



Dakota County

Board of Commissioners

Minutes

Tuesday, April 9, 2024

9:00 AM

Boardroom, Administration Center,
Hastings, MN

1. Call To Order And Roll Call

Present: Commissioner Mike Slavik
Commissioner Joe Atkins
Commissioner Laurie Halverson
Commissioner William Droste
Commissioner Liz Workman
Commissioner Mary Liz Holberg
Commissioner Mary Hamann-Roland

Also in attendance were Tom Novak, Public Services and Revenue Director; Kathryn M. Keena, County Attorney; Tom Donely, First Assistant County Attorney; and Jeni Reynolds, Sr. Administrative Coordinator to the Board.

2. Pledge Of Allegiance

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

3. Audience

Chair Atkins noted that all public comments can be sent to CountyAdmin@co.dakota.mn.us. No comments were received for this agenda.

4. Agenda

4.1 Resolution No: 24-177
Approval of Agenda (Additions/Corrections/Deletions)

Motion: Laurie Halverson

Second: William Droste

Ayes: 7

CONSENT AGENDA

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

5. County Administration - Approval of Minutes

5.1 Resolution No: 24-192
Approval of Minutes of Meeting Held on March 26, 2024

Motion: Mary Hamann-Roland

Second: Liz Workman

Ayes: 7

6. County Board/County Administration

6.1 Resolution No: 24-178

Appointment To Dakota-Scott Workforce Development Board

Motion: Mary Hamann-Roland

Second: Liz Workman

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individual to the Dakota-Scott Workforce Development Board to fill a two-year term ending June 30, 2025.

Private - James Francis

Ayes: 7

7. Physical Development

7.1 Resolution No: 24-179

Authorization To Execute Contract With Asphalt Surface Technologies dba ASTECH Corp. For Highway Pavement Preservation Projects And Amend 2024 Transportation Capital Improvement Program Budget, County Projects 98-47 And 54-12

Motion: Mary Hamann-Roland

Second: Liz Workman

WHEREAS, Dakota County undertakes pavement preservation projects on an annual basis to maximize pavement life and minimize pavement life cycle costs; and

WHEREAS, the pavement preservation projects were advertised, and bids were received for County Projects (CP) 98-47 and 54-12 on February 27, 2024; and

WHEREAS, CP 98-47 includes the crack sealing of approximately 18 miles of County highways, and CP 54-12 includes the micro-surfacing of approximately 6.5 miles of County Road 54; and

WHEREAS, the adopted 2024 Transportation Capital Improvement Program (CIP) budget includes funding for Paved Highway Surface; and

WHEREAS, the Transportation Department will provide construction management and inspection for the projects; and

WHEREAS, the bid of Asphalt Surface Technologies dba ASTECH Corp. in the amount of \$863,458.95 was the lowest responsible bid received; and

WHEREAS, staff recommends awarding the bid to Asphalt Surface Technologies dba ASTECH Corp.; and

WHEREAS, a budget amendment is necessary to transfer funds from Paved Highway Surfaces to CP 98-47 and CP 54-12 for County highway crack sealing and micro-surfacing.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with Asphalt Surface Technologies Corporation dba ASTECH Corp. for County Projects 98-47 and 54-12 in the amount of \$863,458.95 based on their low bid, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2024 Transportation Capital Improvement Program budget is hereby amended as follows:

Expense

County Projects 98-47 & 54-12	\$863,458.95
Paved Highway Surfaces	<u>(\$863,458.95)</u>
Total Expense	\$0.00

Ayes: 7

7.2 Resolution No: 24-180

Authorization To Execute Joint Powers Agreement With City Of Lakeville For City Utility Improvement Incorporation Into 2024 Preservation Projects On County State Aid Highway 5, 70, County Projects 5-57 And 70-24

Motion: Mary Hamann-Roland

Second: Liz Workman

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with the 2024 Preservation of Paved Highway Surfaces; and

WHEREAS, included in the County's preservation work is an opportunity for coordination with the city stakeholders to partner on any necessary utility repairs within the road segments being included; and

WHEREAS, the City of Lakeville desires to incorporate sanitary sewer, water main, or storm sewer repairs as part of County Projects 5-57 and 70-24; and

WHEREAS, County Project 5-57 is the mill and overlay of County State Aid Highway (CSAH) 5 from CSAH 46 to CSAH 42 in Lakeville; and

WHEREAS, County Project 70-24 is the mill and overlay of CSAH 70 from the Scott County Line to CSAH 5 in Lakeville; and

WHEREAS, a joint powers agreement (JPA) between the County and the City of Lakeville is necessary to outline roles, responsibilities, and cost participation; and

WHEREAS, the cost share for utility maintenance/improvements associated with

storm sewer is 80 percent County and 20 percent City in accordance with the terms and conditions of the current adopted Maintenance Agreement for Storm Sewer Systems (Dakota County Contract No. C0025412); and

WHEREAS, the cost share for utility maintenance/improvements associated with water main and sanitary sewer is 100 percent City; and

WHEREAS, the 2024 Transportation Capital Improvement Program Adopted Budget includes sufficient funds to proceed with the 2024 Preservation of Paved Highway Surfaces, including the County's cost share for storm sewer improvements.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement between Dakota County and the City of Lakeville for utility repair work associated with County Projects 5-57 and 70-24 that are included in the 2024 Preservation of Paved Highway Surfaces.

Ayes: 7

7.3 Resolution No: 24-181

Authorization To Execute Consultant Contract With Kimley-Horn And Associates, Inc. For Preliminary Engineering And Amend 2024 Transportation Capital Improvement Program Budget For County State Aid Highway 54 In Ravenna Township, County Project 54-011

Motion: Mary Hamann-Roland

Second: Liz Workman

WHEREAS, to provide a safe and efficient transportation system, Dakota County, in partnership with the City of Hastings, Prairie Island Community and Ravenna Township, is proceeding with County Project (CP) 54-011; and

WHEREAS, CP 54-011 is the preliminary design engineering for the reconstruction of County State Aid Highway (CSAH) 54 (Ravenna Trail) from the intersection of CSAH 54/18th Street East in the City of Hastings to CSAH 68 (200th Street E) and to construct a roundabout at the intersection of CSAH 54 and CSAH 68 in Ravenna Township; and

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

WHEREAS, CSAH 54 is a high-speed, two-lane rural highway connecting the City of Hastings and the Prairie Island Indian Community and the extension of the regionally significant Mississippi River Trail; and

WHEREAS, CSAH 54 has a documented crash history and lacks turn lanes and standard shoulders, limiting pedestrian access; and

WHEREAS, reconstruction of CSAH 54 will enhance traffic safety, improve access to the Prairie Island Indian Community, and allow for the extension of the Mississippi River Trail; and

WHEREAS, construction of the roundabout at the intersection of CSAH 54 (Ravenna Trail) and CSAH 68 (200th Street E) in Ravenna Township will improve the intersection operations, thus providing more safety for the increased traffic levels; and

WHEREAS, staff sent a request for proposal to seven qualified professional consultants; and

WHEREAS, four proposals were received and evaluated by Dakota County staff; and

WHEREAS, Kimley-Horn and Associates, Inc. was unanimously selected as the preferred professional design engineering consultant based on the following criteria: best value cost proposal, project approach, project understanding, key project personnel expertise, quality management plan, and past performance on similar projects; and

WHEREAS, staff recommends execution of a contract with Kimley-Horn and Associates, Inc. for preliminary engineering consulting services for CP 54-11 for actual costs not to exceed \$749,985; and

WHEREAS, the adopted 2024 Transportation Capital Improvement Program Budget included \$150,000 in County Funds and \$600,000 in Federal funds, totaling \$750,000, for County Project 54-11 for preliminary design services; and

WHEREAS, the County applied for a planning grant to the Reconnecting Communities & Neighborhoods Grant Program and received notice on March 15, 2024, that the application was unsuccessful; and

WHEREAS, to proceed with the consultant contract for preliminary engineering services, the budget for CP 54-011 requires an amendment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the contract with Kimley-Horn and Associates, Inc. to perform preliminary design engineering for County Project 54-011 in the amount not to exceed \$749,985.00, including reimbursables, subject to approval by the County Attorney's Office as to form; and

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

Revenue

DC Sales & Use Tax \$600,000

Federal Funding (\$600,000)

Total Revenue \$0

Ayes: 7

7.4 Resolution No: 24-182

Authorization To Execute Joint Powers Agreement With City Of Burnsville For Traffic Signal Replacement At County State Aid Highway 42 And Southcross Drive/Summit Oaks Drive Intersection, County Project 42-168

Motion: Mary Hamann-Roland

Second: Liz Workman

WHEREAS, to promote a safe and efficient transportation system throughout Dakota County, the County is the lead agency partnering with the City of Burnsville (City) on County Project (CP) 42-168; and

WHEREAS, CP 42-168 includes the traffic signal replacement at the intersection of County State Aid Highway (CSAH) 42 and Southcross Drive/Summit Oaks Drive in the City of Burnsville; and

WHEREAS, cost participation for design, engineering, and construction of the replacement traffic signal will be in accordance with the adopted Cost Share Policy (Policy F.4 Traffic Signals), such that the County's cost share is 50 percent and the City's cost share is 50 percent; and

WHEREAS, cost participation for power and maintenance will be in accordance with Cost Share Policy (Policy F.17 Traffic Signal and Street Lighting Power Costs and Maintenance Responsibilities), such that the County cost share is 50 percent, and the City cost share is 50 percent for power costs of the traffic signal and attached street lighting; and

WHEREAS, the County will operate and maintain the traffic signal system, timing, and operation, and the City will be responsible for streetlight maintenance and painting of the signal system; and

WHEREAS, a joint powers agreement with the City of Burnsville is needed to define project costs and responsibilities associated with design, construction, operation, and maintenance of CP 42-168.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the City of Burnsville for the replacement, operation, and maintenance of the traffic signal system at the intersection of CSAH 42 and Southcross Drive/Summit Oaks Drive, subject to approval by the County Attorney's Office as to form.

Ayes: 7

7.5 Resolution No: 24-183

Authorization To Execute Contract With Minnesota Department Of Transportation For Architectural And Archeological History Survey For County State Aid Highway 26 Roadway Reconstruction In City Of Eagan, County Project 26-67

Motion: Mary Hamann-Roland

Second: Liz Workman

WHEREAS, to provide a safe and efficient transportation system, Dakota County (County) is proceeding with County Project (CP) 26-67, the reconstruction of County State Aid Highway (CSAH) 26 from Trunk Highway (TH) 13 to CSAH 31 and a lane reduction of CSAH 26 from CSAH 31 to I-35E in the City of Eagan; and

WHEREAS, CP 26-67 includes a trail as part of the School Area Safety Assessment recommendations for Pilot Knob STEM School from TH 13 to CSAH 31; and

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

WHEREAS, Bolton & Menk, in coordination with the Minnesota Department of Transportation's (MnDOT) Cultural Resource Unit (CRU), determined a potential presence of architectural and archeological artifacts in the project limits that would trigger a requirement for cultural resource identification efforts; and

WHEREAS, in order to fulfill the requirements deemed necessary by the Cultural Resources Unit (CRU), MnDOT needs a contractor to complete the Architecture and Archeological History survey for the CSAH 26 Improvements Project located in the City of Eagan, Dakota County, MN; and

WHEREAS, to meet this requirement, County staff elected to proceed with the contracting process to establish an agreement with MnDOT's CRU to complete this necessary Architecture and Archeological History survey work; and

WHEREAS, under this agreement, MnDOT CRU will select the contractor, manage the contract, and cover 80 percent of the cost, and the County will be responsible for the remaining 20 percent; and

WHEREAS, Following the Federal contracting process, MnDOT CRU sent requests for bids for the necessary cultural resource investigations to pre-qualified firms and ultimately independently determined that Bolton & Menk, Inc. (BMI) provided the most comprehensive proposal and has been selected as the contractor by MnDOT for this project under MnDOT Contract No. 1055047 for a total fee of \$82,511.65; and

WHEREAS, based on the cost share responsibilities from MnDOT's CRU contract, MnDOT will be responsible for \$66,009.32 (80% of the contract cost), and the County will be responsible for \$16,502.33 (20% of the contract cost); and

WHEREAS, by entering into this contract, Bolton & Menk, Inc. (BMI) will then be responsible for completing the necessary tasks under the contract scope of work with the supervision and review of MnDOT's CRU.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes executing a contract with Minnesota Department of Transportation (MnDOT) for an Architectural and Archeological History Survey for County State Aid Highway 26 Roadway Reconstruction of Lone Oak Road In City Of Eagan for County Project 26-67 for MnDOT Contract Number 1055047.

Ayes: 7

7.6 Resolution No: 24-184

Authorization To Award Bid And Execute Contract With Minnesota Petroleum Service, Inc. For Installation Of Fuel Island At Lebanon Hills Maintenance Facility

Motion: Mary Hamann-Roland

Second: Liz Workman

WHEREAS, the 2023 Maintenance Facility Optimization Study recommended the construction of a new maintenance facility within Lebanon Hills Regional Park and the demolition of the existing failing structures; and

WHEREAS, by Resolution No. 23-381 (August 29, 2023), the schematic design of the project was approved; and

WHEREAS, the County contracted with UrbanWorks Architecture, LLC, to prepare final design documents, which were completed in February 2024, and competitive bids for the general contractor were received on March 5, 2024; and

WHEREAS, the fuel island was competitively bid on February 29, 2024, and two competitive bids were received on March 26, 2024; and

WHEREAS, Minnesota Petroleum Services, Inc. submitted a bid of \$408,883; and

WHEREAS, staff and UrbanWorks reviewed the qualifications of the bidder and recommends award to Minnesota Petroleum Services, Inc as the lowest responsive and responsible bidder in an amount not to exceed \$408,883 for the Lebanon Hills Maintenance Facility Fuel Island Project.

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 Minnesota Petroleum Services, Inc. 682 39th Ave NE, Columbia Heights, MN 55421, in an amount not to exceed \$408,883 for the Lebanon Hills Maintenance Facility Fuel Island Project.

Ayes: 7

7.7 Resolution No: 24-185

Authorization To Execute Encroachment Agreement With PFC Midstream Natural Gas Pipeline, L.P. And Xcel Energy For Veterans Memorial Greenway Phase I, County Project P00147

Motion: Mary Hamann-Roland

Second: Liz Workman

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, for portions of greenway, the trail construction will cross PFC Midstream Natural Gas Pipeline, L.P., and Xcel Energy existing private utility line easements that runs within the existing Flint Hills Resources easement; and

WHEREAS, PFC Midstream Natural Gas Pipeline, L.P. private utility line is within their own 30' easement; therefore, an encroachment agreement is needed to complete the CP P00147 work within the easement; and

WHEREAS, Xcel Energy private utility line is within their own 50' easement; therefore, an encroachment agreement is needed to complete the CP P00147 work within the easement; and

WHEREAS, to proceed with the project, PFC Midstream Natural Gas Pipeline, L.P. is requesting that Dakota County execute an encroachment agreement to identify responsibilities and approved encroachments associated with CP P00147 crossing the PFC Midstream Natural Gas Pipeline, L.P.; and

WHEREAS, to proceed with the project, Xcel Energy is requesting that Dakota County execute an encroachment agreement to identify responsibilities and approved encroachments associated with CP P00147 crossing the Xcel Energy pipeline; and

WHEREAS, staff recommends execution of an encroachment agreement with PFC Midstream Natural Gas Pipeline, L.P., and Xcel Energy identifying the responsibilities of the County, PFC Midstream Natural Gas Pipeline, L.P. and Xcel Energy associated with encroachment of CP P00147 on the private utility line easements.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an encroachment agreement with PFC Midstream Natural Gas Pipeline, L.P., and with Xcel Energy for the portion of the Veterans Memorial Greenway within PFC Midstream Natural Gas Pipeline, L.P. private utility line easement and within Xcel Energy private utility line easement, subject to approval by the County Attorney's Office as to form.

Ayes: 7

8. Public Services and Revenue

8.1 Resolution No: 24-186

Authorization To Amend Contract With Qmatic Corporation For Customer Queuing Technology In Service And License Centers

Motion: Mary Hamann-Roland

Second: Liz Workman

WHEREAS, the Service and License Centers along with Property Taxation and Records identified the need for additional user licenses and additional LED Displays due to the ADC remodel; and

WHEREAS, these enhancements will provide a better customer experience; and

WHEREAS, Qmatic is available through Insight Public Sector cooperative purchasing contracts; and

WHEREAS, the total cost of the amendment to the contract is \$38,572.02.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Service and License Center Director to execute a contract amendment with Qmatic Corporation to obtain additional user licenses and additional LED counter displays with a cost not to exceed \$38,572.02, funded with the Public Services and Revenue Division's Budget Incentive Program.

Ayes: 7

REGULAR AGENDA

9. Public Services and Revenue

9.1 Resolution No: 24-187

Proclamation Of National Library Week In Dakota County April 7-13, 2024

Motion: Laurie Halverson

Second: Mary Hamann-Roland

Library Director Margaret Stone spoke to this item and responded to questions.

WHEREAS, National Library Week 2024, an annual celebration highlighting the valuable role of libraries and library staff in the community, is taking place April 7-13, 2024; and

WHEREAS, the theme is "Ready, Set Library!" promoting the idea that libraries offer a place to connect with others and learn new skills; and

WHEREAS, Dakota County Library offers the community learning opportunities through books, materials, events and places to gather; and

WHEREAS, Library staff, through connecting with the community, continue to be

innovative, developing new services and events to offer learning, gathering and fun opportunities to residents.

NOW, THEREFORE, BE IT RESOLVED, That, the Board of Commissioners hereby proclaim April 7-13, 2024, as National Library Week in Dakota County and invites everyone to explore the opportunities at their library.

Ayes: 7

9.2 Resolution No: 24-188

Authorization To Execute Contract With Max Steininger, Inc. For Construction And Authorization To Execute Joint Powers Agreement With City Of Inver Grove Heights For Veterans Memorial Greenway In Inver Grove Heights, County Project P00147

Motion: William Droste

Second: Laurie Halverson

Greenways Manager Tony Wotzka spoke to this item and responded to questions.

WHEREAS, to provide high-quality recreational and educational opportunities in harmony with natural resource preservation and to honor Dakota County's more than 25,000 veterans, Dakota County is proceeding with the Veterans Memorial Greenway County Project (P00147); and

WHEREAS, the Veterans Memorial Greenway Phase 1 is the first segment of regional trail to be secured, designed, and constructed in order to connect the Mendota to Lebanon Greenway in Eagan to the Mississippi River Greenway in Inver Grove Heights; and

WHEREAS, the Veterans Memorial Greenway Phase 1 includes construction of two miles of trail starting 500' west of the intersection of Alameda Path and Cliff Road in Inver Grove Heights and extending east along Cliff Road through Flint Hills property and then ending at Rich Valley Park; and

WHEREAS, staff advertised the construction contract (P00147) on February 29, 2024; and

WHEREAS, the bid of Max Steininger, Inc. in the amount of \$2,702,631.22 was the lowest responsive and responsible bid received; and

WHEREAS, the 2024 Park's Capital Improvement Program Budget has sufficient funds to accommodate the construction contract.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with Max Steininger, Inc. for the construction work (CP P00147) associated with the Veterans Memorial Greenway Phase 1 Segment, in the amount of \$2,702,631.22 based on their low bid, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the City of Inver Grove Heights for Construction and subsequent supplemental maintenance agreements, subject to approval by the County Attorney's Office as to form.

Ayes: 7

10. Closed Executive Session

10.1 Resolution No: 24-189

Settlement Authority For Acquisition Of Certain Property Rights Necessary For County Projects 26-54 And County Project 63-27 - Parcel 35 (35A, 35B, 35C, 35D)

Motion: Mike Slavik

Second: William Droste

This item did not go into closed session.

WHEREAS, Dakota County (County) is proceeding with County Projects (CP) 26-54 and 63-27 in the Cities of Inver Grove Heights and Eagan to provide a safe and efficient transportation system; and

WHEREAS, CP 26-54 will expand approximately two miles of County State Aid Highway (CSAH) 26 (Loan Oak Road in Eagan, 70th Street in Inver Grove Heights) from Trunk Highway (TH) 55 to TH 3 from an existing two-lane roadway rural section to a four-lane divided urban roadway; and

WHEREAS, CP 63-27 will construct on a new alignment CSAH 62 (Argenta Trail) from CSAH 28 (Amana Trail) north to 65th Street and from 65th Street to old Argenta Trail (CSAH 63) to the north of CSAH 26; and

WHEREAS, to construct the recommended improvements, Dakota County must acquire certain property rights from Lawrence Flannery and Linda Flannery identified in Dakota County Right of Way Map No. 471 as Parcel 35 (35A, 35B, 35C, 35D) (Subject Property); and

WHEREAS, on April 2, 2022, the Dakota County Attorney's Office provided a confidential memorandum to the Dakota County Board of Commissioners explaining the legal strategy for accomplishing Dakota County's acquisition of the Subject Property's property rights; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Attorney's Office to

proceed with settlement of the property rights identified by Dakota County Right of Way Map No. 471 as Parcel 35 (35A, 35B, 35C, 35D), as previously owned by Lawrence and Linda Flannery for a total global amount of \$1,552,000.

Ayes: 7

10.2 Resolution No: 24-190

Closed Executive Session: Discussion Of Legal Strategy In Tory Hart v. Dakota County et al.

Motion: Mike Slavik

Second: Laurie Halverson

The time being 9:48 a.m. and pursuant to public notice, the Committee went into closed session in Conference Room 3A, Administration Center, to conduct pursuant to Minn. Stat. § 13D.05, subd. 3(b), a Closed Executive Session to discuss the legal strategy in Tory Hart, trustee for the heirs and next-of-kin of E.K.A.H. v. Dakota County, et al., Court File 22-cv-02035.

The following were present:

Commissioner Mike Slavik, District 1
Commissioner Joe Atkins, District 2
Commissioner Laurie Halverson, District 3
Commissioner Bill Droste, District 4
Commissioner Liz Workman, District 5
Commissioner Mary Liz Holberg, District 6
Commissioner Mary Hamann-Roland, District 7
Tom Novak, Public Services and Revenue Director
Tom Donely, First Assistant County Attorney
Lucie O'Neil, Attorney (Civil Division Head)
Kathy Keena, County Attorney
Justin Hagel, Assistant County Attorney (Civil)
Will Topka, Assistant County Attorney (Civil)
Jenny Groskopf, Risk & Homeland Security Manager
Sarah Fenske, Risk Management Coordinator
Marti Fischbach, Community Services Director
Evan Henspeter, Social Services Director
Jeni Reynolds, Sr. Administrative Coordinator to the Board

The Closed Executive Session continued until 10:22 a.m., at which time the Board reconvened to adjourn the County Board meeting with all members present.

WHEREAS, Tory Hart, trustee for the heirs and next-of-kin of E.K.A.H, commenced a lawsuit against Dakota County and certain County staff; and

WHEREAS, the United States District Court for the District of Minnesota issued orders on March 25, 2024 and March 28, 2024; and

WHEREAS, the plaintiff provided the defendants with a settlement offer and invitation to engage in private mediation; and

WHEREAS, the County Board seeks legal advice from the County Attorney with respect to litigation strategy, the public disclosure of which would be detrimental to the County's defense of this matter; and

WHEREAS, pursuant to Minn. Stat. § 13D.05, subd. 3(b), the County Board by resolution may close a meeting as permitted by the attorney-client privilege.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the Dakota County Board meeting on April 9, 2024, to recesses to Conference Room 3A, Administration Center, Hastings, MN to discuss with the County Attorney the legal strategy in Tory Hart, trustee for the heirs and next-of-kin of E.K.A.H. v. Dakota County, et al., Court File 22-cv-02035.

Ayes: 7

11. Interagency Reports/Commissioner Updates

Interagency reports and Commissioner updates were presented.

12. County Manager's Report

Public Services and Revenue Director Tom Novak was sitting in for County Manager Matt Smith and gave the following updates:

- April 11 Deputy Klug Memorial Dedication (10:30 a.m.; Ravenna Township)
- Update on applications for County Manager position: 19 applications have been received to date. The application process closes on April 24.

13. Information

13.1 Information

See Attachment for future Board meetings and other activities.

14. Adjournment

On a motion by Commissioner Hamann-Roland, seconded by Commissioner Slavik, the meeting was adjourned at 10:24 a.m.

14.1 Resolution No: 24-191 Adjournment

Motion: Mary Hamann-Roland

Second: Mike Slavik

Ayes: 7

Joe Atkins
Chair

ATTEST

Matt Smith
County Manager