maintain Good Standing status with the Office of the Minnesota Secretary of State and shall notify County of any changes in Good Standing status within 5 calendar days of such change. Foreign business entities must maintain a certificate of authority (foreign corporations, limited liability companies, limited partnerships, and limited liability limited partnerships), or a statement of foreign qualification (foreign limited liability partnerships), or a statement of partnership authority (general partnerships). See Minn. Stat. §§ 303.03 (corporations); 322C.0802 (limited liability companies); 321.0902 and 321.0907 (foreign limited partnership); 321.0102(7) (foreign limited liability limited partnerships); 323A.1102(a) (foreign limited liability partnership); 321.0902 and 321.0907 (foreign general partnerships).

6. **RECIPIENT DEBARMENT, SUSPENSION, AND RESPONSIBILITY CERTIFICATION.** Federal Regulation 45 CFR 92.35 prohibits the State/Agency from purchasing goods or services with federal money from vendors who have been suspended or debarred by the federal government. Similarly, Minn. Stat. § 16C.03, subd. 2 provides the Commissioner of Administration with the authority to debar and suspend vendors who seek to Agreement with the State/Agency. Vendors may be suspended or debarred when it is determined, through a duly authorized hearing process, that they have abused the public trust in a serious manner.

7. **PROHIBITED TELLECOMMUNICATIONS EQUIPMENT/SERVICES.** If Recipient is a subrecipient of federal grant funds under this Agreement, Recipient certifies that, consistent with Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115-232 (Aug. 13, 2018) (the "Act"), and 2 CFR § 200.216, Recipient will not use funding covered by this Agreement to procure or obtain, or to extend, renew, or enter into any contract to procure or obtain, any equipment, system, or service that uses "covered telecommunications equipment or services" (as that term is defined in Section 889 of the Act) as a substantial or essential component of any system or as critical technology as part of any system. Recipient will include this certification as a flow down clause in any agreement related to this Agreement.

By signing this Agreement, the Recipient certifies that it and its principals\* and employees:

A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from transacting business by or with any federal, state, or local governmental department or agency; and

B. Have not within a three (3) year period preceding this Agreement: 1) been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or Agreement; 2) violated any federal or state antitrust statutes; or 3) committed embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and

C. Are not presently indicted or otherwise criminally or civilly charged by a governmental entity for: 1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction; 2) violating any federal or state antitrust statutes; or 3) committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and

D. Are not aware of any information and possess no knowledge that any subcontractor(s) that will perform work pursuant to this Agreement are in violation of any of the certifications set forth above; and

E. Shall immediately give written notice to the Authorized Representative should Recipient come under investigation for allegations of fraud or a criminal offense in connection with obtaining, or performing a public (federal, state, or local government) transaction; violating any federal or state antitrust statutes; or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

\*"Principals" for the purposes of this certification means officers; directors; owners; partners; and persons having primary management or supervisory responsibilities within a business entity (e.g. general manager; plant manager; head of a subsidiary, division, or business segment and similar positions).

Directions for Online Access to Excluded Providers

To ensure compliance with this regulation, identification of excluded entities and individuals can be found on the Office of Inspector General (OIG) website at [https://oig.hhs.gov/exclusions/exclusions\\_list.asp](https://oig.hhs.gov/exclusions/exclusions_list.asp)

Attycv/Exh SA GPB-LSO-JET (Rev. 10-19)



# Board of Commissioners

## Request for Board Action

Item Number: DC-1590

Agenda #: 12.1

Meeting Date: 11/15/2022

**DEPARTMENT:** Budget

**FILE TYPE:** Regular Information

### TITLE

**County Manager’s 2023 Recommended Budget**

### PURPOSE/ACTION REQUESTED

Presentation of County Manager’s 2023 recommended County budget and property tax levy.

### SUMMARY

The 2023 recommended budget ensures the County can continue to provide its current services at high quality in the face of increasing cost and demand pressures. The 2023 recommended budget creates flexibility for future Board decisions.

The 2023 budget begins from a strong position established in prior Board decisions and management of County operations. The County maintains high overall services and satisfaction ratings as reported by residents, the lowest Statewide County property tax per capita and the lowest tax rate among metro counties in 2022, and a long history of sound budget planning and management.

The 2023 recommended budget and tax levy reflects long-term, disciplined financial and tax levy planning aimed at sustainable low growth in taxes and the capacity to maintain reliable services. The recommended property tax levy increase of 1.9 percent is expected to maintain Dakota County’s tax rate as the lowest among all the metro counties and will increase the County portion of a median home’s tax bill by about \$23 annually.

### RECOMMENDATION

The 2023 County total budget is recommended at \$437,319,576 and funds 2011.78 Full-Time Equivalents (FTEs). Total operating spending is recommended at \$305,530,481. The budget is funded by a recommended property tax levy of \$147,361,306 which is an increase of 1.9 percent from 2022.

### EXPLANATION OF FISCAL/FTE IMPACTS

The recommended 2023 Dakota County budget totals \$437,319,576 and funds 2011.78 FTEs.

- None
- Current budget
- Other
- Amendment Requested
- New FTE(s) requested

### RESOLUTION

Information only; no action requested.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

None.

**BOARD GOALS**

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Paul Sikorski

Author: Karen Cater



# Board of Commissioners

## Request for Board Action

Item Number: DC-1487

Agenda #: 13.1

Meeting Date: 11/15/2022

**DEPARTMENT:** Physical Development Administration

**FILE TYPE:** Regular Action

### TITLE

**Reaffirmation Of Base Levy And Approval of 2023 Incremental Levy For Dakota County Community Development Agency**

### PURPOSE/ACTION REQUESTED

Reaffirm the base levy to provide ongoing debt service payments for the Dakota County Community Development Agency's (CDA) bond-funded affordable housing developments and approve the 2023 levy increment for the CDA.

### SUMMARY

Minn. Stat. § 383D.41 authorizes the CDA to levy special benefit taxes at the higher of the rates allowable under Minn. Stat. § 383D.41, § 469.033, and § 469.107, with approval by the Dakota County Board (County Board). Of the applicable statutes, the highest rate is in Minn. Stat. § 469.033, which provides that the current maximum amount the CDA is permitted to levy is .0185 percent of County Estimated Market Value.

By Resolution No. 94-926 (December 12, 1994), the County Board granted the CDA the authority to request levy funds up to the amount permitted by law without subsequent approval from the County. This ongoing authority provides stability for debt service payments required for the outstanding bonds issued to develop CDA-owned and operated affordable senior and workforce housing apartments. Historically, the CDA has sought County Board approval for the levy increment beyond the .0144 percent limit that was in place at the time of Resolution No. 94-926. The incremental levy is the difference between the maximum permitted by statute (.0185 percent) and the ongoing amount previously authorized by the board (.0144 percent).

For 2023, the CDA is requesting approval of incremental levy authority of .0012 percent. The levy rate is decreased from 2022. Approval of this levy request applies only to the levy of taxes payable in 2023, and the levy amount is based on the final pay year 2022 Estimated Market Value in the County. The requested incremental levy authority is projected to provide approximately \$697,392 for CDA-supported programs.

### RECOMMENDATION

CDA and County staff recommend reaffirmation of the .0144 percent base levy and approval of the .0012 percent incremental special benefit levy for the Dakota County CDA to address affordable housing needs in Dakota County.

### EXPLANATION OF FISCAL/FTE IMPACTS

The requested 2023 incremental levy rate of .0012 percent of Estimated Market Value is expected to generate \$697,392 in revenue for the CDA. If the incremental levy is approved, it will be added to the .0144 percent base levy rate for a total CDA levy rate of .0156 percent of Estimated Market Value. This total levy is expected to generate \$9,269,456 in revenue for the CDA, of which \$5,600,000 will be used to pay debt service for the CDA bond-funded developments. The 2023 levy funds will be included in the CDA's Fiscal Year End 2024 budget, which runs from July 1, 2023, to June 30, 2024.

- None             Current budget             Other  
 Amendment Requested             New FTE(s) requested

**RESOLUTION**

WHEREAS, the Dakota County Board of Commissioners (Board) has determined that the availability of accessible, affordable housing and economic development activities are a necessary component of a vital, sustainable economy in Dakota County; and

WHEREAS, the Dakota County Community Development Agency (CDA) has the powers of a Housing and Redevelopment Authority and Economic Development Authority within Dakota County; and

WHEREAS, there continues to be a substantial gap between the demand for affordable housing and economic development activities in Dakota County and financial resources for such activities, and additional capital for the CDA to support these activities is desired to contribute to a vital, sustainable economy in Dakota County; and

WHEREAS, the CDA develops senior and workforce apartments financed through the use of housing revenue bonds with the pledge of general obligation backing by Dakota County, as approved by the Board; and

WHEREAS, the Board has previously approved the ongoing base levy by the CDA of special benefit taxes at a rate of .0144 percent of Estimated Market Value to support debt service payments for the CDA bond-funded developments; and

WHEREAS, the CDA is authorized under Minn. Stat. § 469.033, Subd. 6, with the approval of the Board, to levy additional special benefit taxes, up to an amount of .0041 percent of Estimated Market Value (the Incremental Levy) for a total levy of .0185 percent; and

WHEREAS, the CDA is requesting approval of an Incremental Levy of .0012 percent for a total levy of .0156 percent of Estimated Market Value; and

WHEREAS, the Incremental Levy would provide the CDA with an estimated \$697,392 for CDA-supported programs; and

WHEREAS, the approval of the Incremental Levy applies only to taxes payable in 2023.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby reaffirms the Dakota County Community Development Agency's base levy rate of .0144 percent of Estimated Market Value and approves the Community Development Agency's incremental levy

of .0012 percent of Estimated Market Value, for a total Community Development Agency levy rate of .0156 percent of Estimated Market Value for taxes payable in 2023 for the purpose of providing affordable housing and supporting economic development activities in Dakota County through the Community Development Agency's Common Bond Development Program and other Community Development Agency-supported programs.

**PREVIOUS BOARD ACTION**

94-926; 12/6/94

**ATTACHMENTS**

Attachment: 2023 CDA Levy Budget

**BOARD GOALS**

- A Great Place to Live
- A Successful Place for Business and Jobs
- A Healthy Environment
- Excellence in Public Service

**PUBLIC ENGAGEMENT LEVEL**

- Inform and Listen
- Discuss
- Involve
- N/A

**CONTACT**

Department Head: Erin Stwora  
Author: Lisa Alfson

**2023 Special Benefit Tax Levy Budget  
Dakota County Community Development Agency**

**Program:** Housing Development and Enhancement Programs

**Objective:** To provide quality, affordable housing for low- to moderate-income households and support economic development initiatives in Dakota County.

**Budget Detail:**

**Bond-funded CDA Developments** \$5,600,000

Funds will be used for the payment of debt service on bonds issued for the development of affordable housing by the CDA.

**CDA Initiatives** \$3,669,456

Funds will be used in support of CDA initiatives to further the mission of the CDA and budgeted through the CDA's FYE24 budget process.

**TOTAL BUDGET REQUEST** **\$9,269,456**



# Board of Commissioners

## Request for Board Action

Item Number: DC-1609

Agenda #: 14.1

Meeting Date: 11/15/2022

**DEPARTMENT:** Office of the County Manager

**FILE TYPE:** Regular Action

### TITLE

**Closed Executive Session: Legal Strategy For Acquisition Of Property In Marshan Township For County Project 96-07**

### PURPOSE/ACTION REQUESTED

Hold a closed executive session.

### SUMMARY

The Dakota County Attorney has advised that prior to closing a County Board meeting, pursuant to the Open Meeting Law, Minn. Stat. Ch. 13D, the County Board must resolve by majority vote to close the meeting.

### RECOMMENDATION

The County Manager has recommended that a closed executive session be held pursuant to attorney-client privilege during the Dakota County Board meeting of November 1, 2022, to discuss the following:

- the legal strategy of accomplishing Dakota County's acquisition of the property rights identified in Resolution No. 22-402 for County Project 91-29.

### EXPLANATION OF FISCAL/FTE IMPACTS

Fiscal impact will be discussed in closed session.

- None     
  Current budget     
  Other  
 Amendment Requested     
  New FTE(s) requested

### RESOLUTION

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 91-29; and

WHEREAS, CP 91-29 is a project by Dakota County which consists of the reconstruction of County state Aid Highway (CSAH) 91 (Nicolai Avenue) from 210<sup>th</sup> street to Trunk Highway 316 (Red Wing Boulevard) in Marshan Township, improve drainage, and replace culverts; and

WHEREAS, to address the purpose and need for this Project, safety will be improved along the corridor by improving the roadway surface, adding turn lanes, and improving drainage; and

WHEREAS, Dakota County is the lead agency for CP 91-29 with right of way acquisition; and

WHEREAS, by Resolution No, 22-402, the County Board of Commissioners authorized the acquisition of certain properties identified in the resolution and initiation of quick-take eminent domain pursuant to Minn. Stat. 117.042, if necessary, to construct the recommended improvements; and

WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to the strategy of accomplishing the acquisition of the property rights for CP 91-29, the public disclosure of which would benefit the landowners to the detriment of Dakota County's position in this matter; and

WHEREAS, pursuant to Minn. Stat. § 13D.05, subd. 3(b), the County Board by resolution may close a meeting as permitted by the attorney-client privilege.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board meeting on November 15, 2022, and recesses to conference room 3A, Administration Center, Hastings, Minnesota, to discuss with the County Attorney the legal strategy of accomplishing Dakota County's acquisition of the property rights identified in Resolution No. 22-402 for County Project 91-29.

#### **PREVIOUS BOARD ACTION**

None.

#### **ATTACHMENTS**

Attachment: None.

#### **BOARD GOALS**

- |   |  |
|---|--|
| <input type="checkbox"/> A Great Place to Live                    | <input type="checkbox"/> A Healthy Environment                   |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input checked="" type="checkbox"/> Excellence in Public Service |

#### **PUBLIC ENGAGEMENT LEVEL**

- |  |                                  |                                  |   |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/> N/A |
|--|----------------------------------|----------------------------------|---|

#### **CONTACT**

Department Head: Matt Smith

Author: Jeni Reynolds



# Board of Commissioners

## Request for Board Action

---

**Item Number:** DC-1595

**Agenda #:** 17.1

**Meeting Date:** 11/15/2022

---

### Information

See Attachment for future Board meetings and other activities.

**November 14, 2022**

Monday

9:00 AM - 9:00 AM                      **Budget Workshop -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings**

**November 15, 2022**

Tuesday

9:00 AM - 9:00 AM                      **Dakota County Board Of Commissioners Meeting -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast**  
<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>

9:30 AM - 9:30 AM                      **Dakota County Regional Railroad Authority - CANCELED**

9:30 AM - 9:30 AM                      **Dakota County Special General Government and Policy Committee Meeting (or following CB) -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings**

10:00 AM - 10:00 AM                      **Budget Workshop (or following Special GGP) -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings**

3:30 PM - 3:30 PM                      **Dakota County Community Development Agency Board Regular Meeting -- Administration Center, 1590 Highway 55, Boardroom, Hastings**

**November 16, 2022**

Wednesday

4:30 PM - 4:30 PM                      **Open House: County State Aide Highway 26 (Lone Oak Road) -- Eagan Community Center, 1501 Central Parkway, Eagan**

4:30 PM - 4:30 PM                      **Vermillion River Watershed Planning Commission Meeting -- Extension and Conservation Center, 4100 220th Street West, Conference Room A, Farmington or Microsoft Teams**

**November 17, 2022**

Thursday

9:00 AM - 9:00 AM                      **Budget Workshop -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings**

5:00 PM - 5:00 PM                      **Open House: Delaware Avenue School Safety -- Two Rivers High School - 1897 Delaware Avenue, Mendota Heights**

7:00 PM - 7:00 PM                      **Dakota County Planning Commission Meeting - CANCELED --**

**November 18, 2022**

Friday

7:30 AM - 7:30 AM

**Dakota-Scott Workforce Development Board Meeting -- Northern Service Center, 1 Mendota Road West, Room 520, West St. Paul**

**November 23, 2022**

Wednesday

9:15 AM - 9:15 AM

**Metropolitan Mosquito Control District Executive Committee Meeting -- Metropolitan Mosquito Control District 2099 University Ave. W, St. Paul or Online (<https://www.gotomeet.me/MMCD-MN>)**

**November 24, 2022**

Thursday

8:00 AM - 8:00 AM

**County Offices Closed - Thanksgiving Day Holiday**

**November 25, 2022**

Friday

8:00 AM - 8:00 AM

**County Offices Closed - Thanksgiving Friday Holiday**

**November 29, 2022**

Tuesday

9:00 AM - 9:00 AM

**Dakota County Community Services Committee of the Whole -- Western Service Center, 14955 Galaxie Avenue, Apple Valley, Conference Room L139**

10:00 AM - 10:00 AM

**Dakota County Physical Development Committee of the Whole (or following Community Services Committee) -- Western Service Center, 14955 Galaxie Avenue, Apple Valley, Conference Room L139**

10:30 AM - 10:30 AM

**Governance Workshop (or following Physical Development Committee) -- Western Service Center, 14955 Galaxie Avenue, Apple Valley, Conference Room L139**

6:00 PM - 6:00 PM

**Budget/Levy Public Hearing -- Administration Center, 1590 Highway 55, Boardroom, Hastings**



# Board of Commissioners

## Request for Board Action

---

**Item Number:** DC-1596

**Agenda #:** 18.1

**Meeting Date:** 11/15/2022

---

Adjournment