



# Dakota County

## Physical Development Committee of the Whole

### Agenda

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Tuesday, February 21, 2023

10:00 AM

Conference Room L139, Western Service Center, Apple Valley (or following Community Services Committee of the Whole)

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(or following Community Services Committee of the Whole)

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

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

#### 2. Audience

Anyone in the audience wishing to address the Committee on an item not on the Agenda or an item on the Consent Agenda may send comments to [CountyAdmin@co.dakota.mn.us](mailto:CountyAdmin@co.dakota.mn.us) and instructions will be given to participate during the meeting. Verbal comments are limited to five minutes.

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

3.1 Approval of Agenda (Additions/Corrections/Deletions)

#### 4. Consent Agenda

4.1 Approval of Minutes Of Meeting Held On January 10, 2023

4.2 *Environmental Resources* - Authorization To Amend Contract With Stantec Consulting Services Inc. For Engineering Services For Construction Of Byllesby Dam Water-To-Wire Redevelopment Project

4.3 *Parks, Facilities, and Fleet Management* - Authorization To Award Bid And Execute Contract With G Urban Companies Inc. To Provide General Contractor Services For Dakota Homeland Interpretive Features Project (P00144), Authorization To Amend Contract with Ten x Ten, LLC To Provide Additional Professional Services, And Authorization To Amend 2023 Parks Capital Improvement Program

- 4.4 *Parks, Facilities, and Fleet Management* - Authorization To Amend Professional Services Contract With Wold Architects And Engineers For Crisis And Recovery Center
- 4.5 *Parks, Facilities, and Fleet Management* - Authorization To Award Bid And Execute Contract With Construction Results Corporation To Provide General Contractor Services For Juvenile Service Center Generator Replacement Project
- 4.6 *Physical Development Administration* - Fiscal Year 2023 Countywide Community Development Block Grant Allocation Request
- 4.7 *Physical Development Administration* - Planning Commission Update

**5. Regular Agenda**

- 5.1 *Transportation* - Approval Of Joint Powers Agreements And Authorization To Award Construction Contracts To Accomplish 2023 Transportation Capital Improvement Projects
- 5.2 *Parks, Facilities, and Fleet Management* - Authorization To Submit Grant Application For Minnesota Pollution Control Agency's Volkswagen Mitigation Settlement, Phase Two And Subsequent Electric Vehicle Charging Infrastructure At County Libraries
- 5.3 *Parks, Facilities, and Fleet Management* - Authorization For Contract Amendment With Short-Elliott-Hendrickson, Inc. To Provide Additional Design For Veterans Memorial Greenway, And Refined Memorial Concepts In Cities Of Inver Grove Heights And Eagan
- 5.4 *Parks, Facilities, and Fleet Management* - Discussion On County Gift Acceptance Policy And Practices
- 5.5 *Physical Development Administration* - Discussion On Miesville Ravine Park Reserve Plan Options

**6. Physical Development Director's Report**

**7. Adjournment**

**For more information please call 952-891-7030.  
Physical Development 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)**



# Physical Development Committee of the Whole

## Request for Board Action

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**Item Number:** DC-1836

**Agenda #:** 3.1

**Meeting Date:** 2/21/2023

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Approval of Agenda (Additions/Corrections/Deletions)



# Physical Development Committee of the Whole

## Request for Board Action

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**Item Number:** DC-1837

**Agenda #:** 4.1

**Meeting Date:** 2/21/2023

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Approval of Minutes Of Meeting Held On January 10, 2023



# Dakota County

## Physical Development Committee of the Whole

### Minutes

Tuesday, January 10, 2023

10:00 AM

Conference Room L139, Western Service Center, Apple Valley (or following Community Services Committee of the Whole)

(or following Community Services Committee of the Whole)

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

The meeting was called to order at 10:40 a.m. by Commissioner Holberg.

<b>Present</b>	Commissioner Mike Slavik Commissioner Joe Atkins Commissioner Laurie Halverson Commissioner William Droste Commissioner Liz Workman Chairperson Mary Liz Holberg Commissioner Mary Hamann-Roland
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Also in attendance were Matt Smith, County Manager; Tom Donely, First Assistant County Attorney; Georg Fischer, Physical Development Division Director; Liz Hansen, Administrative Coordinator.

#### 2. Audience

Commissioner Holberg asked if there was anyone in the audience that wished to address the Physical Development Committee of the Whole on an item not on the agenda or an item on the consent agenda. No one came forward and no comments were submitted to CountyAdmin@co.dakota.mn.us.

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

##### 3.1 Approval of Agenda (Additions/Corrections/Deletions)

Motion: Liz Workman

Second: Mary Hamann-Roland

Ayes: 7

#### 4. Consent Agenda

Motion: Mary Hamann-Roland

Second: Joe Atkins

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

##### 4.1 Approval of Minutes Of Meeting Held On November 29, 2022

Motion: Mary Hamann-Roland

Second: Joe Atkins

**4.2** Authorization To Extend Existing Contract With Dynamic Lifecycle Innovations And Increase Contract Maximum For Residential And Business Electronics Collection And Recycling

Motion: Mary Hamann-Roland

Second: Joe Atkins

WHEREAS, by Resolution No. 18-493 (September 18, 2018), the Dakota County Board of Commissioners approved the 2018-2038 Dakota County Solid Waste Master Plan (Master Plan); and

WHEREAS, as part of the Master Plan, the Dakota County Board of Commissioners encourages residents and businesses to properly manage hazardous waste and recyclables; and

WHEREAS, electronics, which can contain lead, cadmium, mercury, and lithium, continue to be the largest hazardous waste stream collected at The Recycling Zone; and

WHEREAS, televisions and monitors are collected for a fee while other electronics are collected from residents at no charge at The Recycling Zone and at one-day household hazardous waste collection events; and

WHEREAS, electronics are collected from businesses at The Recycling Zone for a fee; and

WHEREAS, by Resolution No. 20-627 (December 15, 2020), the Dakota County Board of Commissioners authorized the current Dynamic Lifecycle Innovations contract for the term from January 1, 2021, to December 31, 2022, with a two-year term extension option, in an amount not to exceed \$250,000; and

WHEREAS, Dynamic Lifecycle Innovations currently services Dakota County and other county electronics collection sites in Minnesota and Wisconsin; has a demonstrated tracking and reporting system; has strict data and facility security practices; and identified the ability to recycle all electronic materials and the capability to manage increasing amounts of electronics.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Environmental Resources Director to extend the existing contract with Dynamic Lifecycle Innovations for a term from January 1, 2021, to December 31, 2024, in an amount not to exceed \$600,000, subject to the approval of the County Attorney's Office as to form and subject to approval by the County's Risk and Homeland Security Manager.

This item was approved and recommended for action by the Board of Commissioners on 1/24/2023.

**4.3** Planning Commission Update

Information only; no action requested.

## 5. Regular Agenda

### 5.1 Approval Of Schematic Design For Crisis And Recovery Center And Authorization To Amend 2023 Buildings Capital Improvement Program And Non-Departmental Budgets

Motion: Joe Atkins

Second: Laurie Halverson

WHEREAS, Dakota County Community Services, in partnership with Guild Inc., submitted a grant to the Minnesota Department of Human Services (DHS) to build a Regional Behavioral Health Crisis Services Center; and

WHEREAS, the grant submission was authorized by the Dakota County Board in Resolution No. 21-389 (July 20, 2021); and

WHEREAS, the grant was successful, and by Resolution No. 22-095 (March 8, 2022), the Board accepted the \$3,459,928 in state funds for the project; and

WHEREAS, site selection, project predesign, and revised budgets were presented to the Board, and the project was authorized to proceed into design by Resolution No. 22-254 (June 21, 2021); and

WHEREAS, the design team of Wold Architects and Engineers was selected and approved to lead the design efforts for the project by Resolution No. 22-306 (July 19, 2021); and

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

WHEREAS, the City of West St. Paul City Council approved the projects applications for rezoning, including additional conditions on the Conditional Use Permit; and

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

WHEREAS, additional funds are being requested to meet the identified project funding needs in the amount of \$5,371,000; and

WHEREAS, the project qualifies under the expenditure category 1.12 - Mental Health Services in the Compliance and Reporting Guidance for ARPA pursuant to Final Rule, 31 CFR Part 35, Subp. A, Section 35.6 (b)(3)(C) for provision of behavior health care; and

WHEREAS, this facility will maintain locally available mental health care services, increase residential capacity and fill a gap in the continuum of care for accessible crisis assessment, stabilization and treatment in the community.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the recommended schematic design for the Crisis and Recovery Center as presented; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2023 Building Capital Improvement Program Budget as follows:

<b>Expense</b>	
Crisis and Recovery Center	<u>\$ 5,371,000</u>
<b>Total Expense</b>	<b>\$ 5,371,000</b>

<b>Revenue</b>	
Dakota County ARP Funding	(\$ 1,750,000)
MN State Bond Funding	\$ 6,371,000
Partner Contributions	<u>\$ 750,000</u>
<b>Total Revenue</b>	<b>\$ 5,371,000</b>

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2023 Non-Departmental Budget as follows:

<b>Expense</b>	
ARP Program Expense	<u>(\$ 2,919,072)</u>
<b>Total Expense</b>	<b>(\$ 2,919,072)</b>

<b>Revenue</b>	
Dakota County ARP Funding	<u>(\$ 2,919,072)</u>
<b>Total Revenue</b>	<b>(\$ 2,919,072)</b>

This item was approved and recommended for action by the Board of Commissioners on 1/24/2023.

Ayes: 7

**5.2 Update On Draft Lebanon Hills Sustainable Trails Study**

Lil Leatham, Sr. Planner, presented this item and responded to questions. The following individuals also presented this item:

Ken Grieshaber, SRF Consulting Group  
Tim Wegner, Applied Trail and Boardwalk Consulting

The following members of the public also spoke to this item:

Paul Mandell, Wilderness in the City  
Holly Jenkins, Wilderness in the City  
Mike Fedde, Wilderness in the City

A written letter was also distributed to the Committee and will be part of the

official record.

Information only; no action requested.

**5.3 Update On Miesville Ravine Park Reserve Plan**

Lil Leatham, Sr. Planner, presented this item and responded to questions.

Staff presented an update on the progress made to date on the Miesville Ravine Park Reserve Plan. The Committee indicated that the scope of the plan should be reduced and advised staff to develop a list of options for County Board consideration prior to moving forward with the Master Planning process.

Information only; no action requested.

**5.4 Update On County Project 99-013 (ST00011), CR 46 Roadway Expansion From TH 3 To TH 52**

Jenna Fabish, Design Engineer, presented this item and responded to questions.

Information only; no action requested.

**6. Physical Development Director's Report**

Georg Fischer, Physical Development Director, provided the Committee with a written Division update. Georg also gave a brief update on the Hwy 52 & 62 Interchange Project.

**7. Adjournment**

**7.1 Adjournment**

Motion: Mary Hamann-Roland

Second: Liz Workman

On a motion by Commissioner Mary Hamann-Roland, seconded by Liz Workman, the meeting was adjourned at 12:06 p.m.

Ayes: 7

Respectfully submitted,  
Liz Hansen  
Administrative Coordinator



# Physical Development Committee of the Whole

## Request for Board Action

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Item Number: DC-1829

Agenda #: 4.2

Meeting Date: 2/21/2023

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**DEPARTMENT:** Environmental Resources

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Amend Contract With Stantec Consulting Services Inc. For Engineering Services For Construction Of Byllesby Dam Water-To-Wire Redevelopment Project**

### PURPOSE/ACTION REQUESTED

Authorize a 1-year extension to the existing contract with Stantec Consulting Services Inc. (formerly Wenck Associates, Inc.) and increase the contract maximum by \$385,378 to \$1,023,678 for additional engineering services.

### SUMMARY

Dakota County owns the Byllesby Dam and operates its high-hazard hydroelectric facility under the Federal Energy Regulatory Commission (FERC) safety regulations. Currently, a complete turbine and powerhouse upgrade is being made to the 110-year-old facility. To complete the upgrades, the Dakota County Board of Commissioners authorized execution of agreements for engineering services, construction, and construction engineering and administration. These include:

By Resolution No. 15-532 (October 20, 2015), the Dakota County Board of Commissioners authorized execution of a contract with Ayres Associates, Inc. to complete engineering design for the turbine upgrade project.

By Resolution No. 19-773 (October 29, 2019), the Dakota County Board of Commissioners authorized execution of a contract with Boldt Construction, LLC, to complete construction of the project.

By Resolution 20-198 (April 21, 2020), the Dakota County Board of Commissioners authorized execution of a contract with Wenck Associates, Inc. (now part of Stantec Consulting Services as of 2021) for on-site construction administration and engineering for an amount not to exceed \$638,300.

Phase 1 of the project involved demolition of the existing powerhouse, which uncovered unanticipated sediment removals in the back bays and structural concrete mitigation not anticipated in the original contract. To accommodate this change in scope, staff are proposing to amend Stantec Consulting Services Inc.'s original scope of services and extend their contract length. Construction is currently scheduled for completion in Q3 of 2023. This amendment would offer coverage through that date and provide additional time if needed. Additionally, a component of the project includes installation of a retaining wall for the adjacent substation for power distribution. Staff, in consultation with Stantec Consulting Services, Inc., has identified an opportunity to design a more cost-effective retaining wall than originally proposed without significant interruption of power services. Stantec

Consulting Services Inc. has provided a revised scope of services to provide construction administration through the anticipated end of construction and a revised retaining wall design, at a cost not to exceed \$385,378.

**RECOMMENDATION**

Staff recommends authorizing the 1-year term extension with Stantec Consulting Services Inc. amendment and increasing the contract maximum payment to \$1,023,678 for the Byllesby Dam Water-To-Wire Redevelopment Project.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The adopted 2023 Byllesby Dam Capital Improvement Program budgets include sufficient funds for the proposed contract amendment see (Attachment: Financial Summary).

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

**RESOLUTION**

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

WHEREAS, a complete turbine and powerhouse upgrade is being made to the 110-year-old facility; and

WHEREAS, to complete the upgrade, the Dakota County Board of Commissioners authorized execution of agreements for engineering services, construction, and construction engineering and administration; and

WHEREAS, by Resolution No. 15-532 (October 20, 2015), the Dakota County Board of Commissioners authorized execution of a contract with Ayres Associates, Inc., to complete engineering design for the turbine upgrade project; and

WHEREAS, by Resolution No. 19-773 (October 29, 2019), the Dakota County Board of Commissioners authorized execution of a contract with Boldt Construction, LLC, to complete construction of the project; and

WHEREAS, by Resolution 20-198 (April 21, 2020), the Dakota County Board of Commissioners authorized execution of a contract with Wenck Associates, Inc. (now part of Stantec Consulting Services, Inc., as of 2021) for on-site construction administration and engineering for an amount not to exceed \$638,300; and

WHEREAS, Phase 1 of the project involved demolition of the existing powerhouse, which uncovered unanticipated sediment removals in the back bays and structural concrete mitigation not anticipated in the original contract; and

WHEREAS, a component of the project includes installation of a retaining wall for the adjacent substation for power distribution; and

WHEREAS, staff, in consultation with Stantec Consulting Services, Inc., has identified an opportunity

to design a more cost-effective retaining wall than originally proposed by Ayres Associates without significant interruption of power services; and

WHEREAS, Stantec Consulting Services Inc. has provided a revised scope of services to provide construction administration through the anticipated end of construction and a revised retaining wall design at a cost not to exceed \$385,378; and

WHEREAS, staff recommends authorization of a one-year contract term extension with Stantec Consulting Services Inc. and increasing the contract maximum payment to \$1,023,678 for additional engineering services for the Project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract amendment not to exceed \$1,023,678 with Stantec Consulting Services Inc. subject to the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

17-421; 09/01/17  
19-773; 10/29/19  
20-198; 04/21/20

**ATTACHMENTS**

Attachment: Financial Summary

**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: Nikki Stewart  
Author: Michael Behan

Byllesby Dam Turbine Upgrade Project (BD00008)

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	36,000,000	-	36,000,000	6,875,170	-	6,875,170	29,124,830	-	29,124,830	36,000,000
2022 Budget	-	-	-	-	-	-	-	-	-	-
2023 Plan	-	-	-	-	-	-	-	-	-	-
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
<i>Current CIP Total</i>	-	-	-	-	-	-	-	-	-	-
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>36,000,000</b>	<b>-</b>	<b>36,000,000</b>	<b>6,875,170</b>	<b>-</b>	<b>6,875,170</b>	<b>29,124,830</b>	<b>-</b>	<b>29,124,830</b>	<b>36,000,000</b>

\*Includes the use of \$17,124,830 of federal ARP funding.



# Physical Development Committee of the Whole

## Request for Board Action

Item Number: DC-1798

Agenda #: 4.3

Meeting Date: 2/21/2023

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

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Award Bid And Execute Contract With G Urban Companies Inc. To Provide General Contractor Services For Dakota Homeland Interpretive Features Project (P00144), Authorization To Amend Contract with Ten x Ten, LLC To Provide Additional Professional Services, And Authorization To Amend 2023 Parks Capital Improvement Program**

### PURPOSE/ACTION REQUESTED

Authorize award and execution of a contract with G Urban Companies Inc to provide general contractor services for the Dakota Homeland Interpretive Features Project (P00144). Authorize amendment of Ten x Ten’s contract for professional services. Authorize a budget amendment to the 2023 Parks Capital Improvement Program to support increased costs.

### SUMMARY

The Dakota County Board of Commissioners approved the Minnesota River Greenway Interpretive Plan by Resolution No. 17-400 (August 1, 2017), which included concepts for a series of interpretive features to connect visitors to the significant cultural history of indigenous Dakota communities along the river and within the greenway corridor.

Throughout 2021 and 2022, County staff and landscape architecture consultants Ten x Ten have collaborated with the Dakota community to ensure that the stories told through these interpretive features appropriately express the rich history and importance of this area.

Construction documents were prepared by Ten x Ten, and the project was formally advertised in 2022. Bids exceeded the project budget and were formally rejected by Resolution 22-192 (May 3, 2022). Subsequently, County staff explored ways to modify the project, which informed changes to the original project design and strategy. The project was re-bid this winter. Competitive bids were received on January 26, 2023.

The bids were as follows:

<u>Bidder:</u>	<u>Base:</u>	<u>Alt. 1:</u>	<u>Alt. 2:</u>	<u>Total:</u>
G Urban Co, St Paul, MN	\$487,000	\$60,000	\$60,000	\$607,000
Environmental Associates, Wilmar, MN	\$788,400	\$86,075	\$82,200	\$956,675
Landscape Renovations, Afton, MN	\$558,034	\$51,654	\$50,807	\$660,495
Parkstone, Cottage Grove, MN	\$587,000	\$60,000	\$49,000	\$695,000

To provide versatility in the bidding outcome, two interpretive features were removed from the base

bid and were included as alternates. Alternate 1 added a feature along the Mississippi River. Alternate 2 added an additional interpretive feature along the Minnesota River. Current funds allow for the inclusion of both alternates. The apparent lower bidder on the total is therefore G Urban Companies. Staff and Ten x Ten reviewed the bidder qualifications and found that G Urban Companies has submitted the lowest responsive and responsible bid.

Ten x Ten has requested an additional \$16,600 for additional services. These efforts include updating the design, repackaging and rebidding the project, and extended involvement with the elders of the Dakota community. It also covers costs associated with construction administration of more complex features than originally anticipated. This will increase their total contract to \$116,355.

### RECOMMENDATION

Staff recommends that the base bid and both alternates for the Dakota Homeland Interpretive Features project be awarded to G Urban Companies in an amount not to exceed \$607,000. Staff recommends to accept the amendment to Ten x Ten's contract to support their additional work on this project.

### EXPLANATION OF FISCAL/FTE IMPACTS

The Adopted Parks Capital Improvement Program provides a total project budget of \$673,455. A budget amendment in the amount of \$150,000 reallocating available Parks and Trails Legacy Funds to this project creates a revised total project budget of \$823,455. A contract amendment of \$16,600 is necessary for additional professional services. See the attached Financial Summary and Project Budget Summary for further detail.

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

### RESOLUTION

WHEREAS, by Resolution No. 17-400 (August 1, 2017), the County Board adopted the Minnesota River Greenway Cultural Resources Interpretive Plan developing the conceptual vision for interpreting the cultural and natural history of the Minnesota River along the trail length in Dakota County; and

WHEREAS, the County contracted with Ten x Ten to conduct Indigenous Dakota community engagement and prepare final design documents, which were substantially completed in January 2022 and updated in December 2022; and

WHEREAS, the project was previously bid in 2022 with all bids coming in over budget, and the bids were formally rejected; and

WHEREAS, County staff explored ways to modify the project, which informed changes to the original project design and strategy; and

WHEREAS, four (4) competitive bids were received on January 26, 2023; and

WHEREAS, G Urban Companies Inc submitted a bid of \$607,000 which includes two alternates; and

WHEREAS, staff and Ten x Ten reviewed the qualifications of the bidder and recommend award to G

Urban Companies Inc as the lowest responsive and responsible bidder in an amount not to exceed \$607,000 for the Dakota Homeland Interpretive Features Project.

WHEREAS, Ten x Ten has provided additional services for the increased scope and complexity of this project, including updating the design, repackaging and rebidding the project, extended involvement with the elders of the Dakota community, and construction administration of more complex nodes than originally anticipated.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes Parks, Facilities, and Fleet Management Director to execute a contract with G Urban Companies Inc, 3781 Labore Road, St Paul, MN, in an amount not to exceed \$607,000 for the Dakota Homeland Interpretive Features project; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes Parks, Facilities, and Fleet Management Director to execute a contract amendment with Ten x Ten LLC, 575 9<sup>th</sup> Street SE, Suite 210, Minneapolis, MN 55414 in an amount not to exceed \$16,600 for the Dakota Homeland Interpretive Features project; and,

BE IT FURTHER RESOLVED, That the 2023 Parks Capital Improvement Program budget is hereby amended as follows:

**Expense**

Dakota Homeland Interpretive Project	<u>\$150,000</u>
<b>Total Expense</b>	<b>\$150,000</b>

**Revenue**

Allocate Available and Eligible Parks and Trails Legacy Funds	<u>\$150,000</u>
<b>Total Revenue</b>	<b>\$150,000</b>

**PREVIOUS BOARD ACTION**

17-400; 08/01/17  
22-192; 05/03/22

**ATTACHMENTS**

Attachment: Financial Summary  
Attachment: Project Budget Summary

**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: Taud Hoopingarner

Author: Christina Johnson

P00144 MnRGW Dakota Homeland Interpretation Project

Year	Expense Budget			Funding Sources						
	Budget	Proposed RBA	Revised Budget	County's Share	Proposed RBA	Revised County's Share	Non-County Funding	Proposed RBA	Revised Non-County Funding	Total Revised Project Funding
Prior to 2023	180,000		180,000	90,000		90,000	90,000		90,000	180,000
2023 Budget	493,455	150,000	643,455	493,455	-	493,455	150,000	-	150,000	643,455
2024 Plan	-		-	-	-	-	-	-	-	-
2025 Plan	-		-	-	-	-	-	-	-	-
2026 Plan	-		-	-	-	-	-	-	-	-
2027 Plan	-		-	-	-	-	-	-	-	-
<i>Current CIP Total</i>	<i>493,455</i>	<i>150,000</i>	<i>643,455</i>	<i>493,455</i>	<i>-</i>	<i>493,455</i>	<i>150,000</i>	<i>-</i>	<i>150,000</i>	<i>643,455</i>
Costs Beyond Current CIP	-		-	-		-	-		-	-
<b>Total</b>	<b>673,455</b>	<b>150,000</b>	<b>823,455</b>	<b>583,455</b>	<b>-</b>	<b>583,455</b>	<b>240,000</b>	<b>-</b>	<b>240,000</b>	<b>823,455</b>

## Dakota Frames Homeland Interpretive Features

### Funding

2022 Adopted Budget		
Met Council Grant	\$	90,000
County Match	\$	90,000
2023 Adopted Budget		
County Program Aid	\$	168,775
County Levy	\$	74,680
County Funds	\$	250,000
Proposed Amendment		
Allocate Available and Eligible Parks and Trails Legacy Funds	\$	150,000
<b>Total Project Budget</b>	<b>\$</b>	<b>823,455</b>

### Expenses

Construction	\$	607,000
Professional Fees & Community Involvement	\$	122,000
10% Construction Contingency	\$	60,700
Other Soft Costs	\$	33,755
<b>Total Expenses</b>	<b>\$</b>	<b>823,455</b>



# Physical Development Committee of the Whole

## Request for Board Action

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Item Number: DC-1852

Agenda #: 4.4

Meeting Date: 2/21/2023

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

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Amend Professional Services Contract With Wold Architects And Engineers For Crisis And Recovery Center**

### PURPOSE/ACTION REQUESTED

Authorize amendment of a professional services contract with Wold Architects and Engineers to provide additional design services for the Crisis and Recovery Center (B40002).

### SUMMARY

Dakota County, in partnership with Guild Inc., submitted a grant to the Minnesota Department of Human Services (DHS) to build a Regional Behavioral Health Crisis Services Center in the City of West St. Paul. The grant submission was authorized by the Dakota County Board by Resolution No. 21-387 (July 20, 2021). The grant was successful, and by Resolution No. 22-095 (March 8, 2022), the Board accepted the \$3,459,928 in state funding for the project.

After working with West St. Paul city staff, it was determined that the northeast corner of the Northern Service Center property would work best. Physical Development staff worked with a design consultant to complete a predesign based on this site selection for the project. This predesign was presented to the County Board at the Physical Development Committee Meeting on June 14, 2022. The Board then approved the project to move into design by Resolution No. 22-254 (June 21, 2022).

Following this approval, Capital Projects Management staff developed a Request for Proposals (RFP) to hire a design consultant for the project. Staff worked through the steps of collecting, reviewing, and evaluating proposal responses, followed by interviewing consultant firms. After a unanimous decision, Wold Architects and Engineers (Wold) was recommended to receive a professional services contract for this project. This selection was approved by the Dakota County Board of Commissioners by Resolution No. 22-306 (July 19, 2022).

A Core Planning Group comprised of County and Guild staff worked with Wold on design efforts. The project needs were confirmed to include spaces for intensive residential treatment services, crisis residential services, and a place to go for crisis assessment services 24/7. At the end of the schematic design phase, Capital Projects Management staff solicited an independent cost estimate. This estimate was compared to an estimate provided by the design consultant to conclude that the project as designed exceeded the project budget. Staff worked through a value engineering process to reduce the project in size and scope to align with the originally intended scope; however, the

project still exceeded the approved budget.

The project schematic design was presented to the County Board at the Physical Development Committee Meeting on January 10, 2023. As part of that presentation, staff requested authorization to increase the project budget to match the estimated total cost needs of \$13,500,000. This increase incorporated both higher construction and soft costs. Explanation for the increases included: inflation; high efficiency energy us systems required by State funding; site development required by the city of West St. Paul; and increased professional services and other fees. The schematic design was approved as presented, and the total project budget increase to \$13,500,000 was approved by Resolution No. 23-039 (January 24, 2023).

As a result of the schematic design and its value engineering processes, staff agreed to deviate from the County's design standards for this project. This allowed the facility to be more residential in nature and to lower construction costs. Through the property rezoning and conditional use permit application process, the city of West St. Paul approved additional elements within the conditional use permit. These required a higher level of site development then was originally expected. Also, the requirements to meet the State's B3 energy use targets have been further defined. These three changes require additional design time and effort by Wold's team that exceed their original fee request. For these reasons, Wold has requested a fee increase to cover the added design requirements of this project, totaling \$258,111.

### **RECOMMENDATION**

Staff recommends that an amendment to the professional services contract with Wold Architects and Engineers to provide design services for the Crisis and Recovery Center be authorized in the amount not to exceed \$258,111.

### **EXPLANATION OF FISCAL/FTE IMPACTS**

The total current project cost is estimated to be \$13,500,000 and is also included in the 2023 budget (see Attachment: Financial Summary). This amount will cover this contract amendment.

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

### **RESOLUTION**

WHEREAS, Dakota County Community Services, in partnership with Guild Inc., submitted a grant to the Minnesota Department of Human Services (DHS) to build a Regional Behavioral Health Crisis Services Center; and

WHEREAS, the grant submission was authorized by the Dakota County Board in Resolution No. 21-387 (July 20, 2021); and

WHEREAS, the grant was successful, and by Resolution No. 22-095 (March 8, 2022), the Board accepted the \$3,459,928 in state funds for the project; and

WHEREAS, the predesign, based on a site selection at the Northern Service Center property in West St. Paul, was presented to the Board, and the project was authorized to proceed into design by Resolution No. 22-254 (June 21, 2021); and

WHEREAS, Capital Projects Management used a Request for Proposals process to unanimously recommend Wold Architects and Engineers to provide design services for this project; and

WHEREAS, Wold Architects and Engineers was approved by Resolution No. 22-306 (July 19, 2022) to provide design services for this project and to enter into a professional services contract; and

WHEREAS, the Core Planning Group and Wold completed the schematic design phase of the project; and

WHEREAS, Capital Projects Management staff solicited an independent cost estimate and compared that to a second estimate provided by the design consultant to conclude that the project as designed exceeded the project budget; and

WHEREAS, staff worked through a value engineering process to try to align the project scope and size with the budget, only to find the project still exceeded the approved budget; and

WHEREAS, the project schematic design was presented, and a project budget amendment was requested at the Physical Development Committee Meeting on January 10, 2023; and

WHEREAS, the schematic design was approved as presented, and the total project budget increase to \$13,500,000 was approved by Resolution No. 23-039 (January 24, 2023); and

WHEREAS, the design consultant has requested an increase to their professional services fees to cover the added design requirements of this project, totaling \$258,111; and

WHEREAS, sufficient funds exist within the project budget to cover this contract increase.

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 to the professional services contract with Wold Architects and Engineers, 332 Minnesota Street, Suite W2000, St. Paul, MN, to increase professional design fees for the Regional Behavioral Health Crisis Services Center, in an amount not to exceed \$258,111, subject to approval by the County Attorney's Office as to form.

### **PREVIOUS BOARD ACTION**

21-387; 07/21/21

22-095; 03/08/22

22-254; 06/21/22

22-306; 07/19/22

23-039; 01/24/23

### **ATTACHMENTS**

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: Taud Hoopingarner

Author: Patricia Bremer

COUNTY PROJECT B40002 - CRISIS & RECOVERY CENTER

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 2023	-	-	-	-	-	-	-	-	-	-
2023 Budget	13,500,000	-	13,500,000	-	-	-	13,500,000	-	13,500,000	13,500,000
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
2027 Plan	-	-	-	-	-	-	-	-	-	-
<i>Current CIP Total</i>	<i>13,500,000</i>	-	<i>13,500,000</i>	-	-	-	<i>13,500,000</i>	-	<i>13,500,000</i>	<i>13,500,000</i>
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>13,500,000</b>	-	<b>13,500,000</b>	-	-	-	<b>13,500,000</b>	-	<b>13,500,000</b>	<b>13,500,000</b>

\*\$9,830,928 State Bonds

\*\$2,919,072 ARP Funding

\*\$750,000 Partner Contributions



# Physical Development Committee of the Whole

## Request for Board Action

Item Number: DC-1853

Agenda #: 4.5

Meeting Date: 2/21/2023

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

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Award Bid And Execute Contract With Construction Results Corporation To Provide General Contractor Services For Juvenile Service Center Generator Replacement Project**

### PURPOSE/ACTION REQUESTED

Authorize award and execution of a contract with Construction Results Corporation to provide general contractor services for the Juvenile Service Center (JSC) Generator Replacement project.

### SUMMARY

The existing 350 kW emergency power generator serving the Juvenile Service Center was installed in 1998 and has reached the end of its useful life, making repairs much more difficult and costly. This project replaces the generator with an equivalent-sized unit and upgrades all of the associated switchgear served by it.

A public bid was advertised on December 23, 2022. Six bids were received and opened on January 17, 2023. The bids received are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Construction Results Corporation	\$522,639
Neo Electrical Solutions	\$559,000
Parkos Construction	\$583,000
Master Electric	\$606,800
Premier Electrical Corporation	\$658,840
Brennan Construction of MN	\$667,000

Staff and Emanuelson-Podas, Inc., the project design firm, reviewed the bidder qualifications and found that Construction Results Corporation has submitted the lowest responsive and responsible bid.

### RECOMMENDATION

Staff recommends that the bid for the JSC Generator Replacement be awarded to Construction Results Corporation in an amount not to exceed \$522,639.

### EXPLANATION OF FISCAL/FTE IMPACTS

The adopted Building Capital Improvement Program includes total funding of \$720,000 for the project (see Attachment: Financial Summary). Sufficient budget exists to support the issuance of the contract.

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

**RESOLUTION**

WHEREAS, the 2023 Building Capital Improvement Program (CIP) Adopted Budget authorized the Juvenile Service Center (JSC) Generator Replacement project; and

WHEREAS, bid documents and specifications were prepared by Emanuelson-Podas, Inc., and advertised on December 23, 2022; and

WHEREAS, six competitive bids were received on January 17, 2023; and

WHEREAS, Construction Results Corporation has submitted a bid of \$522,639; and

WHEREAS, staff and Emanuelson-Podas, Inc., reviewed the qualifications of the bidder and recommended award to Construction Results Corporation as the lowest responsive and responsible bidder, in an amount not to exceed \$522,639, for the JSC Generator Replacement; and

WHEREAS, funding for the project is within the approved Building CIP Adopted Budget total of \$720,000.

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 with Construction Results Corporation, 5465 Highway 169 North, Plymouth, MN 55442, in an amount not to exceed \$522,639, for the JSC Generator Replacement, substantially as presented and attached, subject to approval by the County Attorney's office as to form.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

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: Taud Hoopingarner  
Author: Joe Lexa

**COUNTY PROJECT B20041 - JSC Generator Replacement**

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 2023	40,000	-	40,000	40,000	-	40,000	-	-	-	40,000
2023 Budget	680,000	-	680,000	680,000	-	680,000	-	-	-	680,000
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
2027 Plan	-	-	-	-	-	-	-	-	-	-
<i>Current CIP Total</i>	<i>680,000</i>	-	<i>680,000</i>	<i>680,000</i>	-	<i>680,000</i>	-	-	-	<i>680,000</i>
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>720,000</b>	-	<b>720,000</b>	<b>720,000</b>	-	<b>720,000</b>	-	-	-	<b>720,000</b>



# Physical Development Committee of the Whole

## Request for Board Action

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Item Number: DC-1825

Agenda #: 4.6

Meeting Date: 2/21/2023

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**DEPARTMENT:** Physical Development Administration

**FILE TYPE:** Consent Information

### TITLE

**Fiscal Year 2023 Countywide Community Development Block Grant Allocation Request**

### PURPOSE/ACTION REQUESTED

Review potential Countywide Community Development Block Grant (CDBG) activity requests for Fiscal Year (FY) 2023.

### SUMMARY

The CDBG program is a federal entitlement program that provides funds to communities to address community development needs that meet at least one of three National Objectives: benefit to low- and moderate-income persons; prevention or elimination of slums or blight; or meeting an urgent need. Congress determines CDBG program funding, and the Department of Housing and Urban Development (HUD) administers the program. HUD requires a Five-Year Consolidated Plan and subsequent Annual Action Plans. The CDA administers the CDBG program on behalf of Dakota County (the County).

The County's CDBG allocation for FY 2022 was \$1,908,838. Because HUD has not released the grant amount for FY 2023, the FY 2022 allocation is used for planning purposes. Per the approved 2020-2024 Consolidated Plan, CDBG funds are distributed so that approximately 75 percent go directly to Dakota County cities and townships, and 25 percent goes to the County. In past years, the County has covered the general CDBG administration costs for the County and the cities and townships. These costs include CDA staff time, compliance requirements, and HUD-mandated programmatic responsibilities. This year, the CDA is proposing the general grant administration costs of 12 percent, or \$229,060, be deducted from the total grant amount and the remaining portion be distributed using the 75/25 split. Staff believes it is fairer to distribute the general grant administration costs among all CDBG recipients because the CDA must provide significant time overseeing and monitoring the municipal subrecipients. The amount that would be split between the cities and the County totals \$1,679,778, with \$1,259,833 going to the cities and townships and \$419,944 going to the County. CDBG funds are allocated to Dakota County cities and townships (including Northfield) based on a HUD formula that uses population, overcrowding (more than one person per room in a residential structure), and poverty levels. Cities with populations of more than 10,000 receive about 97 percent of the amount allocated to the cities and townships, or \$1,218,082. Approximately three percent, or \$41,751, is allocated to the smaller cities and townships in a competitive pool. The small cities and townships have requested more funds than are available to them, but these could be fully funded using a portion of the Countywide pool. The CDBG Committee, comprised of the three County Commissioners representing small cities and townships, the chair of the County Planning

Commissioner, and the chair of the Township Board Officers Association, will meet in March to discuss the small cities and townships' applications. The Countywide requests this year are for existing programs: \$209,099 for the existing CDA-administered Home Improvement Loan program, \$100,000 for the CDA-administered housing counseling program; \$5,000 for CDA-administered landlord training for fair housing compliance; and \$50,000 for the County's well-sealing program. If the County receives additional CDBG funds from HUD, the funds could be allocated to the Home Improvement Loan program and the well-sealing program. If the County receives less funding, the Home Improvement Loan and Housing Counseling programs will be reduced.

Staff expects to bring the draft Dakota County FY 2023 Annual Action Plan (the Action Plan) to the Physical Development Committee of the Whole for review on March 21, 2023. The Countywide CDBG activities will be included in the Action Plan. A public hearing is anticipated for the County Board meeting on April 25, 2023, with final approval at the County Board meeting on May 9, 2023, if HUD has provided the FY 2023 allocation by that time.

**RECOMMENDATION**

None. Staff is providing information to the Board to use FY 2023 CDBG funds for the following Countywide activities: \$209,099 for the CDA-administered housing rehab program; \$100,000 for the CDA-administered housing counseling program; \$5,000 for the CDA-administered landlord training for fair housing compliance; and \$50,000 for County-administered well sealing program.

**EXPLANATION OF FISCAL/FTE IMPACTS**

Dakota County's FY 2023 CDBG allocation has not been released. The final allocations for activities may be modified depending on the final CDBG amount appropriated by Congress. This will be brought to the County Board as part of the 2023 Annual Action Plan review

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

**RESOLUTION**

Information only; no action requested.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

- Attachment: Proposed FY 2023 Countywide CDBG Activities
- Attachment: Five-Year History of County CDBG Allocations

**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 Stwora  
Author: Maggie Dykes

**Proposed Fiscal Year (FY) 2023 Countywide CDBG Applications**

<b>Activity Title:</b>	<b>Home Improvement Loan Program</b>
<b>Requested Amount:</b>	<b>\$209,099</b>
<b>Activity Information:</b>	The Home Improvement Loan Program, administered by the Dakota County CDA, is available to assist low- and moderate-income homeowners in improving and maintaining their homes in a decent, safe and sanitary condition. The program offers zero percent deferred loans to homeowners at 80 percent of area median income. The minimum loan amount is \$15,000 and the maximum loan amount is \$35,000. Loans are repaid when the homeowner sells the home, refinances the home, or is no longer using the home as a primary residence. The CDA places a 30-year mortgage on the property to ensure the loan is repaid. Loan repayments are used to fund new loans to other Dakota County homeowners. The program can assist 6 - 8 households with the proposed Countywide CDBG funds.
<b>Activity Title:</b>	<b>Public Service - Housing Counseling Program</b>
<b>Requested Amount:</b>	<b>\$100,000</b>
<b>Activity Information:</b>	The Dakota County CDA currently administers a housing counseling program that provides services to potential and existing Dakota County homeowners. The services include pre-purchase counseling, homebuyer education, refinance counseling, and foreclosure counseling, and an average of 345 people per year use the available services. There are currently two full-time employees who provide the housing counseling services for Dakota County. The two employees also provide rental counseling services targeting new tenants of CDA-owned housing units, specifically Lincoln Place, the family townhomes, and potentially public housing units. The rental counseling program offers monthly group rental counseling workshops of 3-4 hours held in person at the CDA office building. The goal of the program is to provide tenants with the information needed to be successful residents. Topics for workshops include budgeting, bill payments, property maintenance, lease compliance, and similar.
<b>Activity Title:</b>	<b>Water Supply Well Sealing Grant Program</b>
<b>Requested Amount:</b>	<b>\$50,000</b>
<b>Activity Information:</b>	The Well Sealing program provides grant funds to Dakota County residents and businesses to seal unused wells. Grant funds reimburse the property owners for the professional sealing of unused wells. Unsealed water supply

**Proposed Fiscal Year (FY) 2023 Countywide CDBG Applications**

	<p>wells that are not in use pose a threat to health, safety, and the environment by providing a potential conduit for contamination to go from the surface down to drinking water aquifers. MN Statute 103I requires well owners to seal unused wells. A well must be sealed by a licensed well contractor who will clear a well of obstructions and fill the well with grout. Depending upon the well’s construction and the geology it intersects, the well casing may need to be perforated to allow grout to seal the area outside of the well casing. The costs associated with sealing a well can be a financial burden for the well owner, so well sealing grants provide an incentive for well owners to bring their properties into compliance with the law. The program will reimburse homeowners 50% of the cost to seal the unused well up to a maximum of \$3,000 per well. Approximately 16-33 households could receive assistance with the CDBG funds.</p>
<b>Activity Title:</b>	<b>Planning &amp; Admin - Fair Housing Activities – Landlord Training</b>
<b>Requested Amount:</b>	<b>\$5,000</b>
<b>Activity Information:</b>	<p>As a recipient of federal entitlement funds, Dakota County is required to comply with fair housing statutes. One of the ways the County complies with applicable federal laws is to support fair housing activities including training for landlords about federal fair housing practices and procedures, and providing support to the Fair Housing Implementation Council. Fair housing activities are part of the administration of the CDBG program and will count towards the 20 percent Planning and Administration cap.</p>

**Five Year History of Countywide CDBG Allocations**

**Estimated Fiscal Year (FY) 2023**

*Estimated CDBG allocation - \$1,908,838*

*Proposed General Grant Administration costs (12% subtracted from total CDBG allocation) - \$229,060*

*Estimated Countywide Allocation (25% of remaining CDBG allocation) - \$419,944 – suggest reducing amount by \$55,845 to fully fund requests from small cities and townships. County would use 22% of remaining CDBG allocation.*

<b>Activity</b>	<b>Requested Allocation</b>
Countywide Home Improvement Loan (CDA administered)	\$ 209,099
Public Services - Housing Counseling (CDA administered)	\$ 100,000
Well Sealing Program (County administered)	\$ 50,000
Fair Housing Activities (Landlord training – CDA administered)	\$ 5,000
<b>Total</b>	<b>\$ 364,099</b>

**Final Fiscal Year (FY) 2022**

*Total CDBG allocation - \$1,908,838*

*Countywide Allocation (25%) - \$480,629*

<b>Activity</b>	<b>Requested Allocation</b>
Planning & Admin - CDA General Grant Administration (11%)	\$ 213,260
Countywide Home Improvement Loan (CDA administered)	\$ 112,369
Public Services - Housing Counseling (CDA administered – new program)	\$ 80,000
Planning & Admin – Rural Water Supply Feasibility Study	\$ 50,000
Septic System Replacement Program	\$ 25,000
<b>Total</b>	<b>\$ 480,629</b>

**Final Fiscal Year (FY) 2021**

*Total CDBG allocation - \$1,938,727*

*Countywide Allocation (27%) - \$525,789*

<b>Activity</b>	<b>Requested Allocation</b>
CDA General Grant Administration (12%)	\$ 231,366
Countywide Home Improvement Loan	\$ 209,673
Septic System Replacement Program	\$ 50,000
Well Sealing Program	\$ 30,000
Fair Housing Activities	\$ 4,750
<b>Total</b>	<b>\$ 525,789</b>

## Five Year History of Countywide CDBG Allocations

### Final Fiscal Year (FY) 2020

*Total CDBG allocation - \$1,928,049*

*Countywide Allocation (27%) - \$519,649*

Activity	Requested Allocation
CDA General Grant Administration (11%)	\$ 202,589
Countywide Home Improvement Loan	\$ 202,310
Fair Housing Activities	\$ 4,750
Well Sealing Program	\$ 35,000
Multifamily Housing Rehab Activity	\$ 75,000
<b>Total</b>	<b>\$ 519,649</b>

### Final FY 2019 Allocation

*Total CDBG allocation - \$1,887,578*

*Countywide allocation (24.6%) - \$463,378*

Activity	Requested Allocation
CDA General Grant Administration (10%)	\$ 191,000
Countywide Home Improvement Loan	\$ 222,378
Fair Housing Activities	\$ 15,000
Well Sealing Program	\$ 35,000
<b>Total</b>	<b>\$ 463,378</b>



# Physical Development Committee of the Whole

## Request for Board Action

Item Number: DC-1828

Agenda #: 4.7

Meeting Date: 2/21/2023

**DEPARTMENT:** Physical Development Administration

**FILE TYPE:** Consent Information

### TITLE

**Planning Commission Update**

### PURPOSE/ACTION REQUESTED

Receive an update on the Planning Commission.

### SUMMARY

The Dakota County Planning Commission met on January 26, 2023. The Planning Commission addressed the following issues:

#### Election of 2023 Planning Commission Officers

The Planning Commission elected officers for 2023. All officers are new to their positions.

Chair: Amy Hunting (District 2)

Vice Chair: Jim Guttman (District 6)

Secretary: Barry Graham (District 4)

#### Updates on Greenway Natural Resource Management Plans

The Planning Commission received an update on the Vermillion River Greenway Natural Resource Management Plan and the Veterans Memorial Greenway Natural Resource Management Plan. Planning commissioners reviewed the scope and timeframe for each plan and made suggestions about how to engage key stakeholders.

### RECOMMENDATION

None.

### EXPLANATION OF FISCAL/FTE IMPACTS

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

### RESOLUTION

Information only; no action requested.

### PREVIOUS BOARD ACTION

None.

### ATTACHMENTS

Attachment: Draft Meeting Minutes

**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: Kurt Chatfield



# Meeting Minutes: Dakota County Planning Commission Advisory Committee Meeting Minutes

Date: 1/26/2023

Minutes prepared by: Liz Hansen

Location: Western Service Center, Conference Room L139

## Attendance

### Members Present

- Lori Hansen
- Tony Nelson
- Barry Graham
- Jim Guttman
- Amy Hunting
- Kelly Kausel
- Nate Reitz
- Jim Rich

### Staff Present

- Kurt Chatfield
- Liz Hansen
- Niki Geisler
- Joe Walton
- Chris Klatt

## Meeting Called to Order

- Time: 7:04 p.m.
- By: Planning Manager, Kurt Chatfield

## Pledge of Allegiance

- The meeting was opened with the Pledge of Allegiance.

## Public Comments

- Comments/Notes:
  - Former 2022 Chair of the Planning Commission, Greg Oxley, addressed the Planning Commission. He wished to express his appreciation for his time serving as a Planning

Commissioner. He was not able to attend the last meeting held in December of 2022 and used this opportunity to say good luck and goodbye to the current Planning Commissioners.

## **Election of 2023 Planning Commission Officers**

### **Election of 2023 Planning Commission Chair**

Kurt Chatfield summarized the Planning Commission's bylaws before voting. He then informed the Planning Commission that the following Planning Commissioners had expressed an interest in the following positions: Commissioner Hunting was interested in the Chair position, Commissioner Guttman was interested in the Vice-Chair position, and Commissioner Graham was interested in serving in the Secretary position.

Planning Manager, Kurt Chatfield, began the election of Planning Commission positions by calling for a nomination for the Planning Commission Chair.

Commissioner Rich nominated Commissioner Hunting for the position of Planning Commission Chair. No additional nominations were made.

Second by Commissioner Hansen.

Vote: unanimously approved

Commissioner Hunting then assumed the duties of Chair for 2023.

### **Election of 2023 Planning Commission Vice-Chair**

Chair Hunting called for nominations for the position of Planning Commission Vice-Chair.

Commissioner Graham nominated Commissioner Guttman for the position of Vice Chair. No additional nominations were made.

Second by Commissioner Nelson.

Vote: unanimously approved

Commissioner Guttman then assumed the duties of Vice-Chair.

### **Election of 2023 Planning Commission Secretary**

Chair Hunting, called for nominations for the position of Planning Commission Secretary.

Commissioner Hansen nominated Barry Graham. No additional nominations were given.

Second by Commissioner Nelson.

Vote: unanimously approved

Commissioner Graham then assumed the duties of Secretary.

## **Approval of Agenda**

- Motion by: Commissioner Nelson
- Second: Commissioner Guttman
- Vote: Unanimously approved.

## **Approval of Minutes (from December 15, 2022)**

- Motion by: Commissioner Graham
- Second: Commissioner Rich
- Vote: unanimously approved.

## **Welcome New Planning Commissioner—Kelly Kausel**

Planning Manager Kurt Chatfield briefly introduced Kelly Kausel, who represents District Seven.

Commissioner Kausel shared information with the Planning Commission about her family and interests and that she is particularly interested in the topic of ADA accessibility.

## **Establishment of 2023 Meeting Dates – Action**

Kurt Chatfield proposed meeting dates for 2023.

Chair Hunting entertained a motion to approve the 2023 meeting dates as presented. The Planning Commission voted to approve the 2023 meeting dates.

Motion by: Commissioner Graham  
Second by: Commissioner Nelson  
Vote: Unanimously approved.

## **Planning Commission Administrative Forms – Information**

Administrative Coordinator, Liz Hansen, spoke about two forms that need to be filled out and returned. The two forms are: “Consent to Release Private Data” and “Citizen Advisory Committee Member Statement of Representation.” She also informed the Planning Commission that on January 3, 2023, the Dakota County Board passed Resolution No. 23-029, which states the per diem for 2023 has increased to 50 dollars for attendance at regular and special meetings of committees.

## 2023 Planning Commission Work Plan – Information

Planning Manager, Kurt Chatfield, outlined the County Board adopted 2023 Planning Commission Workplan.

### Veterans Memorial Greenway Natural Resource Management Plan - Information

Chris Klatt, Natural Resource Specialist, presented this item and responded to questions.

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

A commissioner asked a question about whether the greenway crossing at Hwy 3 is proposed for a grade separation. *Staff responded that the master plan identifies a grade separation at this location and that a trail bridge is proposed.*

Natural Resources Staff described a location along the greenway on Flint Hills property where the alignment has been refined to protect natural resources. A commissioner asked whether the new alignment is more rigorous than the original alignment. *Staff responded that the new, more environmentally sensitive alignment meets greenway grade standards, but staff was not able to provide an answer about which alignment was more gradual.*

Staff described the challenge of engaging the public on the Natural Resource Management Plans since the information in the plans is technical. Commissioners discussed how to increase public engagement, suggesting:

- Combining the Natural Resources Management Plan with the Master plan to generate more interest
- Using a web map so that residents could provide input online and at specific locations
- Use the County's email list serve and email updates to notify interested residents that a plan is available for comment
- Holding open houses near the greenway location to make it more convenient for residents to attend, such as at one of the churches along the corridor

The Planning Commission discussed the need to engage staff from Flint Hills Resources since they own significant land along the corridor. There was a general discussion about Flint Hills buffer land, encroaching residential development, the Flint Hills solar farm project, and the role that Flint Hills can play in restoring and managing land along the greenway corridor. *Staff agreed with the comments about Flint Hills land and responded that a meeting will be scheduled with the new Flint Hills Resources land manager.*

### Vermillion River Greenway (Hastings) Natural Resource Management Plan - Information

Joe Walton, Natural Resource Senior Ecologist, presented this item and responded to questions.

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

A Commissioner noted that there are several caves along the greenway in the gorge downstream of the falls. Are the caves in that area natural or artificial? Should the caves be protected? *Staff responded that more research is needed to evaluate the caves and that it may be a recommendation to protect them.*

Planning Commissioners discussed the upcoming project to reconstruct segments of the existing trail along with overlooks. One suggestion was to improve views from the existing bridge by replacing all or a portion of the chain link fence with something less obtrusive. *Staff reported that there are some rare and important plants along the existing trail route that natural resource staff have identified that should be protected as part of the project.*

Planning Commission members discussed the informal trails that people have made along the Vermillion River and in Old Mill Park. One suggestion was that the City and the County work together developing a master plan for the city park master plans to address unauthorized trails and locate trails in the appropriate locations. Another suggestion was for County staff to work directly with City staff on the plans for the area, including at open houses and stakeholder engagement events. *Staff agreed with the comments made by Planning Commission members.*

## Planning Manager Update and County Board Actions at Physical Development Committee

Comments/Notes: Kurt Chatfield, Planning Manager, provided the Planning Commission with an update on the following County Board Actions:

- Dakota County was notified of a \$4,995,000 federal award for the Veterans Memorial Greenway
- County Board reviewed the findings of the Lebanon Hills Regional Park Sustainable Trails Study
- County Board reviewed the Miesville Ravine Park Reserve phase 1 public participation and research results, requested options for next steps to be discussed at February PDC

## Upcoming Public Meetings – Community Outreach

Concord Blvd Crossing Improvements and the Mississippi River Greenway Open House	Wednesday, Jan. 25, from 5pm-7pm Veterans Memorial Community Center – Room #3 <a href="https://www.co.dakota.mn.us/Transportation/PlannedConstruction/CR56/Pages/default.aspx">https://www.co.dakota.mn.us/Transportation/PlannedConstruction/CR56/Pages/default.aspx</a>
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## Topics for next meeting (Thursday, February 23, 2023)

- None at this time

## **Planning Commissioner Announcements/Updates:**

No updates or announcements were given.

## **Adjourn**

- Motion by: Commissioner Reitz
- Second: Commissioner Graham
- Vote: unanimously approved.
- Time: 9:03 p.m.

**Next Regular Meeting: Thursday, February 23, 2023, at 7:00 p.m., Dakota County Western Service Center, Apple Valley**

DRAFT



# Physical Development Committee of the Whole

## Request for Board Action

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Item Number: DC-1728

Agenda #: 5.1

Meeting Date: 2/21/2023

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**DEPARTMENT:** Transportation

**FILE TYPE:** Regular Action

### TITLE

**Approval Of Joint Powers Agreements And Authorization To Award Construction Contracts To Accomplish 2023 Transportation Capital Improvement Projects**

### PURPOSE/ACTION REQUESTED

Approve joint powers agreements (JPAs) and authorization to award construction contracts necessary to accomplish 2023 Transportation Capital Improvement Program (CIP) projects.

### SUMMARY

To provide safe and efficient transportation in Dakota County, Transportation Department staff regularly requests County Board (Board) approval for actions required to deliver projects in the adopted 2023 Transportation CIP. Staff is requesting advanced approval of necessary JPAs (Attachment: 2023 Joint Power Agreements) and delegation of authority to the County Manager for construction contract awards (Attachment: 2023 Construction Contracts) under certain circumstances. The requested action will streamline these administrative activities required to move projects forward and allow efficient timelines.

JPAs are typically standard agreements needed on most projects in the CIP. In most cases, these agreements adhere to adopted County policies and have consistent language. JPAs proposed for advanced approval are for projects included in the adopted Transportation CIP and will adhere to specific criteria, including maintenance and operational responsibilities associated with the planning, design, and construction of projects consistent with County policies; be subject to the availability of funding identified in the CIP; and be subject to the County's Attorney's Office as to form.

Staff requests the delegation of authority to the County Manager to award construction contracts to the lowest responsible bidder for projects identified for construction in the adopted Transportation CIP, consistent with County Policies and provided sufficient funds are available for the contract. Any awards not to the low bidder that require a budget amendment or require the rejection of bids will be brought to the Board for action.

Periodic project updates and approvals will continue to be presented to the Board consistent with current practice. This authorization would not alter the current Board process for adopting projects in the CIP each year or the process for obtaining Board approval for professional services contracts, study recommendations, property valuations, authority to initiate quick take condemnation, and right of way settlements.

### RECOMMENDATION

Staff requests advanced approval of JPAs with cities and authorization to award construction contracts to the lowest responsive bidder as necessary to accomplish 2023 Transportation CIP projects consistent with County policies, subject to the availability of funding identified in the CIP and subject to the County’s Attorney’s Office as to form.

**EXPLANATION OF FISCAL/FTE IMPACTS**

None

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

**RESOLUTION**

WHEREAS, the Dakota County Transportation Department regularly requests County Board approval for actions required to deliver projects in Transportation’s adopted Capital Improvement Program (CIP); and

WHEREAS, joint powers agreements with Cities and cost-share agreements with the Minnesota Department of Transportation and other agencies are standard agreements needed on projects in the CIP that adhere to County policies and have consistent language; and

WHEREAS, awarding construction contracts to the lowest responsible bidder is a regular consent action item brought forward to the Board for Transportation projects in the CIP; and

WHEREAS, awards to bidders that are not the low bid would be brought to the County Board for approval; and

WHEREAS, this resolution does not alter the Board process for adopting projects in the CIP each year or the process for obtaining Board approval for professional services contracts, study recommendations, appraisals, and right of way settlements; and

WHEREAS, project updates would continue to be presented to the Board; and

WHEREAS, staff will provide the Board with a detailed list of authorized projects including budget reference information and provide periodic updates on executed joint powers agreements and construction contract awards.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners authorizes the County Manager or designee to enter into joint powers agreements with cities for projects that identify funding, maintenance and operational responsibilities associated with the planning, design and construction of projects, consistent with County policies, subject to the availability of funding identified in the CIP and subject to the County Attorney’s Office as to form, as listed below:

- 04-017 on CR 4 (Butler Ave) from Robert St to TH 52 in West St Paul
- 04-018 on CR 4 (Butler Ave) from CSAH 63 (Delaware Ave) to Smith Ave in West St. Paul
- 06-006 on CSAH 6 (Thompson Ave) at CSAH 73 (Oakdale Ave) in West St. Paul
- 11-027 on CSAH 11 at Burnsville Parkway in Burnsville

- 23-084 on CSAH 23 (Cedar Ave) from CSAH 42 (138th St) in Apple Valley
- 23-086 on CSAH 23 from Shakespeare Blvd to Gemini Trail in Lakeville
- 26-054 on CSAH 26 (Lone Oak Rd) from TH 55 to TH 3 in Eagan and Inver Grove Heights
- 26-060 on CSAH 26 (70th St) from TH 3 to CSAH 73 (Babcock Trail) in Inver Grove Heights
- 26-068 on CSAH 26 (70th St) from CSAH 73 (Babcock Trail) to 1000' east of Cahill Ave in Inver Grove Heights
- 28-044 on CSAH 28 (Yankee Doodle Rd) at Elrene Rd and at Mike Collins Dr in Eagan
- 28-066 on CSAH 73 (Babcock Trail) to Bowman Ave in Inver Grove Heights
- 31-113 on CSAH 31 (Pilot Knob Rd) at CSAH 50 (west junction) (traffic signal) in Farmington
- 32-065 on 117th St (future CSAH 32) from Rich Valley Blvd (CSAH 71) to TH 52 in Inver Grove Heights
- 32-092 on CSAH 32 (Cliff Rd) at Slater Rd in Eagan
- 32-093 on CSAH 32 (Cliff Rd) from Johnny Cake Ridge Rd to CSAH 31 (Pilot Knob Rd) in Eagan
- 32-110 on CSAH 32 (Cliff Rd) from Trunk Highway 13 to I-35E in Eagan
- 32-112 on CSAH 32 (Cliff Rd) from I-35W to River Wood Dr in Burnsville
- 33-015 roundabout on CSAH 33 at 140th St/Connemara Tr in Apple Valley, Rosemount
- 33-019 on CSAH 33 (Diamond Path) from 140th St/Connemara Trail to CSAH 31 (Pilot Knob Rd) in Apple Valley and Rosemount
- 38-061 on CSAH 38 (McAndrews Road) from CSAH 5 to Aldrich Ave in Burnsville
- 38-064 on CSAH 38 (McAndrews Road) from CSAH 11 to Johnny Cake Ridge Road in Apple Valley
- 42-161 on CSAH 42 (Nininger Rd) from 1st St to Riverdale Dr in Hastings
- 42-163 on CSAH 42 from Redwood Drive to 147th St in Apple Valley, Burnsville
- 42-164 on CSAH 42 at I-35W southbound exit to Burnsville Center, MnDot
- 42-168 on CSAH 42 at Southcross Drive (east junction) (traffic signal) in Burnsville
- 43-055 on CSAH 43 (Lexington Ave) from CSAH 30 (Diffley Rd) to Wescott Dr in Eagan
- 50-033 on CSAH 50 at I-35 Interchange in Lakeville
- 53-004 on CR 53 (Arkansas Ave) from CSAH 47 (Northfield Blvd) to CSAH 86 (280th St) in Sciota and Waterford Townships
- 54-011 on CSAH 54 (Ravenna Trl) from Hastings city limit to CSAH 68 (200th St) in Ravenna Township
- 63-027 on new CR 63 (Delaware Ave) from CSAH 28 (Amana Trl) to 65th St in Inver Grove Heights
- 63-032 on CSAH 63 (Delaware Ave) from Trunk Highway 62 to Marie St in Mendota Heights, West St. Paul
- 63-033 on CSAH 63 (Delaware Ave) from Marie Ave to TH 149 (Dodd Rd) in Mendota Heights and West St Paul
- 97-144 on Igna Avenue for Bridge Replacement (L3285) in Hampton and Douglas Townships
- 97-217 Pedestrian Crossing Enhancements on CSAH 8 (Wentworth Ave) in West St Paul and CSAH 31 (Pilot Knob Rd) and CSAH 43 (Lexington Ave) in Eagan
- 97-218, retaining wall assessment in various cities and townships in Dakota County.
- ST00015 on TH 77 from 138th Street to I-494 Traffic Analysis
- ST00017 on TH 3 from TH 62 to CSAH 46 Preliminary Engineering

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the County Manager or designee to enter into joint power agreements that identify funding, maintenance, and operational responsibilities associated with the planning, design, and construction of projects consistent with County policies, subject to the availability of funding identified in the CIP and subject to the County Attorney's Office as to form with the Cities of Apple Valley, Burnsville, Eagan, Farmington, Hastings, Inver Grove Heights, Lakeville, Mendota Heights, Rosemount, South St. Paul, West St. Paul for the following projects:

- Preservation of Paved Highway Surfaces
- Storm Sewer System Maintenance
- Trail Gaps
- Preservation of Pedestrian and Bicycle Facilities
- Signal Revisions/Communications
- Traffic Signal - New/Replacement
- Future Studies/Professional Studies under \$100,000

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners delegates authority to the County Manager or designee to award construction contracts to the lowest responsible bidder, consistent with County Policies, provided sufficient funds are available for the following projects:

- 09-064 on CSAH 9 (Dodd Blvd) from Glasgow Way to CSAH 31 (Pilot Knob Rd) in Lakeville
- 23-084 on CSAH 23 (Cedar Ave) from CSAH 42 to 138th St in Apple Valley
- 28-044 on CSAH 28 (Yankee Doodle Rd) at Elrene Rd and at Mike Collins Dr in Eagan
- 31-079 on CSAH 31 (Pilot Knob Rd) at CSAH 32 (Cliff Rd) (traffic signals) in Eagan
- 31-103 on CSAH 31 (Pilot Knob Rd) at Corporate Center Dr (traffic signal) in Eagan
- 31-107 Rehabilitate Bridge 19512 on CSAH 31 (Denmark Ave) south of CSAH 50 in Farmington
- 31-108 on CSAH 31 (Denmark Ave) at 206th St (southbound left turn lane) in Farmington
- 31-110 on CSAH 31 (Pilot Knob Rd) at 179th St (future CSAH 9) (traffic signal) in Lakeville
- 31-113 on CSAH 31 (Pilot Knob Rd) at CSAH 50 (west junction) (traffic signal) in Farmington
- 33-015 on CSAH 33 (Diamond Path) from CSAH 42 to 140th St/Connemara Trail in Apple Valley and Rosemount
- 42-168 on CSAH 42 at Southcross Drive (east junction) (traffic signal) in Burnsville
- 47-045 on CSAH 47 at CSAH 85 (Goodwin Ave) in Vermillion Township
- 85-023 Rehabilitate Bridge 19504 on CSAH 85 (Goodwin Ave) north of CSAH 62 (190th St) in Vermillion Township
- 88-024 on CSAH 88 from TH 56 to west of Finch Ct. in Randolph Township
- 91-029 on CSAH 91 (Nicolai Ave) from 210th St to TH 316 in Marshan Township
- 97-144 Replace Bridge L3285, Inga Ave - Pine Creek
- 97-217 Pedestrian Crossing Enhancements on CSAH 8 (Wentworth Ave) in West St Paul and

CSAH 31 (Pilot Knob Rd) and CSAH 43 (Lexington Ave) in Eagan

- Preservation of Paved Highway Surfaces
- Preservation of Gravel Highway Surfaces
- Gravel Resurfacing/Chloride
- Crack Seal
- Traffic Safety & Operations
- Pavement Markings
- Storm Sewer System Maintenance
- Trail Gap Setaside
- Preservation of Pedestrian and Bicycle Facilities
- Signal Revisions/Communications
- Traffic Signal - New/Replacement
- Retaining Walls

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: 2023 Joint Power Agreements

Attachment: 2023 Construction Contracts

**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**

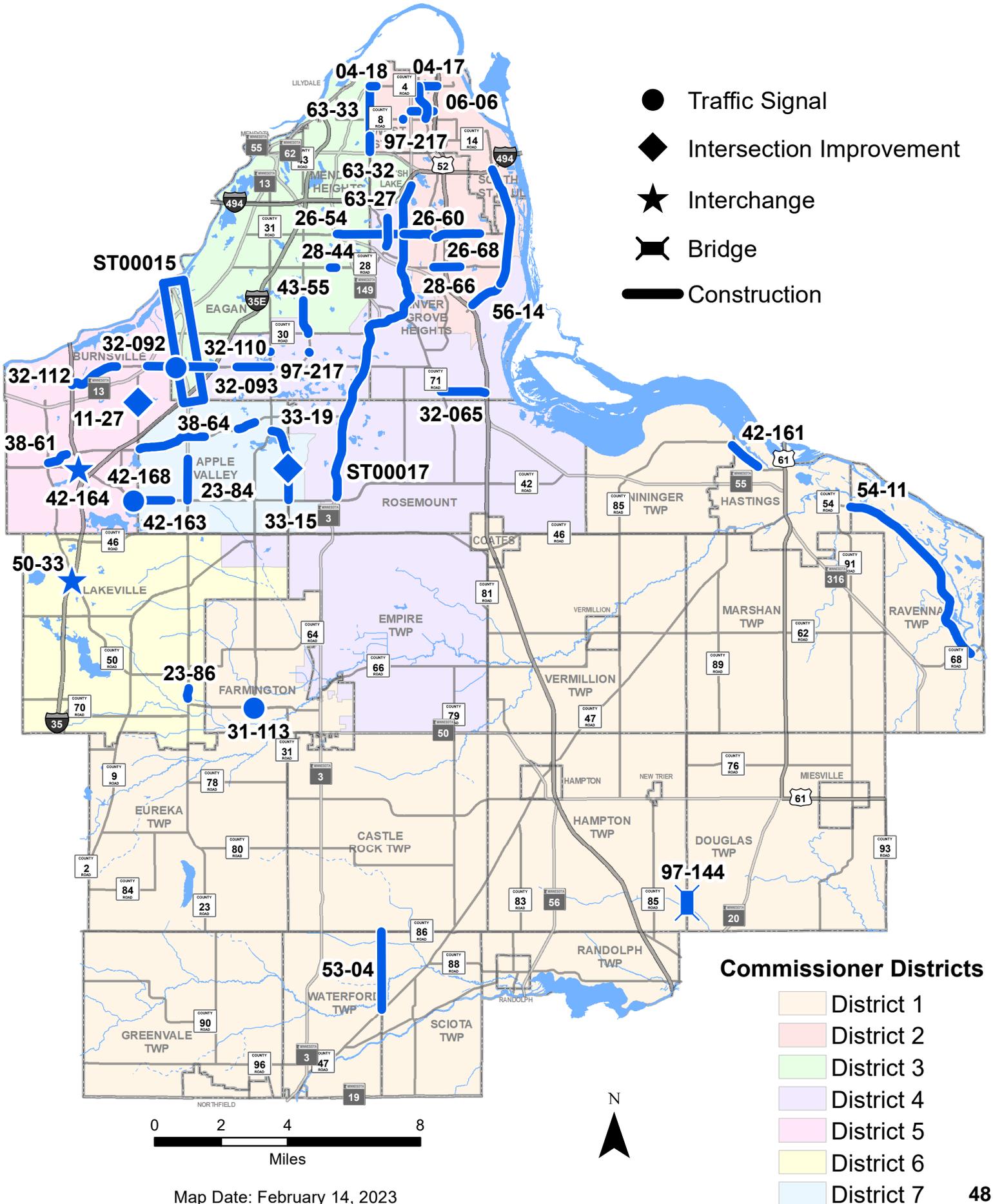
- |  |                                  |                                  |   |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/>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

**CONTACT**

Department Head: Erin Laberee

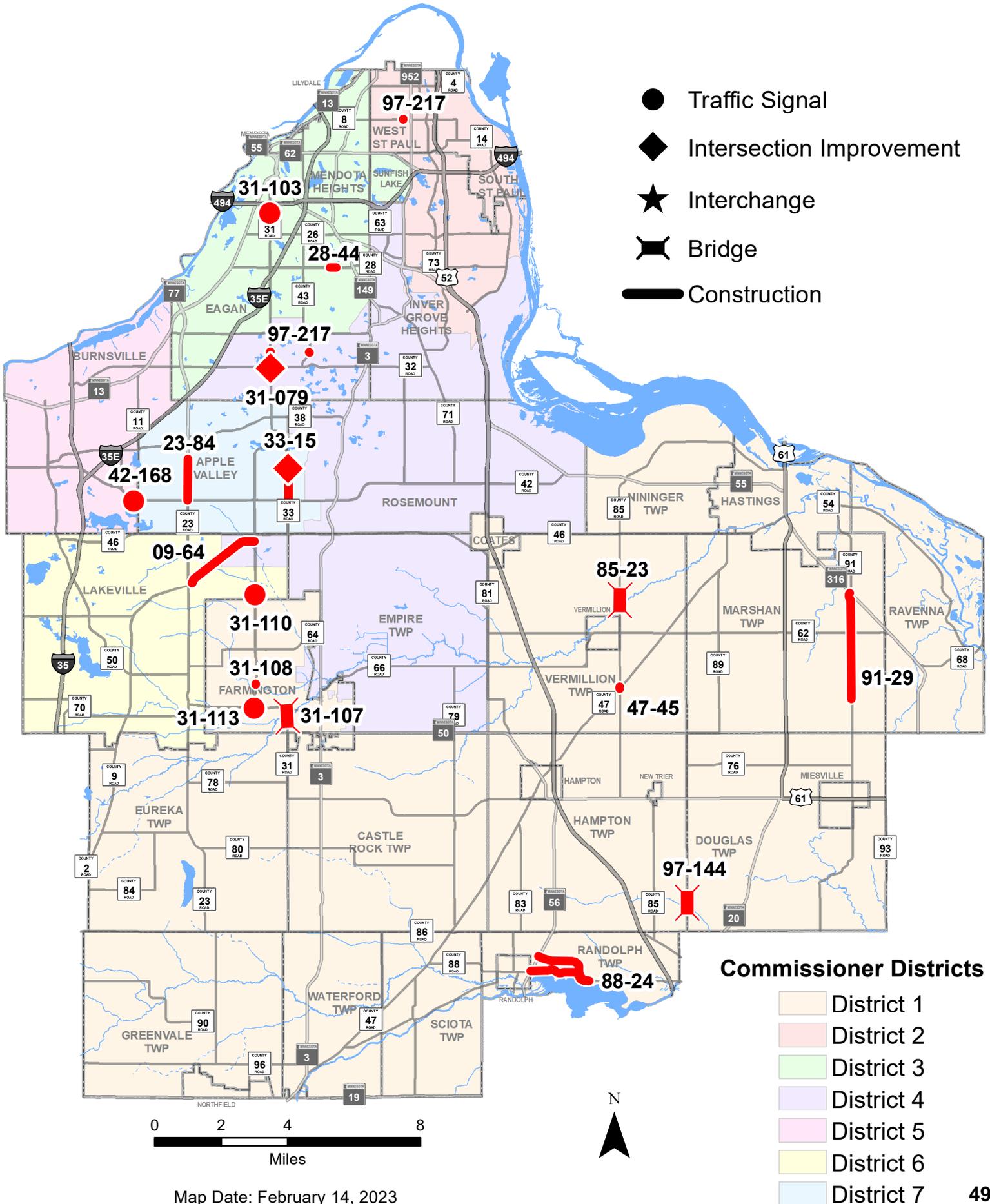
Author: Jake Chapek

# Advanced Approval 2023 Joint Power Agreements



Map Date: February 14, 2023

# Delegated Authority 2023 Construction Contracts





# Physical Development Committee of the Whole

## Request for Board Action

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Item Number: DC-1815

Agenda #: 5.2

Meeting Date: 2/21/2023

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

**FILE TYPE:** Regular Action

### TITLE

**Authorization To Submit Grant Application For Minnesota Pollution Control Agency's Volkswagen Mitigation Settlement, Phase Two And Subsequent Electric Vehicle Charging Infrastructure At County Libraries**

### PURPOSE/ACTION REQUESTED

Approval for the submission of a grant application to the Minnesota Pollution Control Agency's (MPCA) grant for the Volkswagen (VW) settlement funds and the approval to construct and install electric vehicle chargers at the Western Service Center and Wescott Library if grant funds are received to offset a portion of the costs.

### SUMMARY

Dakota County has adopted programs, policies, and practices which reflect a commitment to energy efficiency and reducing greenhouse gas emissions. These goals serve to help protect and improve Dakota County's healthy environment as well as deliver efficient and effective services.

In proposing additions to Dakota County's Electric Vehicle (EV) charging infrastructure, it positions the County to support its own fleet of electric vehicles and plug-in gas hybrid electric vehicles, which is scheduled to increase from eight to 22 in 2023. This includes units assigned to the Sheriff, Facilities, Parks, and Library fleets and provides another option for the public to charge a fee as approved in the 2023 Fleet fee schedule.

The MPCA grant, due February 28th, 2023, requires level 2 EV chargers be available to the public and that there be two separate charging units at each location for redundancy. The grant also provides extra points for locations that serve youth and vulnerable populations.

Staff recommends applying for grant funds to cover costs for charging stations at Galaxie and Wescott Libraries. These locations reflect the emphasis of the grant as well as fit into the long-term plans of Dakota County's EV charging strategy. The potential use of grant funds to offset the cost of purchase and installation provides a unique opportunity to reduce the financial impact of building EV charging infrastructure.

The total project cost for both locations could potentially be \$46,500. If received, the grant could cover \$30,000 (\$15,000 per location) of the costs and the sites also could receive Dakota Electric rebate of \$2,500 per site, leaving approximately \$11,500 (25% of the project cost) for the County.

Attached are the MPCA Application Part 1 and Part 2 as well as a map of current, proposed, and

grant charging locations.

**RECOMMENDATION**

Staff request County Board approval to apply for, accept the MPCA’s EV charging grant for the purpose of purchasing, and installing charging equipment at each location that receives grant funds.

**EXPLANATION OF FISCAL/FTE IMPACTS**

If the grant is received for each location, the County will need to fund approximately \$11,500 for the purchase and installation at the two library locations. The adopted 2023 Fleet Capital Equipment Program (Fleet CEP) budget includes the \$11,500 that could be used for this project.

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

**RESOLUTION**

WHEREAS, Dakota County maintains a strategy for the use of electric vehicles (EVs) in reducing greenhouse gas emissions, an interest in environmental stewardship, and a desire to reduce costs and increase efficiency; and

WHEREAS, Dakota County has a fleet of electric vehicles and plug-in gas hybrid electric vehicles that are scheduled to increase in size, and charging infrastructure is required for their successful deployment across the County; and

WHEREAS, the Minnesota Pollution Control Agency (MPCA) has an open grant to provide funds to cover the purchase and installation of level 2 chargers; and

WHEREAS, County staff have identified the locations of Galaxie and Wescott Libraries as meeting both grant criteria and fitting with the internal EV charging locations strategy and future use.

NOW, THEREFORE BE IT RESOLVED, That the Dakota County Board of Commissioners authorizes the Minnesota Pollution Control Agency Level 2 Charging grant application for Galaxie and Wescott Libraries; and

BE IT FURTHER RESOLVED, the County may proceed to purchase and install electric vehicle chargers at each site that receives the \$15,000 in grant funds, apply for the Dakota Electric rebate, and use 2023 Fleet Capital Equipment Program (CEP) funds for the remaining costs if locations receive the grant.

**PREVIOUS BOARD ACTION**

None

**ATTACHMENTS**

- Attachment: MPCA Application Part 1
- Attachment: MPCA Application Part 2
- Attachment: Dakota County Charging Station Locations Map

**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: Taud Hoopingarner

Author: Joe Hertenstein



520 Lafayette Road North  
St. Paul, MN 55155-4194

# Attachment: MPCA Application Part 1 Minnesota Diesel Replacement Program VW settlement: Phase 2

Electric Vehicle (EV) Level 2 Charging Station Development  
Application part one  
FY 2023  
Volkswagen (VW)

Doc Type: Grant Application

**Instructions:** Please read the complete *Request for Proposal (RFP)* and other associated documents before submitting this application. Information on the Level 2 grant can be found on the Minnesota Pollution Control Agency (MPCA) [webpage](#) and the [SWIFT Supplier Portal](#).

Submit application to: [SWIFT Supplier Portal](#)

## Project summary:

**Applicant:** Dakota County

**1st Contact:**

**Name:** Taud Hoopingarner

**Title:** Parks, Facilities and Fleet Management Director

**Address:** 1590 Hwy 55 Hastings, MN 55033

**Phone:** 952-891-7004

**Email:** Taud.hoopingarner@co.dakota.mn.us

**2nd Contact:**

**Name:** Joe Hertenstein

**Title:** Management Fellow

**Address:** 1590 Hwy 55 Hastings, MN 55033

**Phone:** 651-438-4472

**Email:** [Joseph.hertenstein@co.dakota.mn.us](mailto:Joseph.hertenstein@co.dakota.mn.us)

**Grant funds requested:** \$30,000      **Match funds:** \$16,500      **Total project cost:** \$46,500

Please list names of the organizations you represent with this grant application:

Dakota County

- \*Organization type:**
- |   |   |
|---|---|
| <input type="checkbox"/> Federal government | <input checked="" type="checkbox"/> Local/Regional government |
| <input type="checkbox"/> For-profit         | <input type="checkbox"/> Private college/university           |
| <input type="checkbox"/> Individual         | <input type="checkbox"/> Public college/university            |
| <input type="checkbox"/> Non-profit         | <input type="checkbox"/> State government                     |
|   | <input type="checkbox"/> Tribal government                    |

Is your business registered as a vendor on the Small Business Certification Program's targeted list?  Yes  No

Additional information can be found on the Minnesota Department of Administration website at <https://mn.gov/admin/business/vendor-info/oep/sbcp/>.

## 1. Vulnerable population questions

Answer questions A and B below for **each** EV charging station location you are requesting.

- A. Will this charging station benefit or serve a high proportion (over 50%) of Black, Indigenous, and/or People of Color (BIPOC) and/or low-income communities? If yes, please list the percentage and explain how this population benefitting in the chart below. (If your station is for private use, state percentage of employees who associate as BIPOC.)

## Attachment: MPCA Application Part 1

B. Will this charging station be located at or near (within 300 yards of) a facility (elementary school, nursing home, etc.) that serves age groups vulnerable to the effects of air pollution (children 12 years and under and the elderly)?

If yes, explain how the charging station will have a positive impact in the chart below.

Level 2 charging station host site name or number	Question A If yes, list percentage and explain	Question B If yes explain
Dakota County- Western Service Center and Galaxie Public Library	No	Yes, location itself hosts children and family social services, public health and veterans services. Location also has public library with programs and service from children k-12 <sup>th</sup> grade. 19% (12,277) members are age 12 and under 12 or over 65
Dakota County- Wescott Library	No	Location is a public library which serves all populations including children, elderly and people with disabilities. 21% (12,506) are age 12 and under or over 65.

## 2. Equipment requirements

Please describe the proposed charging stations, including make, model and charging capacity. Specifications must meet the equipment requirements listed in the RFP. See scoring criteria sheet in the RFP for charging capacity points.

ChargePoint CT-4021 each station will have two individually wired plugs and each site will have two stations that total 4 plugs at each site. Each plug will provide 7.2 kWh for total charging of 14.4kWh per station or 28.8 kWh at each site.

## 3. Renewable energy

Provide a detailed description of any plans to use renewable energy and how it will be provided. This option can be met by signing up for a utility wind or solar program, community solar program or the purchase of renewable energy certificates (REC)s. Using 100% renewable energy to power the EV charging stations scores 5 points.

Additional points will be scored for projects including an on-site solar array, powering a minimum 20 percent of the energy used by the EV chargers. See scoring criteria sheet in the RFP. Please describe how much energy the solar array generates below. Final site plans from grantees must match this proposal.

The use of renewable energy is in line with Dakota County's goals to reduce its carbon footprint. Currently under renovation is the Lake Byllesby Dam hydroelectric power station. Dakota County owns, operates, and generates renewable energy at this dam and the upgrades, including new turbines, are scheduled to be complete in 2023. At this time Dakota County does not officially receive renewable energy credits or offset, for the renewable energy it has paid for to create, because it sold directly to a utility provider. Work is ongoing to rectify the issue of official renewable energy credits. It is the intention of Dakota County to directly offset the energy used by EV chargers with renewable energy generated by the dam when it comes back online in 2023. The dam will provide far more renewable energy than could ever be used by the electric vehicle charging stations. Dakota County has spent 10s of millions of dollars upgrading the hydroelectric facility to ensure renewable energy production for at least the next 50 years, offsetting any electric consumed onsite by the EV chargers.



Electric Vehicle (EV) Level 2 Charging Station Development  
Application part 2  
Volkswagen (VW) Settlement

Level 2 charging station installation locations must be identified by host site name and address in submitted proposals. Charging stations will be evaluated and scored individually. Missing information may deem the project ineligible. To answer the environmental justice question in the table, use the map (<https://mPCA.maps.arcgis.com/apps/MapSeries/index.html?appid=f5bf57c8dac24404b7f8ef1717f57d00>) on the MPCA website to determine if the charging stations will be in an area of concern. Click on the magnifying glass icon to enter an address.

Applicant Name: Dakota County

Applicant address: 1590 Hwy 55

City: Hastings

State: MN

Zip: 55033

County: Dakota

Contact name: Taud Hoopingarner

Title: Parks, Facilities and Fleet Director

Phone: 952-897-7004

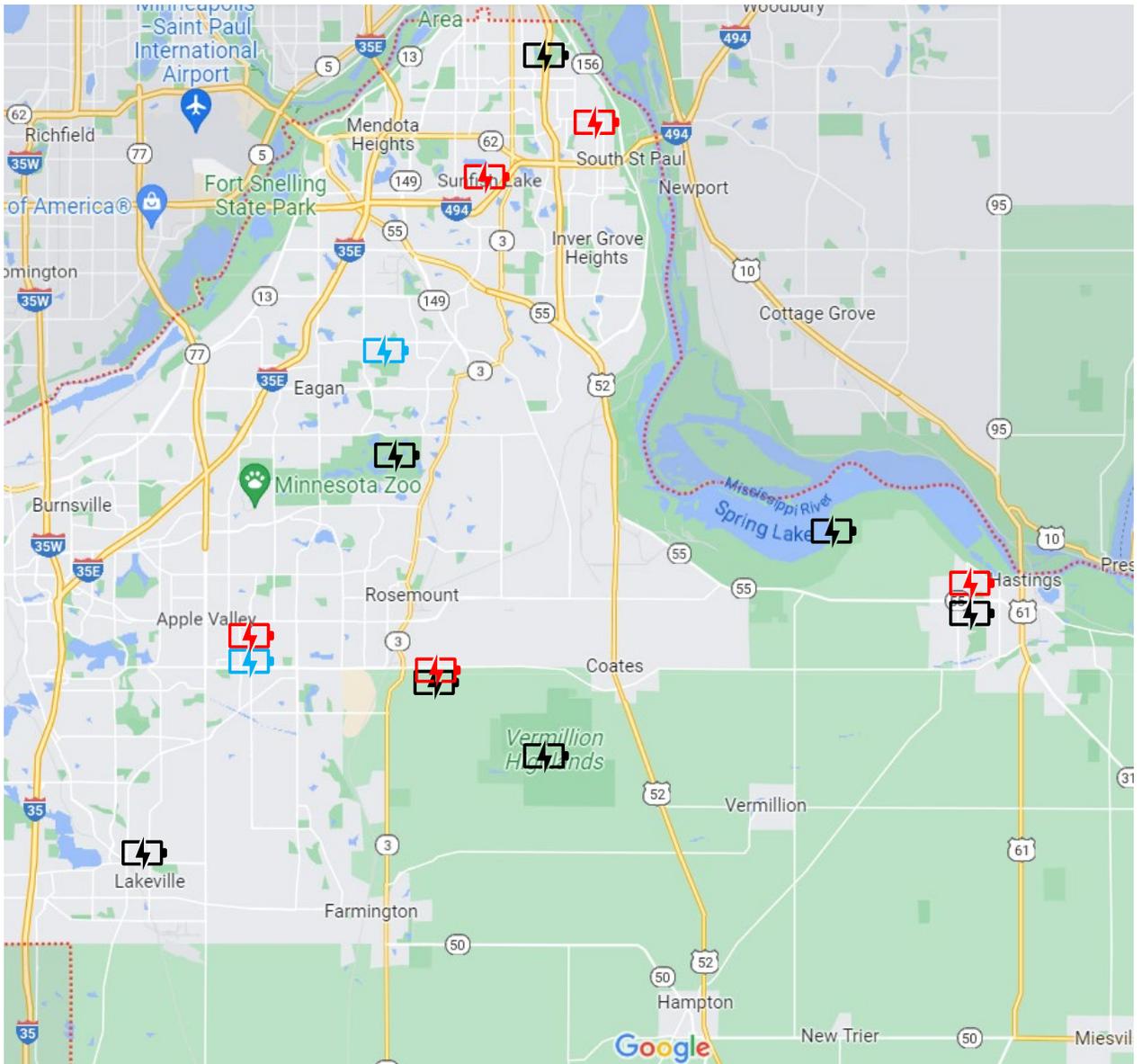
Email address: taud.hoopingarner@co.dakota.mn.us

Charging Station Number	Host Site Name	Host Site Street Address	Host Site ZIP Code	Host Site County	Single or Dual Port?	Is the host site in an area of concern for environmental justice? (Yes/No)	Confirm the station will be network connected (Yes)	Is there a solar array on site? (Yes/No)	Is this location a multi-unit dwelling? (Yes/No)	Is the charging station available for general public use? (Yes/No)	Installation Labor Cost	Equipment Cost	Requested Dollar Amount	Percent Requested	Dollar Amount of Match	Total Project Cost
1	Dakota County Western Service Center and Galaxie Public Library	14955 Galaxie Ave, Apple Valley, MN 55124	55124	Dakota	2 individual charging units, 2 plugs on each	No	Yes	No	No	Yes	\$6,000.00	\$16,500.00	\$15,000.00	66.67%	\$7,500.00	\$22,500.00
2	Dakota County Public Library - Wescott Library	1340 Wescott Road Eagan, MN 55123	55123	Dakota	2 individual charging units, 2 plugs on each	No	Yes	No	No	Yes	\$7,500.00	\$16,500.00	\$15,000.00	62.50%	\$9,000.00	\$24,000.00
3														#DIV/0!	\$0.00	\$0.00
4														#DIV/0!	\$0.00	\$0.00
5														#DIV/0!	\$0.00	\$0.00
6														#DIV/0!	\$0.00	\$0.00
7														#DIV/0!	\$0.00	\$0.00
8														#DIV/0!	\$0.00	\$0.00
9														#DIV/0!	\$0.00	\$0.00
10														#DIV/0!	\$0.00	\$0.00
11														#DIV/0!	\$0.00	\$0.00
12														#DIV/0!	\$0.00	\$0.00
13														#DIV/0!	\$0.00	\$0.00
14														#DIV/0!	\$0.00	\$0.00
<b>Totals:</b>											\$13,500.00	\$33,000.00	\$30,000.00	64.52%	\$16,500.00	\$46,500.00

# Dakota County Electric Vehicle Charging Stations Map

**Legend**

- Current Charging Stations 
- Planned Charging Stations 
- Grant Charging Locations 





# Physical Development Committee of the Whole

## Request for Board Action

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Item Number: DC-1729

Agenda #: 5.3

Meeting Date: 2/21/2023

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

**FILE TYPE:** Regular Action

### TITLE

**Authorization For Contract Amendment With Short-Elliot-Hendrickson, Inc. To Provide Additional Design For Veterans Memorial Greenway, And Refined Memorial Concepts In Cities Of Inver Grove Heights And Eagan**

### PURPOSE/ACTION REQUESTED

Amend the contract with Short-Elliot-Hendrickson, Inc. for Final Design Services and refinements needed for memorial concepts for County Project (CP) 98-020 (P00147) Veterans Memorial Greenway in the cities of Inver Grove Heights and Eagan.

### SUMMARY

To enrich lives by providing high-quality recreation and education opportunities in harmony with natural resource preservation and stewardship, Dakota County Parks is proceeding with the Veterans Memorial Greenway.

The Veterans Memorial Greenway (formerly Rich Valley Greenway) is a proposed regional trail and open-space corridor that will provide a link between Lebanon Hills Regional Park and the Mississippi River in central Dakota County. The five-mile corridor stretches east and west within Eagan and Inver Grove Heights, which follows the adopted Rich Valley Greenway master plan corridor. The Veterans Memorial Greenway will provide neighborhood access points connecting single-family residential neighborhoods, local park connections, and rural and undeveloped open space see (Attachment: Project Location). The memorials along the trail will be planned and constructed in partnership with Veterans groups.

The Veterans Memorial Greenway will present unique and exciting user opportunities to traverse over and under highways and across water bodies and railroads, coupled with views of unique and picturesque natural resource elements. Users will also have the chance to learn along the way about sacrifices veterans have made over the years.

The original contract with Short-Elliot-Hendrickson, Inc. did not account for additional design services, environmental reviews, residential development concepts to aid in potential private property acquisition, and additional stakeholder engagement and coordination needed for Veterans Memorial nodes throughout the corridor. Since the contract was awarded, the project scope and complexity have evolved to include items not in the original scopes, based on changes to the original project request for proposal (RFP) assumptions.

The additional work includes:

**Phase II Environmental Site Assessment**

The Phase I Environmental Site Assessment (ESA) completed by Short-Elliott-Hendrickson, Inc. identified eleven (11) sites with a high risk of contamination based on previous land use and nine (9) sites with a lower risk of contamination. To protect the project construction budget and liability costs, a Phase II ESA investigation needs to be initiated. The Phase II ESA will provide information regarding liability protection if purchasing contaminated property, determining the need to enter the MPCA voluntary programs to get liability protection for properly handling contaminated soil and/or groundwater, determine project costs associated with managing contaminated soil and/or groundwater so that it can be appropriately budgeted and notifying the construction contractors in bid documents where contaminated soil and/or groundwater is known to be present so that they can plan accordingly. The original request for proposals (RFP) recognized that the scope of a Phase II ESA and Response Action Plan (RAP) will be based on the results of the Phase I assessment. The scope of work and any additional compensation was planned to be addressed through amendment(s) to the contract.

Associated Fees/Expenses: \$126,936.26

**Veterans Memorial Node Concept Development**

By Resolution No 22-201, the County Board approved the release of the draft Veterans Memorial Greenway Interpretive plan with ten memorial concept nodes on May 24, 2022, for public review. During the preparation of the plan, staff and the consultant (SEH and 106<sup>th</sup> Group) worked with a Veterans Advisory Group and the cities of Eagan and Inver Grove Heights on the development of concept nodes. Several of the concept nodes are located within city parks and required significant revisions to work better with existing park facilities. Other concept nodes were refined based on feedback from the Veterans Advisory Group. A final draft of the interpretive plan and 10 concept nodes, including public comments, will be presented to the County Board this Spring for consideration.

Associated Fees/Expenses: \$23,250.74

**105<sup>th</sup> Street Design Alternatives**

The Project management team required Short-Elliott-Hendrickson, Inc. to develop three design alternatives for 105th Street to develop approximate grading limits and permanent/temporary easement needs. These options were modeled in 3D using previously obtained topographic survey data (and Lidar data). Two of the options included the layout and preliminary design of a storm sewer system, including catch basin spread and storm main capacity sizing calculations.

Associated Fees/Expenses: \$48,403.00

**Land Acquisition and Valuation Analysis**

Short-Elliott-Hendrickson, Inc. was required to evaluate property on the west end of the greenway for potential acquisition. The property owner of the parcel approached Dakota County as a willing seller and expressed an interest in selling the entire parcel, the northern half of which would be needed for the greenway. SEH prepared a residential development concept as a basis of valuation. County staff are preparing an appraisal.

Associated Fees/Expenses: \$6,000.00

The total amendment for preliminary and final design and engineering totals \$204,590, bringing the total amended contract total to \$1,503,741, which represents an increase of 13 percent of the total engineering costs. The total amended contract amount for preliminary and final design represents seven percent of the estimated construction cost and is in line with typical project efforts for this scope of project. A more detailed description of all tasks associated with the negotiated scope increase is provided by Short-Elliott-Hendrickson, Inc. (see Attachment: Amendment Memorandum).

**RECOMMENDATION**

Staff recommends executing a contract amendment with Short-Elliott-Hendrickson, Inc. in the amount of \$204,590, increasing the total amount to \$1,503,741 for the Veterans Memorial Greenway.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The Adopted Parks Capital Improvement Program currently includes \$2,000,000 of County funds for consulting services for this project. Sufficient funding is available for the professional design services in this request (see Attachment: Financial Summary).

- 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 the Veterans Memorial Greenway County Project (P00147); and

WHEREAS, the Veterans Memorial Greenway project is for preliminary and final engineering, railroad coordination, and public engagement services in the cities of Inver Grove Heights and Eagan; and

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

WHEREAS, the County utilized public engagement for this project, including public open houses, project websites, and project mailings; and

WHEREAS, by Resolution No. 20-430 (September 1, 2020), the County executed a contract with Short-Elliott-Hendrickson, Inc. for preliminary and final design engineering consulting services; and

WHEREAS, County staff recognizes and recommends that the proposed additional tasks are necessary to complete the project successfully; and

WHEREAS, staff negotiated an amount of \$204,590 with Short-Elliott-Hendrickson, Inc. to complete the work; and

WHEREAS, the 2023 Parks Capital Improvement Program Budget includes sufficient funding for CP 98-020 (P00147).

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an amendment to the contract with Short-

Elliot-Hendrickson, Inc. for additional services necessary for County Project 98-020 (P00147) in an amount not to exceed \$204,590, resulting in a total amended contract not to exceed \$1,503,741, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

- 20-430; 9/1/20
- 22-201; 5/24/22
- 22-376; 9/6/22
- 22-567; 12/13/22

**ATTACHMENTS**

- Attachment: Project Location
- Attachment: Amendment Memorandum
- Attachment: Financial Summary

**BOARD GOALS**

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

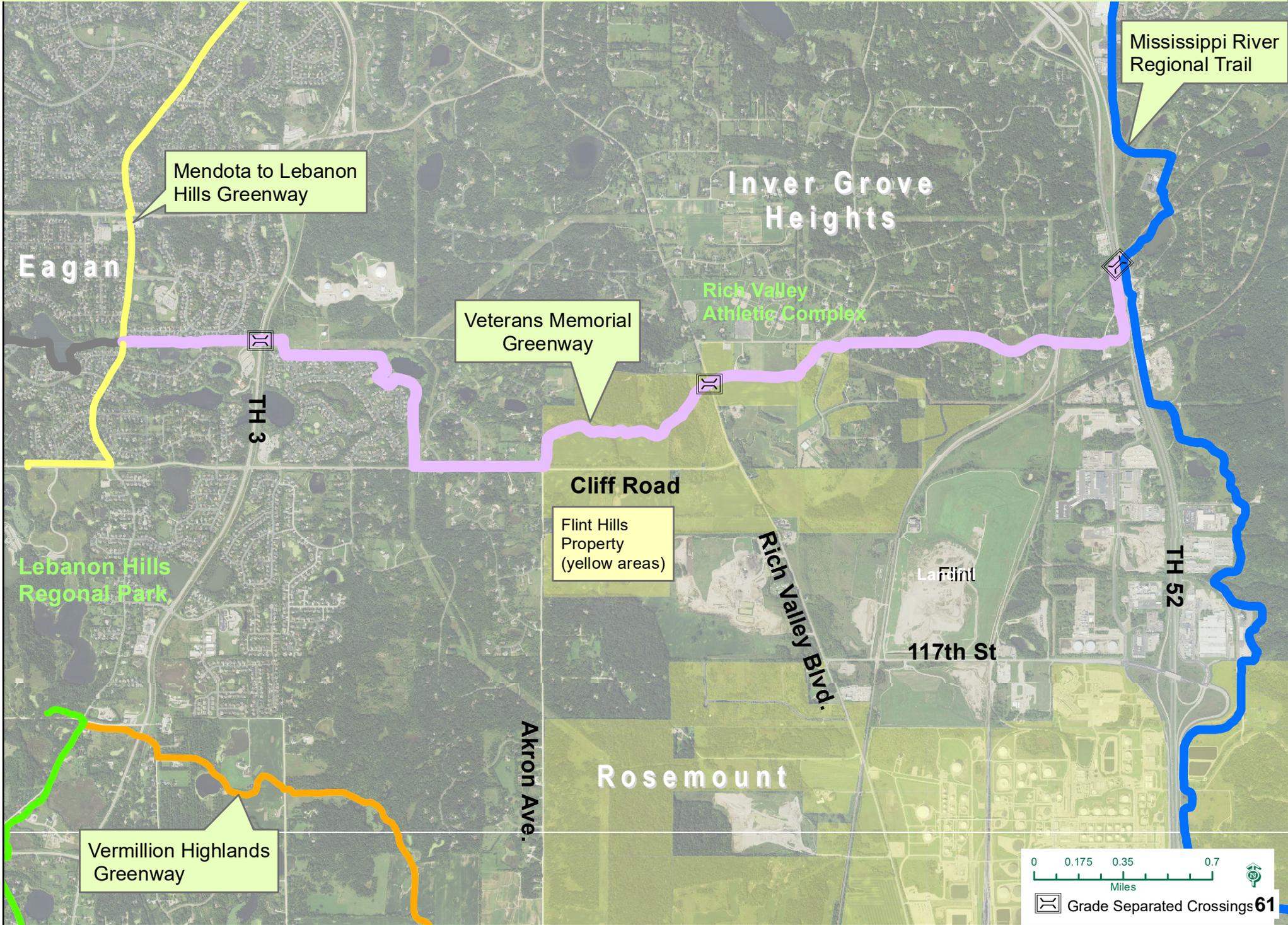
**PUBLIC ENGAGEMENT LEVEL**

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

**CONTACT**

Department Head: Taud Hoopingarner  
Author: Tony Wotzka

# Veterans Memorial Greenway - Dakota County



Mendota to Lebanon Hills Greenway

Mississippi River Regional Trail

Eagan

Inver Grove Heights

Rich Valley Athletic Complex

Veterans Memorial Greenway

TH 3

Cliff Road

Flint Hills Property (yellow areas)

Lebanon Hills Regional Park

Rich Valley Blvd.

La Finit

117th St

TH 52

Rosemount

Akron Ave.

Vermillion Highlands Greenway



Grade Separated Crossings 61



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for All of Us®

## SUPPLEMENTAL LETTER AGREEMENT

January 6, 2023

RE: Dakota County  
Veterans Memorial Greenway –  
Amendment for Professional Services  
County Contract #C0033121  
SEH No. DAKOT 157442 10.00

Tony Wotzka  
Senior Project Manager  
Dakota County Physical Development Division - Transportation  
14955 Galaxie Avenue  
Apple Valley, MN 55124

Dear Mr. Wotzka:

Short Elliott Hendrickson Inc. (SEH®) respectfully requests approval of this Supplemental Agreement for Engineering Services (agreement) for the above referenced project. The agreement is needed to address the addition of a Phase II Environmental Site Assessment, veterans memorial node development, 105<sup>th</sup> Street design alternatives and a concept plan for 4420 Dodd Road as requested by Dakota County that was not included in our professional services contract #C0033121.

### Phase II Environmental Site Assessment

The Phase I Environmental Site Assessment completed by SEH identified eleven (11) sites with a high risk of contamination based on previous land use and nine (9) sites with a lower risk of contamination. To protect Dakota County's project construction budget and liability costs, a Phase II investigation was initiated. The Phase II investigation provided information for the following:

- Liability protection (if purchasing contaminated property)
- Determining if Dakota County wants to enter the MPCA voluntary programs to get liability protection for properly handling contaminated soil and/or groundwater
- Determining the project costs associated with managing contaminated soil and/or groundwater so that it can be appropriately budgeted
- Notifying the Contractor in bid documents where contaminated soil and/or groundwater is known to be present so that they can plan accordingly

The cost for this work was \$126,936.26. A detailed breakdown is attached.

### Veterans Memorial Node Development

During preparation of the interpretive memorial plan and memorial node concept development, SEH and the 106 Group completed refinements and iterations not originally accounted for as part of the original contract. Several of the concept node locations are located within City parks and required more than anticipated iterations to fit existing park facilities and meet the City's needs. Other concept nodes were refined based on feedback from The Veterans Advisory Group.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 10400 Yellow Circle Drive, Suite 500, Minnetonka, MN 55343-9302

952.912.2600 | 800.734.6757 | 888.908.8166 fax | [sehinc.com](http://sehinc.com)

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This included additional sketch-ups, 3D renderings, research and development of interpretive content points and precedent graphics, iterations that addressed Dakota County and the City of Eagan and Inver Grove Heights staff comments, preliminary cost estimates and value engineering iterations.

### 105<sup>th</sup> Street Design Alternatives

SEH developed three design alternatives for 105<sup>th</sup> St to develop approximate grading limits and permanent/temporary easement needs. These alternatives are summarized below.

- Option 1: match City of Inver Grove Heights local, rural street standard section
- Option 2: will consist of curb and gutter (along south side of the existing road only) / 3' boulevard / 10' trail / 2' clear zone
- Option 3: same as Option 2 but with 8' trail

These options were modelled in 3D using previously obtained topographic survey data (and Lidar data). Options 2 and 3 included the layout and preliminary design of a storm sewer system, including catch basin spread and storm main capacity sizing calculations.

**Deliverables:** Plan view exhibits of each option. Exhibits showed proposed typical sections, proposed improvements, approximate grading limits, and a summary of estimated easement needs. Included a preliminary cost estimate for preferred option.

**Assumptions:** Catch basin spread and storm main capacity sizing designs to meet City/County/Federal design standards. Storm design was based on option 2 only and used for both options 2 and 3. One (1) preliminary cost estimate was developed for the preferred option only and included a 30% contingency. Storm sewer profiles were not included.

SEH developed existing and proposed hydrologic watershed models in HydroCAD for the watersheds located in the City of Inner Grove Heights that are impacted by the proposed 105<sup>th</sup> Street trail alignment. This included evaluating the watershed drainage areas and land cover, runoff volumes, and the outfalls into the existing land-locked basins for the 2-year, 10-year, and 100-year, 24-hour rain events. Determination of the high-water level (HWL) for the existing basins was modeled when the chosen drainage design directly outfalls into one or more existing basins.

**Deliverables:** Stormwater Management report detailing model development and results that show all City stormwater rules are met.

Tasks	
1	Obtain and review existing condition data and develop existing conditions model
2	Evaluate alternative drainage systems and BMPs that meet City stormwater rules for each alignment alternative
3	Develop proposed conditions model for chosen alternative
4	Finalize stormwater design and model
5	Prepare a final Stormwater Management report

### 4420 Dodd Road Residential Development Concept

SEH was asked to complete a residential development concept for the private property at 4420 Dodd Road (PID 100250052010).

The concept plan was used as a basis for general marketability, rezoning, and platting the property in the future. The concept plan included:

1. General road layouts
2. Concept lot layouts
3. Proposed Phasing
4. Access points
5. Wetland delineation and buffer areas

**Assumptions:** SEH attendance at meetings were as directed and authorized by the Client. Meetings included the following:

- One (1) meeting with Client to review project scope
- One (1) meeting with Client to review concept plan
- Additional meetings will be billed on an hourly basis as additional services

Items Not included:

- Platting
- Preliminary or final design for site grading, streets, and utilities
- Technical specifications

**Deliverables:**

Provided 11"x17" Drawings (pdf and agreed upon electronic CAD file) as follows:

- Concept plan

### Fee Breakdown

The following is a summary of the additional scope items and associated fees and reimbursable expenses.

Task	Associated Fees/Expenses
<b>Phase II Environmental Site Assessment</b>	
<ul style="list-style-type: none"> <li>• Phase II Investigation, field expenses and subcontractor laboratory, drilling and excavation costs</li> </ul>	\$126,936.26
<b>Subtotal</b>	<b>\$126,936.26</b>
<b>Veterans Memorial Node Development</b>	
<ul style="list-style-type: none"> <li>• Veterans Memorial Node Development</li> </ul>	\$23,250.74
<b>Subtotal</b>	<b>\$23,250.74</b>
<b>105<sup>th</sup> Street Design Alternatives</b>	
<ul style="list-style-type: none"> <li>• Civil Engineering design alternatives</li> <li>• Water Resource hydrologic modelling</li> </ul>	\$14,767.00
	\$33,636.00
<b>Subtotal</b>	<b>\$48,403.00</b>
<b>4420 Dodd Road Residential Development Concept</b>	
<ul style="list-style-type: none"> <li>• Concept</li> </ul>	\$6,000.00
<b>Subtotal</b>	<b>\$6,000.00</b>
<b>Total Supplemental Agreement Amount</b>	
	<b>\$204,590.00</b>

If this agreement is acceptable, our total contract amount will increase from \$1,299,151.00 to \$1,503,741.00. If approved, please prepare and process a contract amendment for execution. Please

Tony Wotzka  
January 6, 2023  
Page 4

contact me at 651.235.4296 or [tmuse@sehinc.com](mailto:tmuse@sehinc.com) if you have any questions or need additional information.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.



Toby Muse, PE (MN)  
Project Manager

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**Project P00147 - Veterans Memorial Greenway**

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 2023	17,400,000	-	17,400,000	12,400,000	-	12,400,000	5,000,000	-	5,000,000	<b>17,400,000</b>
2023 Budget	-	-	-	-	-	-	-	-	-	-
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
2027 Plan	-	-	-	-	-	-	-	-	-	-
<i>Current CIP Total</i>	-	-	-	-	-	-	-	-	-	-
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>17,400,000</b>	<b>-</b>	<b>17,400,000</b>	<b>12,400,000</b>	<b>-</b>	<b>12,400,000</b>	<b>5,000,000</b>	<b>-</b>	<b>5,000,000</b>	<b>17,400,000</b>



# Physical Development Committee of the Whole

## Request for Board Action

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Item Number: DC-1824

Agenda #: 5.4

Meeting Date: 2/21/2023

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

**FILE TYPE:** Regular Information

### TITLE

**Discussion On County Gift Acceptance Policy And Practices**

### PURPOSE/ACTION REQUESTED

Discuss and obtain direction on the desired policy approach to accepting and recognizing gifts, tributes, and memorials for County programs and projects.

### SUMMARY

The County has had a gift acceptance policy in place since 1997, Policy 1570 Gift Acceptance. It allows the County Manager or their designee the authority to accept gifts up to \$500 on the County Board's behalf. Gifts over \$500 in value require County Board approval.

Historically, the County has accepted gifts for a variety of public purposes, including (Attachment: Dakota County Gifts/Donations Summary):

- Support for library materials (e.g., books, educational materials, events, programming, workshops)
- Public Art (i.e., artwork at County facilities)
- Parks and Greenway projects (e.g., property donations, cash, materials)
- Sheriff (e.g., vehicles and equipment, cash, inmate reading material)
- Community Services programs (e.g., cash, gift cards, food, program support)
- Transportation's Adopt a Highway Program

The County is authorized to accept gifts by Minn. Stat. § 375.27. There are also limitations on fundraising and other activities that may implicate First Amendment rights. A summary of legal principles regarding gift acceptance, recognition, and fundraising prepared by the County Attorney's Office is attached to inform the discussion (see Attachment: Summary of Legal Principles).

The County also receives gifts and donations from a variety of non-profit organizations, such as:

- Friends of the Library: Farmington, Galaxie, Heritage, Inver Glen, Pleasant Hill, Robert Trail, Wentworth, and Wescott.
- Dakota County Library Foundation. This organization raises funding for specific library

programs and needs.

During the 2022 budget process and in subsequent committee meetings, the County Board has directed staff to look into donations to support large capital projects. For example, by Resolution No. 22-201 (May 24, 2022), the County Board approved the release of the draft Veterans Memorial Greenway Interpretive Plan with ten memorial concept nodes on May 24, 2022, for public review. This draft plan includes concepts for enhanced memorial nodes that would be funded through donations from external organizations.

County staff and elected officials receive ongoing requests for:

- Tribute Donations (e.g., bench, bike repair stations, trees, signage)
- Unrestricted Donations (park investment determined by department priorities)
- Designated Donations (e.g., special events, park programs, memorial nodes, trail projects, plantings, vehicles, and equipment)
- Sponsorships (typically larger donations where the donor expects longer-term recognition for the donation)

Staff has researched what other organizations have developed to respond to public interest in supporting County programs and projects (see Attachment: Metro Area Foundation/Donation Summary).

Staff will present information on current County gift acceptance policies and practices, the legal limitations imposed on County's related to gift acceptance and fundraising, recent County Board discussion related to large donations, and provide an overview of potential gift/donation policy options for County Board consideration.

### **RECOMMENDATION**

Information only; no action requested.

### **EXPLANATION OF FISCAL/FTE IMPACTS**

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

### **RESOLUTION**

Information only; no action requested.

### **PREVIOUS BOARD ACTION**

987-261; 4/22/97  
09-355; 7/21/09  
22-201; 5/24/22

### **ATTACHMENTS**

Attachment: Dakota County Gifts/Donations Summary  
Attachment: Summary of Legal Principles  
Attachment: Metro Area Foundation/Donation Summary

**BOARD GOALS**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> A Great Place to Live         | <input checked="" 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: W. Taud Hoopingarner

Author: W. Taud Hoopingarner

## Attachment: Dakota County Gifts/Donations Summary

### Dakota County Gifts/Donations Summary: 2019-2021

(Based on Annual Gift Acceptance Reports and other County Board Actions)

- **Tribute Donations:** Tributes have included memorial gifts to specific Departments
  - 2019: \$1,610.00
  - 2020: \$120.00
  - 2021: \$0.00
- **Unrestricted Monetary Donations:** Includes cash donations to numerous departments.
  - 2019: \$1,442.00
  - 2020: \$1,518.80
  - 2021: \$677.28
- **Designated Donations and Materials:** Includes numerous material donations to the Libraries as well as gift cards and other materials.
  - 2019: \$6,330.13 (Includes two donations to the Sheriff's Office Explorer Unit)
  - 2020: \$5,803.35 (includes donation for COVID Response)
  - 2021: \$32,512.00 (includes Electric Bikes for the Sheriff's Office, and seed mix for prairie and savannah restoration at Spring Lake Park)

## Attachment: Summary of Legal Principles

### SUMMARY OF LEGAL PRINCIPLES REGARDING GIFT ACCEPTANCE, RECOGNITION AND FUNDRAISING

Prepared by the Dakota County Attorney's Office

The following is a summary of applicable law regarding authority of counties to accept and recognize gifts, receive support from non-profits of county parks and potential fundraising efforts to support certain park endeavors. Minnesota counties are entities of state creation and therefore only have those powers expressly or impliedly granted by statute. *Motokazie! Inc., v. Rice County*, 824 N.W.2d 341 (Minn. Ct. App. 2012) This limits what counties may do in relation to creating foundations, accepting gifts and potentially accepting sponsorships and/or naming rights. There are also constitutional considerations such as the first amendment and the public purpose doctrine. This memo provides an overview relating to those legal principles and constraints.

#### Acceptance of Gifts

There are a multitude of statutes that authorize gift acceptance by counties. For example. Minnesota statutes, sections 375.26 and 465.03 provide that a county may receive gifts of personal and real property for the benefit of its citizens. Other statutes permit gifts for specific purposes e.g., Minn. Stat. § 134.15 allows library board to accept gifts for public library; Minn. Stat. §398.33, subd. 4 allows the county to receive gifts for parks.<sup>1</sup>

Gifts may be accepted with or without conditions. Minn. Stat. § 375.27. If there are conditions, those should be stated in the resolution, if applicable, accepting the gifts so any restrictions are well documented. Even though not directly derived from taxpayer dollars, the public purpose doctrine applies as to how the county may spend gifts. Any expenditure of those funds must be authorized by law and for a public purpose.<sup>2</sup>

Many Minnesota parks offer individuals the opportunity to purchase a bench, trees, or other accessories to accent parks and gift them to the park. As part of those programs for an additional cost, individuals may purchase recognition plaques. If the County Board chooses to adopt such a program, policies and procedures establishing parameters for plaques such as size, font and number of characters should be adopted.

#### Fundraising, Foundations and other Nonprofits

While a county may accept gifts, it does not have authority to fundraise. A county also does not have the authority to create a non-profit such as a foundation. In fact, Minnesota law specifically prohibits a county from creating a corporation, including nonprofits, unless otherwise authorized

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<sup>1</sup> While a county may accept gifts, those included in the definition of local official should be cautious if accepting or soliciting gifts so they do not run afoul of state laws prohibiting acceptance of gifts. Minn. Stat. §10A.071.

<sup>2</sup> The Minnesota Constitution requires public funds to be expended on public purposes (See Arts. X, § 1, XI, § 2 and XII, § 1). The purposes for which a county may expend fund are determined by state law granting powers to counties.

## Attachment: Summary of Legal Principles

by law. Minn. Stat. § 465.717. Because a county lacks authority to do those things, it is unlikely it has authority to expend funds or dedicate staff time to support such fundraising endeavors.

As with any non-profit, if a foundation to support parks is created by citizens, it will run autonomously from the County. The leadership of the nonprofit will determine its own priorities. Its authority and activities will be governed by laws applying to nonprofits and its own operating rules. While the County may share its priorities with the foundation, the county does not have authority to direct and control a foundation or its priorities, except for the County's decision of whether to accept gifts and any potential conditions associated with a specific gift.

Existing nonprofits can support parks programs through their own fundraising and gift the proceeds to the County, subject to the County Board's acceptance of the gift.

### Naming Rights, Advertising and Sponsorship

Questions have arisen about naming rights and sponsorship/advertising opportunities. The authority for counties is more limited than other government entities.

When comparing counties to other government entities, it is important to analyze the various statutory framework for the different government entities. For example, the statutory cities' park statute is arguably broader than the county park statute. That statute specifically authorizes statutory cities to construct pavilions and provide musical and free entertainment to patrons. Minn. Stat. § 412.521. School districts have specific statutory authority to enter into contracts for naming rights, advertising and sponsorship. Minn. Stat. § 123.025. Cities do have some authority to sell advertising in sporting facilities. MN AG Op. 59b-11 (Dec.9, 1958), Minn. Stat. § 471.191. However there is no express broad statutory authority for counties similar to schools or even cities regarding naming rights and sponsorship, other than for the operation of an indoor ice arena. Minn. Stat. § 373.44.

### First Amendment

When contemplating any sort of gift recognition, advertising or naming program, the first amendment should be taken into consideration. The ability to regulate speech depends on what type of forum, if any, exists.

- *Traditional Public Forum.* These are places that historically have been open to public speech, debate and assembly. Most common examples are streets and parks. Any regulation of speech must be necessary to serve a compelling state interest and is narrowly drawn. Government may regulate time, place and manner of speech as long as the regulation is content neutral, narrowly tailored to serve a compelling government interest and leaves open other channels of communication.

## Attachment: Summary of Legal Principles

- *Designated Public Forum.* These are places that have not traditionally been open to public speech, debate and assembly, but have intentionally been made open by government action.
  - *Limited Public Forum.* This forum is similar to designated public forum, but in the limited public forum the topic of speech may be regulated. An example of this would be a public hearing on a specific issue.

A government entity is not obligated to retain forever after a designated forum's open nature.

- *Nonpublic Forum.* This forum allows the greatest amount of regulation. Government may regulate time, place, and manner; reserve the forum for its' intended purposes as long as the regulation on speech is reasonable and not an effort to suppress expression merely because the government entity/public official oppose the speaker's view. An example of this would be government email or lobby of government buildings.

First amendment analysis is very fact specific. For example, the US Supreme Courts found advertising on mass transit is a nonpublic forum. *Lehman v. City of Shaker Heights*, 418 U.S. 298 (1974). In that analysis, the court noted that this venue was not one open to traditional speech such as a park, but rather the city was involved in commerce.

Also, if a county is engaging in its own speech then the first amendment does not apply. The first amendment restricts the government's ability to regulate private speech, but not its own speech.

When developing any recognition and/or advertising program, the County will want to ensure that its policies takes these principles into consideration.

## Attachment: Metro Area Foundation/Donation Summary

### Metro Area Foundation/Donation Summary

<b>501c3 Organization</b>	<b>2019 Revenues</b>	<b>Ave. Revenues</b>
Friends of the Parks and Trails of St. Paul and Ramsey County	\$45,228.00	\$46,025.50
Minneapolis Parks Foundation	\$3,591,367.00	\$2,833,380.25
St Paul Parks and Recreation Conservancy	\$125,604.00	\$215,395.25
Three Rivers Park District Foundation	\$202,285.00	\$180,810.67

Note: The Foundation and Conservancy organizations each have an Executive Director and one or two staff along with a Board of Directors. Therefore, net revenues for those organizations are likely \$75,000 to \$100,000 per year, less than total revenues.

**Dakota County Friends of the Library** – Each County library, with the exception of Burnhaven, has a Friends of the Library program that supports their respective libraries.

**Dakota Library Foundation** – There exists a Dakota County Library Foundation that provides funding and volunteer assistance to the Dakota County Libraries.



# Physical Development Committee of the Whole

## Request for Board Action

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**Item Number:** DC-1796

**Agenda #:** 5.5

**Meeting Date:** 2/21/2023

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**DEPARTMENT:** Physical Development Administration

**FILE TYPE:** Regular Information

### **TITLE**

**Discussion On Miesville Ravine Park Reserve Plan Options**

### **PURPOSE/ACTION REQUESTED**

Discuss and obtain direction on the plan for Miesville Ravine Park Reserve.

### **SUMMARY**

An update to the 2005 Miesville Ravine Park Reserve Plan is underway to reflect parkland acquisition and natural resource restoration that has occurred since 2005, to consider the appropriate level of visitor facilities, and to align future investment with community and environmental needs. The focus of the Plan will be on investments within the next 10 years and will also include a long-range vision for the park. The planning process is being coordinated with the development of the park's first Natural Resource Management Plan.

A summary of the research phase of the plan update was presented to the Dakota County Physical Development Committee of the Whole on January 11, 2023. Research findings and public input reveal that the circumstances surrounding use of the Miesville Ravine Park Reserve are similar to 2005. The Committee requested staff pause the project and return to the Committee to discuss options for the park before moving forward with the plan update.

Research reveals that the park's rugged terrain, sensitive natural resources, and newly identified cultural resources place constraints on high-impact recreation (for example, visitor centers, mountain biking, large picnic grounds, large-scale drive-in camping). Public comments place emphasis on natural resource protection, access to more of the park, water access, basic park facilities, improved ADA accessibility, and nature-based activities. An updated plan would guide natural resource restoration, cultural resource stewardship, and strategic improvements that provide a basic level of service while highlighting the park's unique features. An updated plan may address the following topics:

- Natural resource restoration and management
- Cultural resource protection
- ADA access
- Basic park facilities such as potable water, hiking and walking trails, overlooks, benches, nature play, and signage
- Access to the park's signature features: Cannon River, Trout Brook, and upland prairies

- Rustic camping

The attached Miesville Ravine Park Reserve Plan Options Summary outlines 1) existing park development, 2) recommendations in the 2005 plan, and 3) a 2023 draft park program scaled to provide basic visitor services for consideration by the Dakota County Physical Development Committee of the Whole. Staff will present the potential park program options to the Committee for discussion and seeks guidance on the park program.

**RECOMMENDATION**

Information only; staff seeks guidance from Dakota County Physical Development Committee of the Whole.

**EXPLANATION OF FISCAL/FTE IMPACTS**

None.

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

**RESOLUTION**

None.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: Miesville Ravine Park Reserve Plan Options 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**

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**Miesville Ravine Park Reserve Park Plan Options Summary**

<b>10 Year Plan (Near Term)</b>			
<b>Topic</b>	<b>Existing</b>	<b>2005 Plan</b>	<b>Potential 2023 Draft Plan (10-year)</b>
<b>Natural resource restoration and management</b>	700 acres restored and managed (40%)	360 acres restored and managed (21%) 700 ac managed grassland	Restore and manage 300 additional acres over 10 years (60%) Long-term restoration of the entire park (100%) Coordinate with Land Conservation Plan goals for Trout Brook watershed outside of park
<b>Cultural resource management<sup>3</sup></b>	None	More study recommended	Explore options for co-management with Indigenous communities
<b>ADA access</b>			
ADA accessible Trails <sup>1</sup>	None	Half mile: path between confluence and boat launch	One mile along former railroad bed adjacent to Cannon River Explore opportunities one-mile accessible upland prairie trail loop
ADA accessibility Trout Brook	None	Not addressed	Proposed
ADA fishing opportunities	None	Not addressed	Proposed
<b>Basic park facilities</b>			
Potable drinking water <sup>2</sup>	None	Recommended	Proposed
Rustic hiking trails	Two and a half miles	11 miles	6 – 15 miles
Overlooks <sup>4</sup>	None	Several	Several
Nature play with ADA elements	None	Not addressed	Proposed
Facilities to support occasional guided programs	None	Not addressed	Explore options: 1)Mobile; 2)Partnerships (e.g., Gopher Hills Golf Course)
Picnic areas	One picnic area and two reservation shelters	One picnic area (improvements to existing), two shelters (existing)	One picnic area (improvements to existing), two shelters (existing)
<b>Park access - trailheads</b>	1) Cannon River 2) South Trout Brook	1) Cannon River (existing) 2) South Trout Brook (existing) 3) North Trout Brook	1) Cannon River (existing) 2) South Trout Brook (existing) 3) North Trout Brook 4) Bluff Top Prairie 5) Middle Terrace Prairie
<b>River access</b> ADA Cannon River recreation area with canoe/tube launch	Walk-in Informal side of Orlando Trail	Walk-in (existing) None in near term	Explore options 1) Improve eroded Orlando Trail river drop off 2) Explore near-term options within existing park boundary
<b>Rustic camping</b>	None	11 walk-in/canoe sites	11 walk-in/canoe in sites

<b>Long Term Vision (beyond 10 years)</b>			
<b>Topic</b>	<b>Existing</b>	<b>2005 Plan</b>	<b>2023 Draft Plan (long-term)</b>
<b>Power line re-location</b>	Powerlines are in picnic area	Not addressed	Opportunity to identify need to relocate
<b>Bison reintroduction</b>	None	None	Explore options based on Spring Lake Park experience
<b>Trail Bridge over Cannon River</b>	None	Proposed	No change from 2005
<b>Canoe/tube launch on private inholding property</b>	None	Proposed	No change from 2005

Specific minimal strategies from the Dakota County 2030 Parks Systems Plan (April 2008):

1. Goal 1, Objective 1.3, Strategy 1.3.2: Develop accessible and shorter paved trail loops in all parks, in an environmentally friendly manner. (pg 3.8)
2. Goal 2., Objective 2.2 Strategy 2.2.4. Provide basic comforts with good quality and quantity (e.g. benches, restrooms, drinking water). (pg 3.9)
3. Goal 4, Objective 4.1, Strategy 4.1.7. Expand efforts to document and share cultural history and significant stories associated with parks. (pg 3.10)
4. Goal 10, Objective 10.1, Strategy 10.2.4. Design park facilities to offer views. (pg 3.20)

Color Shading Key

Does not meet identified minimal strategy in the 2008 Park Systems Plan	Meets or exceeds intent of identified minimal strategy in 2008 Park Systems Plan	No minimal strategy identified in 2008 Park Systems Plan
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