



Dakota County

Board of Commissioners

Agenda

Tuesday, October 4, 2022

9:00 AM

Boardroom, Administration Center,
Hastings, MN

View Live Broadcast

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

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

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

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

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

CONSENT AGENDA

5. **County Administration - Approval of Minutes**
 - 5.1 Approval of Minutes of Meeting Held on September 20, 2022
6. **Items Recommended By Board Committee***
 - 6.1 *Transportation* - Adoption Of Recommendations For County Project 97-197, Regional Roadway System Visioning Study Update Addressing Transportation Needs Within Northwest Inver Grove Heights, Northeast Eagan And Adjacent Areas Of Mendota Heights And Sunfish Lake

7. County Attorney

- 7.1** *Attorney* - Authorization To Execute Joint Powers Agreements With Criminal Justice Network Joint Powers Organization For Criminal Justice Applications And Services To County Departments

8. Enterprise Finance and Information Services

- 8.1** *Finance* - Scheduling Of Public Hearing To Receive Comments On Dakota County 2023 Recommended Fee Schedules
- 8.2** *Information Technology* - Proclamation Of October 2022 As Cyber Security Awareness Month

9. Physical Development

- 9.1** *Physical Development Administration* - Authorization To Approve Grant Application Submittal To Reconnecting Communities Pilot
- 9.2** *Physical Development Administration* - Approval Of Amendments To Dakota County Community Development Block Grant Program - Dakota Woodlands Elevator Rehabilitation
- 9.3** *Physical Development Administration* - Approval Of Amendments To Dakota County Community Development Block Grant Program - Horizon Heights Townhomes Acquisition
- 9.4** *Parks, Facilities, and Fleet Management* - Authorization To Award Bid And Execute Contract With Morcon Construction Co., Inc. To Provide General Contractor Services For Burnsville License Center Remodel And Amend 2022 Buildings Capital Improvement Program Adopted Budget
- 9.5** *Transportation* - Authorization To Execute Joint Powers Agreement, Approval Of Right Of Way Acquisition, Authorization To Initiate Quick-Take Condemnation, And Amendment Of Transportation Budget For County Project 50-32 In Farmington, County Road 50 Intersection
- 9.6** *Transportation* - Approval Of Right Of Way Acquisition And Authorization To Initiate Quick-Take Condemnation For County Project 88-24 On CSAH 88 (292nd Street) In Randolph Township
- 9.7** *Transportation* - Authorization To Execute Agreement With City Of Lakeville For Traffic Signal Installations At CSAH 31 (Pilot Knob) And 179th Street Intersection And At CSAH 23 (Cedar Avenue) And 185th Street Intersection
- 9.8** *Transportation* - Approval Of Final Plats Recommended By Plat Commission

REGULAR AGENDA

10. Legislative Update

11. Interagency Announcements/Reports

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

12. County Manager's Report

13. Information

13.1 Information
See Attachment for future Board meetings and other activities.

14. Adjournment

14.1 Adjournment

* Designates items discussed in Board Committee(s)

For more information, call 651-438-4417
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<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>
Public Comment can be sent to CountyAdmin@co.dakota.mn.us



Board of Commissioners

Request for Board Action

Item Number: DC-1465

Agenda #: 4.1

Meeting Date: 10/4/2022

Approval of Agenda (Additions/Corrections/Deletions)



Board of Commissioners

Request for Board Action

Item Number: DC-1466

Agenda #: 5.1

Meeting Date: 10/4/2022

Approval of Minutes of Meeting Held on September 20, 2022



Dakota County

Board of Commissioners

Minutes

Tuesday, September 20, 2022

9:00 AM

Boardroom, Administration Center,
Hastings, MN

1. Call To Order And Roll Call

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

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

2. Pledge Of Allegiance

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

3. Audience

Chair Gaylord noted that all public comments can be sent to CountyAdmin@co.dakota.mn.us. Several people were in attendance and the following people came forward to address the Board:

Twillia Hicks representing AFSCME Local 450 (Labor Negotiations)
Rebekah Radiske representing AFSCME Local 306 (Labor Negotiations)
Susan Stoeffel representing AFSCME Local 693 (Labor Negotiations)
Josh Loahr representing Teamsters Local 320 (Labor Negotiations)
Sue Holman-Sotich, Mendota Heights (Elections/Social Media)
Heidi Flodin, Burnsville (Elections)

4. Agenda

4.1 Resolution No: 22-385
Approval of Agenda (Additions/Corrections/Deletions)

Motion: Mary Hamann-Roland

Second: Mike Slavik

The agenda was approved with this amendment.

Item 14.1 Authorization To Release Draft 2023-2027 Capital Improvement Program For Formal Review, was pulled from the agenda and will be brought

back to the General Government and Policy Committee on October 4, 2022 for additional discussion.

Ayes: 7

5. Public Hearing

5.1 Resolution No: 22-387

Public Hearing To Receive Comments And Approve Dakota County Program Year 2021 Consolidated Annual Performance And Evaluation Report

Motion: Joe Atkins

Second: Mike Slavik

The time being 9:33 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on Dakota County Program Year 2021 Consolidated Annual Performance And Evaluation Report. Director of Community and Economic Development with CDA, Lisa Alfson briefed this item and the Public Hearing was opened. There were no comments received. The Public Hearing was unanimously closed at 9:34 a.m. (Resolution No. 22-386).

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

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

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

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

WHEREAS, the CAPER also details the progress of the CDA, local governments, and housing providers in implementing the housing and community development strategies, projects, and activities identified in the Annual Action Plan; and

WHEREAS, public notice for comments on the Dakota County Program Year 2021 CAPER was placed in the *Star Tribune* on August 24, 2022, and on the CDA and Dakota County websites along with the draft CAPER document; and

WHEREAS, public notice for the public hearing for the Dakota County Program Year 2021 CAPER was placed in the *Star Tribune* on September 8, 2022, and

on the CDA and Dakota County websites along with the draft CAPER document; and

WHEREAS, no public comments were received on the CAPER document.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby conducts a public hearing on September 20, 2022, at 9:00 a.m., in the Boardroom, Administration Center, 1590 Highway 55, Hastings, Minnesota, to receive comments on the Dakota County Program Year 2021 Consolidated Annual Performance and Evaluation Report to the U.S. Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the submission of the Dakota County Program Year 2021 Consolidated Annual Performance and Evaluation report to the U.S. Department of Housing and Urban Development no later than September 28, 2022.

Ayes: 7

CONSENT AGENDA

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

6. County Administration - Approval of Minutes

6.1 Resolution No: 22-388
Approval of Minutes of Meeting Held on September 6, 2022

Motion: Mary Hamann-Roland Second: Laurie Halverson

Ayes: 7

7. Items Recommended By Board Committee*

7.1 Resolution No: 22-389
Scheduling Of 2023 County Board/Committee Of The Whole Meetings, Workshops And Public Hearings

Motion: Mary Hamann-Roland Second: Laurie Halverson

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the following 2023 County Board/Committees of the Whole meeting schedule:

- County Board**
- January 3, 24
- February 7, 28
- March 14, 28
- April 11, 25
- May 9, 23
- June 6, 20
- July 18
- August 1, 29

September 12, 26
October 10, 24
November 14, 28
December 19

General Government and Policy (GGP) Committee

January 3
February 7
March 14
April 11
May 9
June 6
July 18
August 1
September 12
October 10
November 28
December 19

Community Services/Physical Development Committee

January 10
February 21
March 21
April 18
May 16
June 13
July 11
August 22
September 19
October 17
November 21
December 12

; and

BE IT FURTHER RESOLVED, That the location of the Board/Committee of the Whole meetings shall be scheduled as follows:

- All County Board meetings will be held at 9:00 a.m. in the Boardroom, Administration Center, in Hastings.
- General Government and Policy (GGP) Committee meetings will be held at 9:30 a.m. (or following the County Board meeting) in Conference Room 3A, Administration Center in Hastings.
- Community Services (9:00 a.m.) and Physical Development (at 10:00 a.m. or following). Committee meetings will be held in Conference Room L139, Western Service Center in Apple Valley.

; and

BE IT FURTHER RESOLVED, That the County Board will hold Special General Government and Policy meetings that will be held at 10:30 a.m. (or following the Committee meetings) in Conference Room L139, Western Service Center in Apple Valley, on the following dates during the Legislative session to discuss legislative topics:

7.3 Resolution No: 22-391
Authorization To Accept Rates For 2023 Group Short-Term Disability Benefits

Motion: Mary Hamann-Roland Second: Laurie Halverson

WHEREAS, the employee-paid Short-term Disability plan expenses projected for 2023 results in no rate change for all elimination period 8-day, 15-day, 30-day and 75-day option.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the 2023 Short-term Disability plan rates.

Ayes: 7

7.4 Resolution No: 22-392
Adoption Of Dakota County All Hazard Mitigation Plan

Motion: Mary Hamann-Roland Second: Laurie Halverson

WHEREAS, the Disaster Mitigation Act of 2000 requires counties and cities to prepare an All-Hazard Mitigation Plan (Plan) every five years; and

WHEREAS, plans must address potential natural and manmade hazard and develop mitigation strategies to reduce the impacts of hazard events both in dollars and lives saved; and

WHEREAS, counties and cities must have an approved and adopted a Plan to be eligible for both federal disaster relief and mitigation project grant dollars; and

WHEREAS, the first Plan was approved by the Minnesota Department of Homeland Security and Emergency Management (MNHSEM) and the Federal Emergency Management Agency (FEMA) in 2006 and the was updated again in 2011 and 2017; and

WHEREAS, since late 2020, Dakota County staff has been coordinating the required five-year update to the Plan with the 14 urban and six rural cities of Dakota County; and

WHEREAS, each city is required to participate, develop their own mitigation strategies and adopt the Plan as their own once conditionally approved by MNHSEM and FEMA; and

WHEREAS, by Resolution No. 22-069 (February 22, 2022), the Dakota County Board of Commissioners authorized the submission of a draft All Hazard Mitigation Plan to MNHSEM and FEMA for initial review and to place the draft Plan on the Dakota County website for a 45-day public comment period; and

WHEREAS, the Plan received conditional approval by MNHSEM and FEMA on August 4, 2022.

NOW, THEREFORE, BE IT RESOLVED, That Dakota County Board of

Commissioners hereby supports the hazard mitigation planning effort and wishes to adopt the 2022 update to the Dakota County All-Hazard Mitigation Plan; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby directs staff to coordinate with the 14 urban and 6 rural cities of Dakota County on preparation of resolutions to adopt the Plan for submittal to Minnesota Department of Homeland Security and Emergency Management (MNHSEM) and the Federal Emergency Management Agency (FEMA).

Ayes: 7

7.5 Resolution No: 22-393

Authorization To Execute Contracts For Interpretation And Translation Services

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, Dakota County requires interpretation and translation services to meet the needs of residents who have Limited English Proficiency, or who are deaf or hard of hearing; and

WHEREAS, a Request for Proposal (RFP) was issued on May 31, 2022, to solicit proposals for the purchase of interpretation and translation services; and

WHEREAS, twenty-five proposals were received, and the selection team thoroughly reviewed all proposals to determine which proposals best met the selection criteria; and

WHEREAS, seventeen (17) vendors have been recommended to receive contracts for interpretation and translation services, eight (8) of these vendors are currently under contract with Dakota County for these services; and

WHEREAS, criteria included capacity and proven experience providing general, corrections, probation, and medical interpretation; and

WHEREAS, vendors are required to hire qualified interpreters who have been screened for cultural competency and tested for language proficiency, enforce a Code of Ethics and Competency Standards, conduct criminal background checks for all interpreters prior to their receiving an assignment in Dakota County, and be Health Insurance Portability and Accountability (HIPAA) compliant; and

WHEREAS, staff recommends execution of contracts with Andean Consulting Solutions International, LLC DBA ACSI Translations; Accurate Translation Bureau DBA Accutrans; Ad Astra Inc; All in One Translation Agency, LLC; ASL Interpreting Services, Inc. (ASLIS); Stuart B Consultants DBA Birnbaum Interpreters; Effectiff, LLC; Fox Translation Services; Idea Language Services, LLC; INGCO International; Itasca Corporation; Kim Tong Translation Services, Inc.; Language Line Services, Inc.; Middle English Interpreting; The Minnesota Language Connection; Propio LS, LLC; and Telelanguage for the period of

January 1, 2023 through December 31, 2027.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contracts for interpretation and translation services to meet the needs of residents who have Limited English Proficiency, or who are deaf or hard of hearing with Andean Consulting Solutions International, LLC DBA ACSI Translations; Accurate Translation Bureau DBA Accutrans; Ad Astra Inc; All in One Translation Agency, LLC; ASL Interpreting Services, Inc. (ASLIS); Stuart B Consultants DBA Birnbaum Interpreters; Effectiff, LLC; Fox Translation Services; Idea Language Services, LLC; INGCO International; Itasca Corporation; Kim Tong Translation Services, Inc.; Language Line Services, Inc.; Middle English Interpreting; The Minnesota Language Connection; Propio LS, LLC; and Telelanguage for the period of January 1, 2023 through December 31, 2027, subject to approval by the County Attorney's Office as to form; and

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

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

Ayes: 7

7.6 Resolution No: 22-394
Authorization To Amend 2022 Social Services Budget And Add 1.0 Full-Time Equivalent Social Worker Position

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, state funding for adult protection services, in the amount of three (3) million dollars is allocated annually to support the county's duties for protective services and investigation services under Minnesota Statutes, section 626.557 for reports of suspected maltreatment of vulnerable adults received from the Minnesota Adult Abuse Reporting Center (MAARC); and

WHEREAS, allocations are administered under Minn. Stat. § 256M.40, Vulnerable Adult Act Children's and Adults Act (VCAA) formula; and

WHEREAS, Dakota County's State Fiscal Year (SFY) 2022 Adult Protection Services (APS) allocation under Minn. Stat. § 256M.40 is \$184,912; and

WHEREAS, Dakota County is required to spend the allocation on APS; and

WHEREAS, Dakota County is processing increased volume and complexity of adult protection reports; and

WHEREAS, the Social Services Department requests to add 1.0 full-time equivalent social worker and purchase of service budget to fulfill State grant requirements and meet community needs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to add 1.0 full-time equivalent (FTE) social worker for purposes of providing expanded adult protection services; and

BE IT FURTHER RESOLVED, That the 2022 Social Services Budget is hereby amended as follows:

Expense

1.0 FTE Social Worker, 4 months	\$ 27,560
Purchase of Services	<u>\$156,440</u>
Total Expense	\$184,000

Revenue

Program Revenue	<u>\$184,000</u>
Total Revenue	\$184,000

Ayes: 7

7.7 Resolution No: 22-395
Ratification Of Minnesota Department Of Human Services Combined Mobile Crisis Services And Home And Community Based Services Medical Assistance Percentage Grant Application, And Authorization To Accept Grant Funds And Execute Grant Agreement

Motion: Mary Hamann-Roland Second: Laurie Halverson

WHEREAS, Dakota County operates a crisis services continuum that meets the requirements of Minn. Stat.§ 256B.0944, Minn. Stat. § 256B.0624, and 245I; and

WHEREAS, the Department of Human Services (DHS) administers State and federal funds through grant agreements for the provision of mental health crisis services in accordance with Minn. Stat. § 256B.0944, Minn. Stat. § 256B.0624 and 245I; and

WHEREAS, by Resolution No.18-363 (July 17, 2018), the Dakota County Board of Commissioners authorized staff to apply for and execute grant agreements with DHS for crisis grant funds for the provision of mental health crisis services

in accordance with Minn. Stat. § 256B.0944 and Minn. Stat. § 256B.0624 and subsequently, grant agreements, and amendments for crisis services, were executed for CY 2019, 2020, 2021, and 2022; and

WHEREAS, DHS requires that counties submit an application for calendar year 2023 and 2024 for mobile crisis services; and

WHEREAS, by Resolution No. 21-461 (September 21, 2021) and by Resolution No. 21-618 (December 14, 2021), the Dakota County Board of Commissioners authorized adding 17.0 new full-time equivalents (FTEs) to Dakota County's crisis continuum team to meet community needs, in preparation for having an actionable plan when DHS funding was available; and

WHEREAS, staff will prepare and submit grant applications for crisis services funding to meet DHS submission requirements.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the Combined Mobile Crisis Services and Home and Community Based Services Medical Assistance Percentage Grant Application submission to the Minnesota Department of Human Services for calendar years (CY) 2023 and 2024, and State Fiscal Years (SFY) 2022, 2023, and 2024 for a total grant amount of up to \$5,000,000; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to accept the grant funds, and execute the mobile crisis grant agreement for CY 2023 and 2024, and State Fiscal Years (SFY) 2022, 2023, and 2024, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That unless the grant program requirements change, the Community Services Director is hereby authorized to amend the grant to alter the grant term, accept additional grant funds, and continue grant-funded full-time equivalent(s) (if relevant), consistent with County contracting policies, and inclusion of grant funds in the future yearly recommended and approved budgets, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute the mobile crisis grant renewal contract for CY 2023 and 2024, and State Fiscal Years (SFY) 2022, 2023, and 2024, in the amount of the grant awarded, subject to approval by the County Attorney's Office as to form.

Ayes: 7

- 7.8** Resolution No: 22-396
Adoption Of Natural Resource Management Plan For North Creek Greenway

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, by Resolution No. 17-274 (May 23, 2017), the County Board adopted the Natural Resources Management System Plan, which determined that Natural Resource Management Plans (NRMPs) would be developed for all County Parks, Greenways, and Easements; and

WHEREAS, Stantec was hired to develop the Lake Marion and North Creek Greenway NRMPs, and it addresses natural resource management on non-County lands in proximity to the Greenway; and

WHEREAS, a Technical Advisory Committee consisting of staff from host communities, other agencies, and major landowners convened on January 7, 2022, to discuss future development and natural resource management on these lands; and

WHEREAS, the Dakota County Planning Commission reviewed the Lake Marion and North Creek Greenway NRMP Study Areas and initial findings on July 22, 2021, then reviewed the recommendations, restoration work plan, and proposed cost-share structure and recommended the Drafts be released to the public on February 24, 2022; and

WHEREAS, by Resolution No. 22-122 (March 22, 2022), the County Board approved the release of the Drafts to the public for a 60-day review period; and

WHEREAS, during the public review period, County staff presented and solicited feedback from municipal citizen advisory boards and two Public Open Houses; and

WHEREAS, the Dakota County Planning Commission reviewed the final Draft of the North Creek Greenway NRMP and recommended the adoption of the Plan on August 25, 2022.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the North Creek Greenway Natural Resources Management Plan.

Ayes: 7

7.9

Resolution No: 22-397

Authorization To Submit Grant Applications To Federal Railroad Authority For Infrastructure Investment And Jobs Act Railroad Crossing Elimination Grant For Funding To Remove Or Improve Railroad Crossings

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, to promote a safe and efficient transportation system throughout Dakota County, the County pursues transportation funding through external sources to address priority transportation needs; and

WHEREAS, the Federal Railroad Authority is requesting project submittals for the Railroad Crossing Elimination (RCE) grant allocated by the Infrastructure Investment and Jobs Act that is funded with \$573,264,000 in federal funding; and

WHEREAS, the RCE grants provide funding for highway-rail and pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods; and

WHEREAS, the RCE grant funds up to 80 percent of project construction costs; and

WHEREAS, application submittals are due on October 4, 2022; and

WHEREAS, all projects proposed are consistent with the adopted Dakota County Comprehensive Plan; and

WHEREAS, subject to federal funding award, the Dakota County Board of Commissioners would be asked to consider authorization to execute a grant agreement at a future meeting.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following County led projects for submittal to Infrastructure Investment and Jobs Act for federal funding:

- 1) Mississippi River Greenway along Pine Bend Trail in Rosemount
- 2) Minnesota River Greenway in Fort Snelling State Park at the Union Pacific railroad crossing in Eagan

Ayes: 7

7.10 Resolution No: 22-398

Authorization To Execute Jurisdictional Transfer Agreement, County State Aid Highway 9 And Accept Quit Claim Deed For Right Of Way From City Of Lakeville

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, Dakota County's 2040 Transportation Plan identifies a portion of County State Aid Highway (CSAH) 9 (Dodd Boulevard) between Hayes Avenue and CSAH 31 (Pilot Knob Road) as a turnback to the City of Lakeville; and

WHEREAS, Dakota County's 2040 Transportation Plan identifies 179th Street W between Hayes Avenue and CSAH 31 (Pilot Knob Road) as a future County Highway; and

WHEREAS, the County State Aid Screening Board awarded Dakota County an additional 39.6 miles of CSAHs to be added to Dakota County's State Aid Highway System in the fall of 2012; and

WHEREAS, Minn. Stat. § 163.11 Subdivision 5 and 9 authorize the County Board to transfer jurisdiction and ownership of a County highway to another road authority upon agreement; and

WHEREAS, the Transportation Director/County Engineer recommends revoking County State Aid status from Dodd Boulevard between Hayes Avenue and CSAH 31 (Pilot Knob Road); and

WHEREAS, Dakota County will turnback operations and maintenance of this segment of Dodd Boulevard to the City of Lakeville in accordance with the terms of the turnback agreement; and

WHEREAS, Dakota County will construct Dodd Boulevard to Municipal State Aid standards as part of County Project (CP) 9-56 and CP 9-64; and

WHEREAS, Dakota County accepts the jurisdictional transfer of 179th Street W between Hayes Avenue and CSAH 31 (Pilot Knob Road) from the City of Lakeville in accordance with the terms of the turnback agreement; and

WHEREAS, Dakota County will construct 179th Street W between Hayes Avenue and CSAH 23 (Cedar Avenue) to County State Aid standards as part of CP 9-56; and

WHEREAS, the City of Lakeville constructed 179th Street W between CSAH 23 (Cedar Avenue) and CSAH 31 (Pilot Knob Road) to County State Aid standards as part of CP 97-203; and

WHEREAS, the Transportation Director/County Engineer recommends designating County State Aid status for 179th Street W between Hayes Avenue and CSAH 31 (Pilot Knob Road) as CSAH 9.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to enter into an agreement with the City of Lakeville for the revocation and turnback of a portion of County State Aid Highway 9 (Dodd Boulevard) between Hayes Avenue and County State Aid Highway 31 (Pilot Knob Road) and accept the jurisdictional transfer of 179th Street W between Hayes Avenue and County State Aid Highway 31 (Pilot Knob Road); and

BE IT FURTHER RESOLVED, By the County Board of the County of Dakota, that the road described as follows, to-wit:

Dodd Boulevard between Hayes Avenue and County State Aid Highway 31 (Pilot Knob Road)

be, and hereby is, revoked as a County State Aid Highway of said County, subject to the approval of the Commissioner of Transportation of the State of Minnesota; and

BE IT FURTHER RESOLVED, By the County Board of the County of Dakota,

that the road described as follows, to-wit:

179th Street W between Hayes Avenue and County State Aid Highway 31 (Pilot Knob Road)

be, and hereby is, established, located, and designated a County State Aid Highway of said County, subject to the approval of the Commissioner of Transportation of the State of Minnesota; and

BE IT FURTHER RESOLVED, That the County Auditor is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for consideration and that upon approval of the designation of said road or portion thereof, that same be constructed, improved, and maintained as a County State Aid Highway of the County of Dakota, to be numbered and known as a County State Aid Highway.

Ayes: 7

7.11 Resolution No: 22-399

Authorization To Amend County State Aid Highway 31 Wetland Bank

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, planned improvements to County State Aid Highway 31 in the early 2000s would negatively impact existing wetlands; and

WHEREAS, the state Wetland Conservation Act of 1991 required mitigation for wetland impacts; and

WHEREAS, a 17.1-acre wetland bank, administered through the Minnesota Board of Water and Soil Resource (BWSR), was proposed to locally mitigate these wetland impacts; and

WHEREAS, by Resolution No. 02-562 (November 5, 2002), the County Board of Commissioners approved the establishment of a 17.1-acre wetland bank and authorized the execution of a Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank (Declaration) which described wetland bank requirements and the legal description of the wetland bank area; and

WHEREAS, the intent of the mitigation project and Declaration was to also exclude 25 feet of the southern portion of the identified property parcel and reserve it for future public use as a trail corridor; and

WHEREAS, it was recently discovered during the North Creek Greenway trail design and construction process that the legal description for the Declaration did not exclude the future trail corridor in the wetland bank area; and

WHEREAS, the Declaration includes language to request the modification of the Declaration with written approval by the City of Lakeville and BWSR; and

WHEREAS, staff and the County Attorney's Office prepared an Amendment to

Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank; and

WHEREAS, the Amendment to Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank includes a revised legal description for the wetland bank area that excludes the trail corridor and reaffirms that all other terms and conditions of the 2002 Declaration shall remain in full force and effect for the amended wetland bank area.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes amending the Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chair to execute the Amendment to Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank and to submit the amended Declaration to Minnesota Board of Water and Soil Resources; and

BE IT FURTHER RESOLVED, That upon approval by the Minnesota Board of Water and Soil Resources, the fully executed Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank will be recorded in the County's Recorder's Office and a copy of the recorded Amendment to Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank will be provided to the Minnesota Board of Water and Soil Resources.

Ayes: 7

8. County Board/County Administration

- 8.1** Resolution No: 22-400
Acceptance Of Resignation From Member Of Dakota-Scott Workforce Development Board

Motion: Mary Hamann-Roland

Second: Laurie Halverson

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the resignation received from Pam Oeffler, Private sector representative on the Dakota-Scott Workforce Development Board and authorizes staff to begin the process to fill the vacancy.

Ayes: 7

9. Community Services

- 9.1** Resolution No: 22-401
Ratification Of USDA SNAP Fiscal Year 2022 Process And Technology Improvement Grant Application, And Authorization To Accept Grant Funds, Execute Grant Agreement And Related Contracts, And Amend 2022 Employment And Economic Assistance Budget

Motion: Mary Hamann-Roland

Second: Laurie Halverson

Ayes: 7

10. Enterprise Finance and Information Services

10.1 Report On Invoices Paid In August 2022

Information only; no action requested.

11. Physical Development

11.1 Resolution No: 22-402

Approval Of Right Of Way Acquisition And Authorization To Initiate Quick Take Condemnation For County Project 91-29 In Marshan Township, County Road 91 Reconstruction

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 91-29; and

WHEREAS, CP 91-29 will reconstruct County State Aid Highway (CSAH) 91 (Nicolai Avenue) from 210th Street to Trunk Highway 316 (Red Wing Boulevard) in Marshan Township, improve drainage, and replace culverts; and

WHEREAS, to address the purpose and need for this Project, safety will be improved along the corridor by improving the roadway surface, adding turn lanes, and improving drainage; and

WHEREAS, Dakota County is the lead agency for CP 91-29; and

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

WHEREAS, the partial acquisition of the following 21 parcels as identified on Dakota County Right of Way Map 492 is necessary to move forward with the Project:

Parcel 1; RUSSELL E. ANDERSON AS TRUSTEE AND ELIZABETH L. ANDERSON, AS TRUSTEE OR THE SUCCESSOR(S) IN TRUST, UNDER THE ANDERSON REVOCABLE TRUST AGREEMENT DATED 7-25-2003; Highway Easement 0 SF; Temporary Easement 2,000 SF;

Parcel 2; RUSSELL E. ANDERSON AS TRUSTEE AND ELIZABETH L. ANDERSON, AS TRUSTEE OR THE SUCCESSOR(S) IN TRUST, UNDER THE ANDERSON REVOCABLE TRUST AGREEMENT DATED 7-25-2003; Highway Easement 37,842 SF; Temporary Easement 749 SF;

Parcel 3; SCHULTZ FAMILY FARM LLC.; Highway Easement 74,365 SF; Temporary Easement 3,683 SF;

Parcel 4; PATRICK K. MAHER & DIANE M. MAHER; Highway Easement 87,838 SF;
Temporary Easement 6,773 SF;

Parcel 5; PATRICK K. MAHER & DIANE M. MAHER; Highway Easement 10,045 SF;
Temporary Easement 996 SF;

Parcel 6; ALLEN J. GALE & PATRICIA A. GALE AS TRUSTEES OF THE TRUST AGREEMENT OF ALLEN AND PATRICIA GALE; Highway Easement 12,946 SF; Temporary Easement 1,798 SF;

Parcel 7; BAILEY NURSERIES, INC., A MINNESOTA CORPORATION;
Highway Easement 25,667 SF; Temporary Easement 7,467 SF;

Parcel 8; BAILEY NURSERIES, INC., A MINNESOTA CORPORATION;
Highway Easement 27,629 SF; Temporary Easement 0 SF;

Parcel 9; BAILEY NURSERIES, INC., A MINNESOTA CORPORATION;
Highway Easement 22,464 SF; Temporary Easement 0 SF;

Parcel 10; BAILEY NURSERIES, INC., A MINNESOTA CORPORATION;
Highway Easement 10,775 SF; Temporary Easement 0 SF;

Parcel 14; JEFFREY M. REINARDY & WENDY S. REINARDY; Highway Easement 10,778 SF; Temporary Easement 0 SF;

Parcel 15; EARLE R. ALMQUIST; Highway Easement 22,462 SF;
Temporary Easement 0 SF;

Parcel 16; EARLE R. ALMQUIST; Highway Easement 33,960 SF;
Temporary Easement 0 SF;

Parcel 17; JOHN D. MAHER & BARBARA A. MAHER; Highway Easement 16,323 SF;
Temporary Easement 0 SF;

Parcel 19; PATRICK K. MAHER & DIANE M. MAHER; Highway Easement 48,608 SF;
Temporary Easement 2,424 SF;

Parcel 20; STEPHEN P. FOX & ANNA J. FOX; Highway Easement 2,800 SF; Temporary Easement 0 SF;

Parcel 21; ROGER A. FOX & PATRICIA A. FOX; Highway Easement 31,350 SF; Temporary Easement 0 SF;

Parcel 22; HARRY R. SNYDER & MARJORY J. SYNDER; Highway Easement 6,693 SF; Temporary Easement 0 SF;

Parcel 23; JAMES G. CANEFF & ROBERT M. CANEFF; Highway Easement 85,457 SF; Temporary Easement 554 SF;

Parcel 24; JAMES G. CANEFF & M. ELEANOR CANEFF UNDIVIDED ONE-HALF INTEREST ROBERT M. CANEFF & JO ANN CANEFF UNDIVIDED ONE-HALF INTEREST; Highway Easement 9,000 SF; Temporary Easement 0 SF;

Parcel 25; CANEFF BROTHERS, A PARTNERSHIP; Highway Easement 600 SF; Temporary Easement 3,550 SF

; and

WHEREAS, 15 appraisals have been completed by Nicollet Partners, Inc., for a total appraised value of \$544,200; and

WHEREAS, the 2022-2026 Dakota County Transportation Capital Improvement Program budget for the Project includes sufficient funds for right of way acquisition; and

WHEREAS, in the event that timely acquisition by direct negotiation of all required parcels does not appear possible, it is necessary for the County Board to authorize the County Attorney's Office to initiate quick-take condemnation of the remaining parcels to allow for a spring 2023 start date.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised value for the acquisition of the identified property interest from the 21 parcels for County Project 91-29; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of the properties associated with the 21 parcels for County Project 91-29 at the approved appraised value and authorizes payment from the 2022-2026 Transportation Capital Improvement Program

budget; and

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

Ayes: 7

11.2 Resolution No: 22-403

Award Of Bid And Authorization To Execute Contract With Eureka Construction, Inc. And Amend 2022 Sales And Use Tax Capital Improvement Program Budget For County Project 46-58 For Median Changes On CSAH 46 (160th Street) at CSAH 33 (Diamond Path)

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 46-58; and

WHEREAS, the County is the lead agency for the Project, with construction scheduled for summer 2022; and

WHEREAS, the 2022 Sales and Use Tax Capital Improvement Program (CIP) Amended Budget includes \$600,000 for CP 46-58 for the project design and construction; and

WHEREAS, the remaining 2022 Sales and Use Tax CIP Budget includes an unencumbered balance of \$422,893 for CP 46-58 project design, construction, and construction administration; and

WHEREAS, the bid of Eureka Construction, Inc. in the amount of \$712,264.87 was the lowest responsive and responsible bid received; and

WHEREAS, a budget amendment is necessary to account for the project costs above the CIP amount; and

WHEREAS, Dakota County currently has a sufficient Sales and Use Tax funds for the additional costs of the project; and

WHEREAS, the Minnesota Department of Transportation concurs with the award of a construction contract to Eureka Construction, Inc., as the lowest responsive and responsible bidder; and

WHEREAS, the 2022 Sales and Use Tax CIP budget for CP 46-58 shall be amended to \$889,372; and

WHEREAS, staff recommends awarding the bid to and authorizing execution of a contract with Eureka Construction, Inc. and amending the 2022 Sales and Use Tax CIP; and

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 Eureka Construction, Inc. for County Project 46-58 in the amount of \$672,264.87, plus possible incentives totaling \$40,000 for a total contract amount of \$712,264.87 based on their low bid, subject to approval by the County Attorney’s Office as to form; and

BE IT FURTHER RESOLVED, That the 2022 Sales and Use Tax Capital Improvement Program Budget is hereby amended as follows:

Expense	
CP 46-58	<u>\$289,372</u>
Total Expense	\$289,372

Revenue	
Sales & Use Tax (Fund Balance)	<u>\$289,372</u>
Total Revenue	\$289,372

Ayes: 7

11.3 Resolution No: 22-404

Authorization To Exchange Excess Right Of Way North Of County State Aid Highway 26 And East Of Trunk Highway 55 In City Of Eagan

Motion: Mary Hamann-Roland Second: Laurie Halverson

WHEREAS, in 1999, Dakota County purchased three complete parcels (PIN Nos. 100010003055, 100010004055, and 10010006055) jointly with the City of Eagan for widening County State Aid Highway (CSAH) 26 (Lone Oak Road) from CSAH 43 (Lexington Avenue) through the Trunk Highway (TH) 55 intersection for County Project (CP) 26-28; and

WHEREAS, the southerly portion of the parcels is needed to reconstruct CSAH 26 (CP 26-54) in 2022 and 2023 and is currently needed to maintain the highway; and

WHEREAS, County staff has reviewed the survey and parcel information for accuracy and concurs with the property description brought forward in the plat; and

WHEREAS, a land exchange between the County and Developer would meet and exceed the half right of way needs for CSAH 26 and benefit both parties; and

WHEREAS, the County has received requests to exchange excess right of way north of County State Aid Highway (CSAH) 26 (Lone Oak Road) in exchange for the remnant parcels between two adjoining County-owned parcels; and

WHEREAS, the remnant County parcels will be combined with the adjoining

County-owned parcels to create additional developable property; and

WHEREAS, the City of Eagan staff supports the exchange of the property that is in excess of the needs for CSAH 26; and

WHEREAS, the County Engineer has determined that the property located more north of the proposed CSAH 26 project is in excess of the County's needs and recommends the exchange of the property in accordance with Minnesota Statute 373.01, with conditions protecting CSAH 26 and TH 55; and

WHEREAS, staff recommends transfer of the northern 12 feet of PID#10-00100-55-040 Dakota County Parcel containing approximately 2,505 square feet as part of the Eagan MOB plat; and

WHEREAS, staff recommends transfer of the portion of PID# 10-00100-95-020 between County owned parcels 10-00100-55-030 and 10-00100-55-040 Parcels containing approximately 3,187 square feet to Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the exchange of the property as part of the Eagan MOB plat in accordance with Minn. Stat. § 373.01; and

BE IT FURTHER RESOLVED That the Dakota County Board of Commissioners hereby approves the deed exchange as part of the platting and authorizes the Board Chair to execute the Quit Claim Deed for Lot 1 subject to approval as to form by the County Attorney's Office, in exchange for a Quit Claim Deeds for outlots A and B.

Ayes: 7

11.4 Resolution No: 22-405
Designation Of 185th Street As County State Aid Highway 60 In City Of Lakeville

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, Dakota County and the City of Lakeville are partnering on County Project (CP) 60-28; and

WHEREAS, County Project 60-28 is the design engineering, right-of-way acquisition, construction, and construction administration for construction of future CSAH 60 (185th Street) as an urban divided roadway, on new alignment from CSAH 9 (Dodd Boulevard) to Highview Avenue; and

WHEREAS, County Project 60-28 includes construction of a proposed roundabout at CSAH 60 (185th Street) and Highview Avenue, pedestrian underpasses of 185th Street and Highview Avenue, and a potential signal need at CSAH 23 (Cedar Avenue); and

WHEREAS, an amendment to the existing joint powers agreement for CP 60-28 is necessary to extend eastern termini from the intersection at Highview Avenue

to the intersection at CSAH 23 (Cedar Avenue); and

WHEREAS, the joint powers agreement amendment will provide scope for developing a design and constructing a signal at the intersection of CSAH 23 (Cedar Avenue) and jurisdictional transfer and designation of CSAH status for 185th Street between CSAH 9 (Dodd Boulevard) and CSAH 23 (Cedar Avenue); and

WHEREAS, the County State Aid Screening Board awarded Dakota County an additional 39.6 miles of County State Aid Highways to be added to Dakota County's State Aid Highway System in the fall of 2012; and

WHEREAS, Minn. Stat. § 162.02, subd. 7 and 8 permits a county board to establish a CSAH upon any established road with the approval of the governing city; and

WHEREAS, Dakota County's 2040 Transportation Plan identifies a portion of County State Aid Highway (CSAH) 60 (185th Street) from CSAH 9 (Dodd Boulevard) to CSAH 23 (Cedar Avenue) as a future County State Aid Highway minor arterial route; and

WHEREAS, the Transportation Director/County Engineer recommends designating County State Aid Status, according to the recommendation in the adopted State Aid Mileage Request and as necessary for changes in alignment due to planned roadway construction; and

WHEREAS, as part of CP 60-28, 185th Street will be constructed to CSAH standards to support a county highway function and allow for CSAH designation; and

WHEREAS, Dakota County accepts the jurisdictional transfer of 185th Street between CSAH 9 (Dodd Boulevard) and CSAH 23 (Cedar Avenue) from the City of Lakeville in accordance with the terms of the turnback agreement.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to enter into an agreement with the City of Lakeville for the accept the jurisdictional transfer of 185th Street between CSAH 9 (Dodd Boulevard) to CSAH 23 (Cedar Avenue); and

BE IT FURTHER RESOLVED, By the County Board of the County of Dakota, that the road described as follows, to-wit:

185th Street between County State Aid Highway No. nine (9) (Dodd Boulevard) to County State Aid Highway No. twenty three (23) (Cedar Avenue) designation as County State Aid Highway No. 60 beginning at the County State Aid Highway No. nine (9), Dodd Boulevard in Section 17, Township 114 North, Range 21 West, in the City of Lakeville; thence continue in a easterly direction through

Sections 16 and 17 Township 114 North, Range 21 West, to County state Aid Highway No. twenty three (23), Cedar Avenue, and there terminating be, and hereby is, established, located, and designated a County State Aid Highway of said County, subject to the approval of the Commissioner of Transportation of the State of Minnesota
; and

BE IT FURTHER RESOLVED, That the Dakota County Transportation Director/County Engineer is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for consideration and that upon approval of the designation of said road or portion thereof, that same be constructed, improved, and maintained as a County State Aid Highway of the County of Dakota, to be numbered and known as a County State Aid Highway; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an amendment to the joint powers agreement with the City of Lakeville for developing a design and constructing a signal at the intersection of CSAH 23 (Cedar Avenue) and jurisdictional transfer and designation of CSAH status for 185th Street between CSAH 9 (Dodd Boulevard) and CSAH 23 (Cedar Avenue) for County Project 60-28, 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 turnback agreement with the City of Lakeville to outline details for the City to provide continued maintenance of 185th Street until completion of construction in the Fall of 2023, subject to approval by the County Attorney's Office as to form.

Ayes: 7

11.5 Resolution No: 22-406

Approval Of Final Plats Recommended By Plat Commission

Motion: Mary Hamann-Roland

Second: Laurie Halverson

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

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

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

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

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

Motion: Mary Hamann-Roland Second: Laurie Halverson

WHEREAS, the Law Enforcement Center Interior Renovation is included in the 2022 Building Capital Improvement Program (CIP) Adopted Budget; and

WHEREAS, bid documents and specifications were prepared by Leo A Daly, and advertised on August 5, 2022; and

WHEREAS, seven competitive bids were received on August 30, 2022; and

WHEREAS, Shaw-Lundquist Associates, Inc. has submitted a bid of \$3,102,000; and

WHEREAS, staff and Leo A Daly reviewed the qualifications of the bidder and recommend award to Shaw-Lundquist Associates, Inc. as the lowest responsive and responsible bidder in an amount not to exceed \$3,102,000 for the Law Enforcement Center Interior Renovations project; and

WHEREAS, funding for the project is within the amended 2022 Buildings CIP Adopted Budget.

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 Shaw-Lundquist Associates, Inc., 2757 West Service Road, Saint Paul, MN 55121 in an amount not to exceed \$3,102,000 for the Law Enforcement Center Interior Renovations, subject to approval by the County Attorney’s office as to form.

BE IT FURTHER RESOLVED, That the 2022 Buildings Capital Improvement Program budget is hereby amended as follows:

Expense

Prior Project Savings Setaside (B70092)	(\$400,000)	
Law Enforcement Center Interior Renovation Project (B20029)		<u>\$400,000</u>
Total Expense	\$0	

Revenue

Prior Project Savings - County Funding (B70092)	(\$400,000)	
LEC Interior Renovation Project - County Funding (B20029)		<u>\$400,000</u>
Total Revenue	\$0	

Ayes: 7

- 11.8** Resolution No: 22-409
Authorization To Execute License Agreement Between Dakota County And Nexus Family Healing For Space Located At Aspen House

Motion: Mary Hamann-Roland Second: Laurie Halverson

WHEREAS, Dakota County recently acquired a 5,787-square-foot property to be used as a youth shelter for up to 12 individuals per night, now referred to as the

Aspen House; and

WHEREAS, Community Services staff has contracted with Nexus Family Healing to manage the operation of the shelter; and

WHEREAS, for Nexus Family Healing to operate in a County-owned facility, a license agreement for use of that space is required; and

WHEREAS, the Dakota County Board of Commissioners must approve all leases and licenses for space use; and

WHEREAS, the Aspen House will be used entirely by Nexus Family Healing to provide services; and

WHEREAS, Nexus Family Healing will manage all aspects of youth care in addition to most of the day-to-day operations including maintenance and utilities; and

WHEREAS, Dakota County will retain management of three key items including property insurance through Risk Management, the parking lot access agreement with the neighboring church through Facilities Management, and life/safety requirements through Facilities Management; and

WHEREAS, staff from Facilities Management, Community Services, and Nexus Family Healing have agreed to license terms for their space; and

WHEREAS, the license terms provide for a 90-day notice of termination to align with the contract for services term; and

WHEREAS, the County Board finds that the license is consistent with the County's interest in cooperating with Nexus Family Healing to provide space in the Dakota County Aspen House.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a license agreement with Nexus Family Healing for use of approximately 5,787 square feet of rentable space in the Aspen House for the period of October 1, 2022, through December 31, 2024, at the following rental rates, subject to the approval of the County Attorney's Office as to form:

October 1 through December 31, 2022	\$1,320 per period or \$440 per month.
January 1 through December 31, 2023	\$5,280 per year or \$440 per month.
January 1 through December 31, 2024	\$5,280 per year or \$440 per month.

Ayes: 7

12. Public Services and Revenue

12.1 Resolution No: 22-410
Acceptance Of Gifts To Dakota County Library

Motion: Mary Hamann-Roland Second: Laurie Halverson

WHEREAS, the Dakota County Board of Commissioners, by Resolution No. 14-400 (August 12, 2014), delegated to the Dakota County Library Advisory Committee, the authority to accept gifts of personal property of not more than \$500 for public library purposes; and

WHEREAS, the Dakota County Board of Commissioners must approve and accept gifts to County libraries with a value greater than \$500; and Friends of Inver Glen donated \$10,496.73 for summer programming support; and Friends of Farmington Library donated \$800 to support Lego STEM programming; and City of Hastings donated \$1000 to Pleasant Hill from Doffing Fund for Pride Celebration; and

WHEREAS, these donations will greatly enrich the capacity of Dakota County Library to offer valuable materials and programs to customers; and

WHEREAS, the Dakota County Library Advisory Committee supports acceptance of these gifts.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts from Friends of Inver Glen \$10,496.73 for summer programming support; and from Friends of Farmington Library \$800 to support Lego STEM programming; and from City of Hastings \$1000 to Pleasant Hill from Doffing Fund for Pride celebration; and

BE IT FURTHER RESOLVED, That the adopted 2022 budget be amended as follows:

Revenue	
Inver Glen Gifts	\$10,496.73
Farmington Gifts	\$ 800.00
Pleasant Hill Gifts	<u>\$ 1,000.00</u>
Total Revenue	\$12,296.73

Expense	
Inver Glen Gifts	\$10,496.73
Farmington Gifts	\$ 800.00
Pleasant Hill Gifts	<u>\$ 1,000.00</u>
Total Expense	\$12,296.73

Ayes: 7

- 12.2** Resolution No: 22-411
Approval Of Application For 1 to 4 Day Temporary Intoxicating On-Sale Liquor License For Dakota County Agricultural Society, Inc.

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, an application was received from Dakota County Agricultural Society, Inc. for a 1 to 4 day temporary on-sale intoxicating liquor license; and

WHEREAS, Castle Rock Township approved the application on September 13, 2022; and

WHEREAS, the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division will not issue a 1 to 4 day temporary on-sale intoxicating liquor license without prior approval by the County Board.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from Dakota County Agricultural Society, Inc. for a 1 to 4 day temporary on-sale intoxicating liquor license issued by Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division for October 7-8, 2022; and

BE IT FURTHER RESOLVED, That the County Public Service and Revenue Division is authorized to approve the application and submit to the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division upon payment of the proper fees.

Ayes: 7

REGULAR AGENDA

13. Legislative Update

Paul Cassidy with Stinson gave an update at the State level and Tom Downs with Downs gave an update at the Federal level. This item was on the agenda for informational purposes only. No direction was given.

14. Physical Development

- 14.1** Authorization To Release Draft 2023-2027 Capital Improvement Program For Formal Review

This item was pulled from the agenda and will be discussed at General Government and Policy Committee on October 4, 2022.

WHEREAS, the Dakota County Board of Commissioners recognizes the need to identify and plan for future capital projects; and

WHEREAS, the County desires input from local communities in developing its Capital Improvement Program (CIP); and

WHEREAS, staff has compiled the draft 2023-2027 CIP; and

WHEREAS, by Resolution No. 21-515 (November 2, 2021), the County Board scheduled budget workshops to discuss the 2023 Budget, beginning on November 14, 2022; and

WHEREAS, by Resolution No. 22-368 (September 6, 2022), the County Board also scheduled a public hearing to be held in November to receive comments on the 2023-2027 CIP.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Manager to submit the draft 2023-2027 Capital Improvement Program summary to the cities and townships for formal review and comment prior to the public hearing; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Manager to post the draft 2023-2027 Capital Improvement Program to the Dakota County website to allow review from interested parties as a means of receiving further input prior to adoption of the Capital Improvement Program in December 2022.

15. County Board/County Administration

15.1 Resolution No: 22-415

Adoption Of 2023 Certified Dakota County Maximum Proposed Property Tax Levy

Motion: Mike Slavik

Second: Mary Hamann-Roland

Budget Manager Paul Sikorski briefed this item and responded to questions.

After discussion, a motion was made by Commissioner Slavik, seconded by Commissioner Hamann-Roland to approve the presented resolution. A motion to amend that motion and vote on a 2.9% proposed maximum was made by Commissioner Atkins, seconded by Commissioner Halverson. The vote failed 4-3. Commissioner Workman, Slavik, Gaylord and Holberg voted no. (Resolution No. 22-412)

The vote was then taken on the original motion made by Commissioner Slavik, seconded by Commissioner Hamann-Roland on a 1.9% proposed maximum. The vote failed 6-1. Commissioner Slavik held the yes vote.(Resolution No. 22-413)

Further discussion was held, a motion was made by Commissioner Holberg, seconded by Commissioner Gaylord to reconsider the vote on a 1.9% proposed maximum. The vote passed 6-1 to reconsider. Commissioner Workman voted no. (Resolution No. 22-414)

Further discussion was held, the motion by Commissioner Slavik, seconded by Commissioner Hamann-Roland was reconsidered. The vote passed 5-2.

Commissioner Workman and Holberg voted no.

WHEREAS, the Dakota County Board of Commissioners is required to adopt a maximum proposed property tax levy by September 30, 2022, and to establish the date of a public hearing for input on levy and budget consideration.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the 2023 maximum proposed property tax levy of \$147,361,306 (1.9% increase from 2022), to finance the 2023 County budget; and

BE IT FURTHER RESOLVED, That staff are directed to conduct appropriate calculations and file necessary documentation with the State of Minnesota to certify this action; and

BE IT FURTHER RESOLVED, That a public Budget/Levy (Truth in Taxation) hearing to receive public input on the County's property tax levy and 2023 budget is hereby scheduled for 6:00 p.m. on November 29, 2022, in the Boardroom, Administration Center, 1590 Highway 55, Hastings, Minnesota or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic.

Ayes: 5

Nay: 2

16. Interagency Announcements/Reports

Interagency announcements and reports were then presented.

17. County Manager's Report

County Manager Matt Smith commented on the following:

- Minnesota City-County Facilities Management Association, Mike Lexvold is the President. Congratulations on becoming an affiliate.

18. Information

18.1 Information

See Attachment for future Board meetings and other activities.

19. Adjournment

19.1 Resolution No: 22-416 Adjournment

Motion: Mike Slavik

Second: Mary Liz Holberg

On a motion by Commissioner Slavik, seconded by Commissioner Holberg, the meeting was adjourned at 10:42 a.m.

Ayes: 7

Kathleen A. Gaylord
Chair

ATTEST

Matt Smith
County Manager



Board of Commissioners

Request for Board Action

Item Number: DC-1342

Agenda #: 6.1

Meeting Date: 9/13/2022

DEPARTMENT: Transportation

FILE TYPE: Consent Action

TITLE

Adoption Of Recommendations For County Project 97-197, Regional Roadway System Visioning Study Update Addressing Transportation Needs Within Northwest Inver Grove Heights, Northeast Eagan And Adjacent Areas Of Mendota Heights And Sunfish Lake

RESOLUTION

WHEREAS, to promote safe and efficient transportation throughout the County and region, Dakota County partnered with the Minnesota Department of Transportation (MnDOT) and the Cities of Eagan, Inver Grove Heights, Mendota Heights, and Sunfish Lake for County Project (CP) 97-197, Regional Roadway System Visioning Study (RRSVS) Update; and

WHEREAS, the study included an investigation of potential future transportation system needs in northern Dakota County to develop a vision for the transportation system that will result in safe and efficient travel in the area as cost-effectively as possible while at the same time recognizing agency land use development objectives; and

WHEREAS, the Cities of Eagan and Inver Grove Heights have planned for continued growth and development through their 2040 Comprehensive Plans that will result in additional impacts on the area transportation system; and

WHEREAS, continued growth in surrounding communities will result in additional impacts on the area transportation system; and

WHEREAS, representatives of Dakota County, MnDOT, and the Cities of Mendota Heights, Sunfish Lake, Eagan, and Inver Grove Heights have participated as members of a Study Advisory Committee and have reviewed study findings and recommendations; and

WHEREAS, the study process involved the public through in-person public open houses, virtual material, and engagement on the website and in city council meetings; and

WHEREAS, the Regional Roadway System Vision Update recommendations support future growth in the area in a way that will result in a safe and efficient system of City, County, State, and Federal roadways in the future; and

WHEREAS, the County recognizes there are additional steps necessary to gain requisite agency approvals before the improvements included in the recommendations can be constructed; and

WHEREAS, the Dakota County Engineer recommends the adoption of the recommendations for CP 97-197, RRSVS Update.

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

adopts the study recommendations for County Project 97-197, the Regional Roadway System Visioning Study Update, as presented to the Physical Development Committee of the Whole on September 13, 2022.



Board of Commissioners

Request for Board Action

Item Number: DC-1455

Agenda #: 7.1

Meeting Date: 10/4/2022

DEPARTMENT: Attorney

FILE TYPE: Consent Action

TITLE

Authorization To Execute Joint Powers Agreements With Criminal Justice Network Joint Powers Organization For Criminal Justice Applications And Services To County Departments

PURPOSE/ACTION REQUESTED

Authorize the County Attorney, the County Sheriff, and the County Manager, or his designee, to execute joint powers agreements (JPAs) with the Criminal Justice Network joint powers organization for the continued use of criminal justice services, applications, and integrations by the County Attorney's Office, County Sheriff's Office, and Community Corrections Department, for the period of January 1, 2022, through December 31, 2026.

SUMMARY

From 1999 through December 31, 2021, Dakota County (County) operated the Criminal Justice Network (CJN) as a County program that provided technology applications and services focused on criminal justice information sharing and integration among Dakota County city law enforcement agencies, Dakota County District Court, other law enforcement agencies located throughout the state of Minnesota, and the following County departments: County Attorney's Office, Sheriff's Office, and the Community Corrections Department (County Departments).

By Resolution No. 21-417 (August 24, 2021), the County Board authorized the County Manager to execute a five-year JPA with the Cities of Burnsville, Farmington, Hastings, Inver Grove Heights, Mendota Heights, Rosemount, South St. Paul, and West St. Paul to create a new joint powers organization known as the Criminal Justice Network (CJN JPO). On January 1, 2022, the County transitioned the operations of CJN to the CJN JPO.

As part of the formation of the CJN JPO, the County assigned all rights, title, and interest in the CJN software, and contributes a fixed annual subsidy of \$472,642 for the five-year term. The County's annual subsidy includes costs and services received by the County Departments beyond what is receive by law enforcement agencies, such as all of the services, applications, and integrations provided to the County Departments.

The County Departments have a continued need and use for the criminal justice services, applications, and integrations which are now provided by the CJN JPO and therefore new agreements are needed.

RECOMMENDATION

Staff from the County Departments recommends that the County enter three JPAs with the CJN JPO

for the continued use of criminal justice applications and services by the County Departments, for the period of January 1, 2022, through December 31, 2026.

EXPLANATION OF FISCAL/FTE IMPACTS

Based on the County’s fixed annual subsidy to the CJN JPO, there will be not be any additional fiscal impact associated with the three new JPAs.

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

RESOLUTION

WHEREAS, the County Attorney’s Office, Sheriff’s Office, and the Communication Corrections Department (County Departments) receive certain criminal justice services, applications, and integrations, which were previously provided by the County’s Criminal Justice Network (CJN) program; and

WHEREAS, on January 1, 2022, the County’s operation of the CJN program was transferred to a new joint powers organization known as the Criminal Justice Network (CJN JPO) by Resolution No. 21-417 (August 24, 2021); and

WHEREAS, the joint powers agreements (JPAs) with the CJN JPO would benefit the County Departments by continuing the existing provision of criminal justice services, applications, and integrations; and

WHEREAS, the County already contributes a fixed annual subsidy to the CJN JPO, which covers the costs of the CJN JPO providing the services to the County departments for the proposed fixed terms of the JPAs from January 1, 2022, through December 31, 2026; and

WHEREAS, there is no fiscal impact associated with the JPAs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney to execute a joint powers agreement with the Criminal Justice Network joint powers organization to provide criminal justice services, applications, and integrations to the County Attorney’s Office for the period of January 1, 2022, to December 31, 2026, 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 Sheriff to execute a joint powers agreement with the Criminal Justice Network joint powers organization to provide criminal justice services, applications, and integrations to the Sheriff’s Office for the period of January 1, 2022, to December 31, 2026, 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 County Manager, or his designee, to execute a joint powers agreement with the Criminal Justice Network joint powers organization to provide criminal justice services, applications, and integrations to the Community Corrections Department for the period of January 1, 2022, to December 31, 2026, subject to approval by the County Attorney’s Office as to form.

PREVIOUS BOARD ACTION

21-417; 8/24/21

ATTACHMENTS

Attachment: Sample Criminal Justice Services Agreement

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: Jennifer L. Wolf

Author: Lucie O'Neill

ATTACHMENT A: SAMPLE JPA

**Criminal Justice System Services Agreement
Between the Criminal Justice Network
And the County of Dakota (County Department)**

THIS CRIMINAL JUSTICE SYSTEM SERVICES AGREEMENT (the “Agreement”) is made and entered into by and between the Criminal Justice Network, a joint powers organization created pursuant to Minn. Stat. § 471.59, located at 8150 Barbara Ave. Inver Grove Heights, MN 55077, (“CJN”), and the County of Dakota, a political subdivision of the State of Minnesota, through its **[COUNTY DEPARTMENT]**, (“the Agency”). CJN and the Agency are referred to individually as a “Party” and collectively as the “Parties.” The Parties enter into this Agreement pursuant to the authority in Minn. Stat. §471.59.

1. Definitions.

“**Agency Data**” means the data that the Agency’s Permitted Users enter into the CJN System.

“**CJN System**” means the Internet site operated by CJN, accessible by the Agency through secure access points, with a specific Uniform Resource Locator (URL) to be provided to the Agency (or any successor URL).

“**Days**” refers to calendar days, unless stated differently in the Agreement or its Attachments.

“**Documentation**” means any CJN user manuals, training or education materials, technical manuals, and specifications describing the System Software and Services created by CJN, and any Provider Content made available to the Agency in printed and/or electronic form, including all Updates.

“**Downtime**” means a loss of service ability that is five (5) minutes or more in duration. A Downtime Event does not include: (a) scheduled maintenance or repairs in accordance with Sections 3.2 and 3.3; (b) disruptions of service caused by issues beyond CJN’s control, such as denial of service attacks, disruptions of third-party supporting systems (e.g., ISP), disruptions of third-party interfacing systems (e.g., Minnesota Bureau of Criminal Apprehension, MNCIS, LOGIS, etc.), end-user computer issues, catastrophic hardware failures, or outages resulting from a force majeure event as defined in the Agreement.

“**Equipment**” means the minimum required hardware and operating environment used by the Agency to access the CJN System as detailed in **Attachment B** to this Agreement.

“**Permitted User**” means the Agency’s employees and agents who are provided access to the System Software in accordance with the procedures in Section 9 of this Agreement.

“**Provider Content**” means CJN’s reports, information, and data, other than the Agency’s Data, made available to the Agency and its Permitted Users as part of the Services.

“**Services**” means the operation and maintenance of the System Software and utilities in CJN’s host computer system, providing Provider Content to the Agency storing Agency Data, and making the System Software, Provider Content, and Agency Data available to Permitted Users via the CJN System, as more fully described in the System Overview. Services do not include integrating the CJN System or Agency Data with any application or computer system outside of the CJN Applications.

“**System Software**” means CJN’s proprietary computer software program(s) set forth in **Attachment A** to this Agreement (the “System Overview”), in object code form only, including all Updates.

“**Update**” means, as applicable, any update, modification, or new release of the System Software, Documentation, or Provider Content that CJN makes generally available to the Agency.

2. Provision of On-line Services.

- 2.1. The Agency hereby engages CJN, and CJN hereby agrees to provide the Services described in this Agreement and in the System Overview. CJN agrees to provide the Services to the Agency in accordance with this Agreement and grants to the Agency a non-exclusive, non-assignable, and non-

transferable license during the Term of this Agreement to enter Agency Data into the CJN System and for its Permitted Users to access and use the System Software and Provider Content.

2.2. The Agency acknowledges and agrees that CJN's provision and performance of the Services is dependent and conditioned upon the Agency's full performance of its duties, obligations, and responsibilities hereunder.

2.3. The Liaisons of the respective Parties for purposes of this Agreement are as follows:

Agency Liaison: [Name]	CJN Liaison: Mary Cerkvenik
Telephone: [Telephone Number]	Telephone: 651-438-4559
Email Address: [Email Address]	Email Address: mary.cerkvenik@co.dakota.mn.us

The Liaison, or successor, has authority to assist the Parties in the day-to-day performance of this Agreement, ensure compliance, and provide ongoing consultation related to the performance of this Agreement. The Parties shall promptly provide Notice to each other when a Liaison's successor is appointed. The Liaison's successor shall thereafter be the Liaison.

3. **Additional CJN Responsibilities.**

3.1. CJN will provide all required hosting and operations support for the applications described in the System Overview.

3.2. CJN will cause the Services to be accessible to the Agency, except for scheduled maintenance or required repairs, and except for any interruption due to causes beyond the reasonable control of CJN including, but not limited to, any Force Majeure Event (as defined in Section 17).

3.3. CJN may from time to time, in its sole discretion, install Updates, modify the Services or any component thereof provided that such Updates must perform and contain functionality that is equivalent to or better than the current version of the Services. CJN will complete such installations and modifications to minimize any impact on the Agency's use of the System Software and Services. CJN will notify the Agency Liaison by standard methods of notification such as email, system generated messages on the System home page for Agency users, or similar communication methods, in advance of the installation of an Update or modification to the Services.

3.4. CJN will provide support and System maintenance to the Agency as more fully described in this Agreement and the System Overview.

3.5. If requested, CJN will provide best practices advice to the Agency for implementing the Services at the Agency's business locations.

3.6. CJN will provide training on the use of CJN's System for the Agency's Permitted Users as set forth in Section 8 of this Agreement.

3.7. CJN is responsible for ensuring that its Services and the performance of CJN's other obligations hereunder comply with all laws applicable to CJN.

4. **Agency Responsibilities.**

4.1. The Agency will provide, at no cost to CJN, all communications equipment, telephone and communication lines, power, telephone service and other utilities at the Agency's facilities as may be necessary or reasonably desirable to utilize the Services and accomplish the purposes of this Agreement.

4.2. The Agency will provide, at no cost to CJN, the necessary personnel and facilities to meet the Agency's obligations hereunder.

4.3. The Agency will follow the identity management procedures and provide the first-line support, maintenance, and other services more fully described in this Agreement and the System Overview and such other procedures and services as the Parties may establish from time to time.

- 4.4. The Agency agrees that CJN's logos may appear on the pages of the Agency's web site or the Agency's internal criminal justice applications screens.
- 4.5. The Agency will be responsible for ensuring that the Agency's use of the Services and the performance of its other obligations hereunder comply with this Agreement and all laws applicable to the Agency.

5. System Features and Configuration.

The Agency acknowledges and agrees that it will be using criminal justice applications that are also utilized by other criminal justice agencies in the State of Minnesota. The capabilities and functions of the System Software now and in the future will be determined primarily by direction from the CJN Board and available funding. When settings or features have been added to the System Software that are designed by CJN to be configurable for specific users of the System, the Parties will work cooperatively to identify System features or functionality (common practices, processes, and procedures conducted by the Agency in day-to-day operations as they relate to utilizing the System Software and Provider Content) that are configurable to best fit the Agency's business practices. CJN will set available configurations in the System Software for the Agency or will train designated Agency staff how to configure the Services and System Software.

6. Ownership, Protection and Security.

- 6.1. The Agency acknowledges and agrees that nothing in this Agreement or any other agreement grants the Agency any licenses or other rights with respect to CJN's Software System (source code or object code) or Services other than the right to receive Services as expressly provided herein. CJN retains all ownership in the intellectual property and all other proprietary rights and interests associated with CJN's Software System and Services and all components thereof and associated documentation, except as expressly provided herein.
- 6.2. Ownership of any Agency Data including text, graphics or other information or content materials and all records and databases supplied or furnished or entered into the System by the Agency hereunder for incorporation into or delivery through the application(s) described in the System Overview will remain with the Agency and CJN will cease use of all such material upon termination of this Agreement.
- 6.3. CJN grants to the Agency a limited license during the term of this Agreement to use and reproduce CJN's trademarks and logos for purposes of including such trademarks and logos in Agency's materials and links solely as permitted hereunder. All uses of such trademarks and logos will conform to the Agency's standard guidelines and requirements for use of such trademarks and logos.
- 6.4. By storing Agency Data on CJN's equipment and System, CJN does not obtain any ownership interest in Agency's Data. As between the Agency and CJN, Agency's Data is and will remain the sole and exclusive property of the Agency, including all applicable rights to copyrights, trademarks or other proprietary or intellectual property rights thereto.

7. Implementation.

If the Agency has never used the Services before, the parties will complete a mutually agreed-upon implementation plan that includes an access schedule and a System training and testing schedule.

8. Maintenance/Support/Training.

CJN will provide the Agency and its Permitted Users with technical support and training regarding the use of the Services. The technical support will include: (i) unlimited telephone, facsimile and e-mail "hot-line" support during CJN's business hours, and (ii) other support set forth in **Attachment B** to this Agreement. CJN will provide the Agency with any training materials and documentation it has created for use by Permitted Users and the Agency's internal trainers.

9. Identity Management Responsibilities.

- 9.1. User Access Restrictions. The Parties acknowledge and agree that access to the System Software and Services will be restricted to Agency's Permitted Users who have a business need to enter and view

Agency Data or Provider Content. The Agency will restrict access to the System to Permitted Users with verified identities that have created a digital identity on the CJN System using the procedures in this Section 9.

9.2. Request for Access.

9.2.1. The Agency commences the identity authentication process by completing and electronically submitting a request for CJN system access in the CJN Administration Application. The Agency official or employee signing this Agreement cannot be the same person who completes the request for access.

9.2.2. The request for access must be signed by two Agency employees: the person initiating the request for access and another person approving the request for access. These signatures may be electronic signatures.

9.2.3. The Agency may authorize one or more persons to initiate the request for access and one or more persons to approve the request for access. These authorized persons can be identified by name or by position title. The Agency must notify CJN of the authorized persons and the Agency must provide notification of any changes to the list of authorized persons.

9.3. Permitted Users Digital Identities. The Agency must identify each Permitted User who will have access to the CJN Software System or Services CJN will notify verified Permitted Users of the procedures for creating a unique digital identity on the CJN system.

9.4. Terms and Conditions. When a Permitted User accesses the CJN System for the first time, the individual will be presented with the Terms and Conditions for the acceptable use of the CJN System. To create a digital identity in CJN System and access the CJN Applications, the Permitted User must read and accept the Terms and Conditions.

10. Warranties & Exclusions.

10.1. Warranties.

10.1.1. CJN warrants that the System Software, Provider Content, and Services will conform in all material respects to the specifications, functions, descriptions, standards, and criteria set forth in this Agreement, its Attachments, and the applicable specifications and Documentation, not including any modifications or alterations to the Documentation which represent a material change to the functionality of the System Software, Service, or Provider Content; when used on the Equipment in accordance with the Documentation and all of the terms and conditions hereof.

10.1.2. CJN warrants that it is the sole owner of, or otherwise has the right and authority to provide, the System Software, Provider Content and Services to the Agency and Permitted Users as set forth in this Agreement.

10.2. In the event that the Agency discovers a non-conformance with any of CJN's warranties or representations as stated in this Agreement, the Agency must promptly provide CJN with Notice and, upon receipt of such Notice: (i) CJN will correct the non-conformity within a reasonable period of time not to exceed thirty (30) days without any additional charge to the Agency, or (ii) in the event that CJN cannot effect such corrections within a reasonable time using best efforts, the Agency may immediately terminate the Agreement by providing Notice to CJN.

10.3. **THE SERVICE LEVEL WARRANTY SET FORTH HEREIN WILL ONLY APPLY TO THE SYSTEM PROVIDED BY CJN AND DOES NOT APPLY TO: (A) ANY PROFESSIONAL SERVICES; (B) ANY SUPPLEMENTAL SERVICES; (C) ANY SERVICE(S) THAT EXPRESSLY EXCLUDE THIS SERVICE LEVEL WARRANTY (AS STATED IN THE SYSTEM OVERVIEW FOR SUCH SERVICES). THIS SECTION STATES THE AGENCY'S SOLE AND EXCLUSIVE REMEDY FOR ANY FAILURE BY CJN TO PROVIDE SERVICE(S).**

- 10.4. ***No Other Warranty.*** EXCEPT FOR THE EXPRESS WARRANTIES SET FORTH IN THIS AGREEMENT, THE SERVICES ARE PROVIDED ON AN “AS IS” BASIS, AND THE AGENCY’S USE OF THE SERVICES IS AT ITS OWN RISK. CJN DOES NOT MAKE, AND HEREBY DISCLAIMS, ANY AND ALL OTHER EXPRESS AND/OR IMPLIED WARRANTIES, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, NONINFRINGEMENT AND TITLE, AND ANY WARRANTIES ARISING FROM A COURSE OF DEALING, USAGE, OR TRADE PRACTICE. CJN DOES NOT WARRANT THAT THE SERVICES WILL BE UNINTERRUPTED, ERROR-FREE, OR COMPLETELY SECURE.
- 10.5. ***Disclaimer of Actions Caused by and/or Under the Control of Third Parties.*** CJN DOES NOT AND CANNOT CONTROL THE FLOW OF DATA BETWEEN THE POINT THAT THE CJN SYSTEM CONNECTS TO THE INTERNET (WHETHER SECURE OR NOT) AND THE AGENCY’S OFFICE’S FACILITIES AND EQUIPMENT. SUCH FLOW DEPENDS IN LARGE PART ON THE PERFORMANCE OF THE INTERNET SERVICES PROVIDED OR CONTROLLED BY THIRD PARTIES. ACTIONS OR INACTIONS OF SUCH THIRD PARTIES CAN IMPAIR OR DISRUPT THE AGENCY’S OFFICE’S CONNECTIONS TO CJN’S SYSTEM. ALTHOUGH CJN WILL USE REASONABLE EFFORTS IT DEEMS APPROPRIATE TO REMEDY AND AVOID SUCH EVENTS, CJN CANNOT GUARANTEE THAT SUCH EVENTS WILL NOT OCCUR. ACCORDINGLY, CJN DISCLAIMS ANY AND ALL LIABILITY RESULTING FROM OR RELATED TO SUCH EVENTS.

11. Nondisclosure of Security or Trade Secret Information.

Through exercise of each Party’s rights under this Agreement, each Party may be exposed to the other Party’s security information or trade secret information that is classified as not public data (“Confidential Information”). In recognition of the other Party’s need to protect its legitimate business interests and legal obligations, each Party agrees that it will regard and treat each item of information constituting Confidential Information of the other Party as not public, and that, except as required by law including the Minnesota Government Data Practices Act, it will not redistribute or disclose to any other person, firm or entity, or use or modify for use, directly or indirectly in any way for any person or entity any of the other Party’s Confidential Information. If Confidential Information is required by subpoena, court order or government requirement to be disclosed, each Party will give the other Party prompt Notice of such subpoena, court order or government requirement to allow the other Party an opportunity to obtain a protective order to prohibit or restrict such disclosure.

12. Data Security & Compliance.

- 12.1. CJN will, at a minimum, implement the following procedures designed to protect the security of Agency Data: User identification and access controls; industry standard firewalls and back-up and archival procedures; disaster recovery plan industry standard back-up and archival procedures; and regular CJN employee training regarding the security and data recovery programs referenced in this Section.
- 12.2. The Parties additionally agree to the terms stated in **Attachment C** to this Agreement concerning data access, sharing, management, and compliance.

13. Liability Limitations.

- 13.1. **NEITHER PARTY WILL BE LIABLE TO THE OTHER PARTY OR TO ANY OTHER PERSON OR ENTITY, UNDER ANY CIRCUMSTANCE OR DUE TO ANY EVENT WHATSOEVER, FOR INDIRECT, INCIDENTAL, PUNITIVE, EXEMPLARY, OR CONSEQUENTIAL DAMAGES, INCLUDING, WITHOUT LIMITATION, LOSS OF PROFIT, LOSS OF DATA, BREACH OF DATA CONFIDENTIALITY, LOSS OF USE, OR BUSINESS STOPPAGE.**
- 13.2. The cumulative, aggregate liability of CJN, its affiliates, officers, employees, or agents to Agency or any other person or entity which arise out of or relate to this Agreement, or Agency, its affiliates, officers, employees, or agents to CJN whether in contract, tort, or otherwise, must not exceed \$60,000.

14. Indemnity.

Each Party (the “Indemnifying Party”) agrees to defend, indemnify, and hold harmless the other Party against any and all claims, liability, loss, damage or expenses arising under the provisions of this Agreement and caused by or resulting from negligent acts or omissions of the Indemnifying Party or those of the Indemnifying Party’s officers,

employees or agents. In the event claims, losses, damages, or expenses are caused by the joint or concurrent negligence of CJN and Agency, they shall be borne by each Party in proportion to its own negligence. Under no circumstances will the Indemnifying Party be required to pay on behalf of itself and the other Party any amounts in excess of the limits of liability established in Minnesota Statutes Chapter 466 applicable to any one Party. The limits of liability for all Parties may not be added together to determine the maximum amount of liability for either Party. The intent of this paragraph is to impose on each Party a limited duty to defend and indemnify each other subject to the limits of liability under Minnesota law. The purpose of creating this duty to defend and indemnify is to simplify the defense of claims by eliminating conflicts among the Parties. Nothing in this Agreement will be construed as a waiver by either Party of any immunity defenses or other limitations on liability to which either Party is entitled by law. Notwithstanding the above, CJN will indemnify, defend, and hold harmless the Agency and its officers, employees and agents with respect to claims, losses, damages, causes of action and liability of any kind, including court costs, attorneys' fees and expert witness fees ("Claims") to the extent that it is based upon any third party claim that the Services, System Software, Provider Content or Documentation infringes any copyright, patent, trademark, trade secret or other intellectual property right of any third party (an "Infringement Claim").

15. Term and Termination.

- 15.1. Term. This Agreement shall commence on January 1, 2022 and shall remain in effect until December 31, 2026.
- 15.2. Termination. Either Party may immediately terminate this Agreement if the Services become illegal or contrary to any applicable law, rule, regulation, or public policy. Either Party may terminate this Agreement without cause upon ninety (90) days prior Notice.
- 15.3. Termination for Chronic Problems. The Agency may terminate this Agreement for cause and without penalty by notifying CJN within ten (10) days following the end of a calendar month in the event either of the following occurs: (i) the Agency experiences more than ten (10) Downtime events during the calendar month; or (ii) the Agency experiences more than forty-eight (48) consecutive hours of Downtime due to any single event. Such termination will be effective thirty (30) days after receipt of such Notice.

16. Consideration.

Pursuant to the Joint Powers Agreement that formed CJN and in consideration for the Agency's ongoing separate financial contributions to CJN, CJN will provide the Services under this Agreement to Agency at no additional cost during the Term.

17. Force Majeure.

Neither Party will be liable to the other Party for any damages, costs, expenses or other consequences incurred by a Party or by any other person or entity as a result of delay in or inability to deliver any Services or comply with other obligations and responsibilities under this Agreement due to circumstances or events beyond the Party's reasonable control, including, without limitation: (i) acts of God; (ii) changes in or in the interpretation of any law, rule, regulation or ordinance; (iii) strikes, lockouts or other labor problems; (iv) transportation delays; (v) unavailability of supplies or materials; (vi) fire or explosion; (vii) riot, military action or usurped power; or (viii) actions or failures to act on the part of a governmental authority. If such circumstances occur, the nonperforming Party shall, within a reasonable time of being prevented from performing, give Notice to the other Party describing the circumstances preventing continued performance and the efforts made to resume performance of this Agreement.

18. Miscellaneous.

- 18.1. Assignment. Agency may not assign its rights or obligations under this Agreement without the prior written consent of CJN. CJN may assign its rights and obligations under this Agreement after providing Notice to Agency.
- 18.2. Severability. The provisions of this Agreement are severable. If any provision of this Agreement is void, invalid, or unenforceable, it will not affect the validity and enforceability of the remainder of this

Agreement unless the void, invalid, or unenforceable provision substantially impairs the value of the entire Agreement with respect to either Party.

- 18.3. Waiver and Amendment. No modification, amendment, or waiver of any provision of this Agreement is effective unless in writing and signed by the Parties. No failure or delay by either Party in exercising any right, power, or remedy under this Agreement operates as a waiver of any such right, power or remedy.
- 18.4. Governing Law and Venue. This Agreement is governed by the laws of the State of Minnesota, and the Parties hereby submit to exclusive jurisdiction in the federal and state courts located in Dakota County, Minnesota for all disputes in connection with this Agreement or the transaction contemplated hereby.
- 18.5. Authorized Representatives and Notices.
 - 18.5.1. The Authorized Representatives of the respective parties for purposes of this Agreement are as follows:

To Agency:
 [Name]
 [Title]
 [Street]
 [City, State Zip]
 Telephone: [Telephone Number]
 [Email Address]

To CJN:
 Jim Constantineau
 Board Chair
 Criminal Justice Network
 8150 Barbara Ave
 Inver Grove Heights, MN 55077
jconstantineau@farmingtommn.gov

Each Authorized Representative, or successor, has authority to bind the Party and sign this Agreement. CJN's Authorized Representative shall have only the authority granted by CJN's Board. The Parties shall promptly provide Notice to each other when an Authorized Representative's successor is appointed. The Authorized Representative's successor shall thereafter be the Authorized Representative for purposes of this Agreement.

- 18.5.2. Except as provided otherwise in this Agreement, any notice or demand (collectively, a "Notice") must be in writing and provided to the Party's Authorized Representative by at least one of the following: (i) registered or certified mail, in each case receipt requested and postage prepaid; (ii) personal delivery; (iii) nationally recognized overnight courier, with tracking service and all fees and costs prepaid; or (iv) email (except for Notices of termination). Notice will be effective one business day after the date of mailing, personal delivery, or emailing.
- 18.6. Independent Contractors. CJN is an independent contractor. Nothing in this Agreement is intended to create an employer and employee relationship between the Agency and CJN. CJN is not entitled to receive any of the benefits received by Agency employees and is not eligible for workers' or unemployment compensation benefits. It is CJN's sole obligation to comply with the applicable provisions of all State and Federal tax laws. Under no circumstances will either Party have the right or authority to enter into any contracts or assume any obligations for the other or to give any warranty to or make any representation on behalf of the other.
- 18.7. Electronic Signatures. The Parties agree that this Agreement may be electronically signed and that they are bound by the terms and conditions of the Agreement through their electronic signatures. The parties further agree that the electronic signatures appearing on this Agreement are valid, enforceable, and admissible.
- 18.8. Entire Agreement. This Agreement constitutes the entire agreement of the Parties and supersedes all prior communications, understandings and agreements relating to the subject matter hereof, whether oral or written.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the date(s) set forth.

Approved by the Dakota County Board
Of Commissioners, Res. No. ____

THE AGENCY

Name _____

Title _____

Date of Signature _____

Approved by CJN Board
RESOLUTION NUMBER

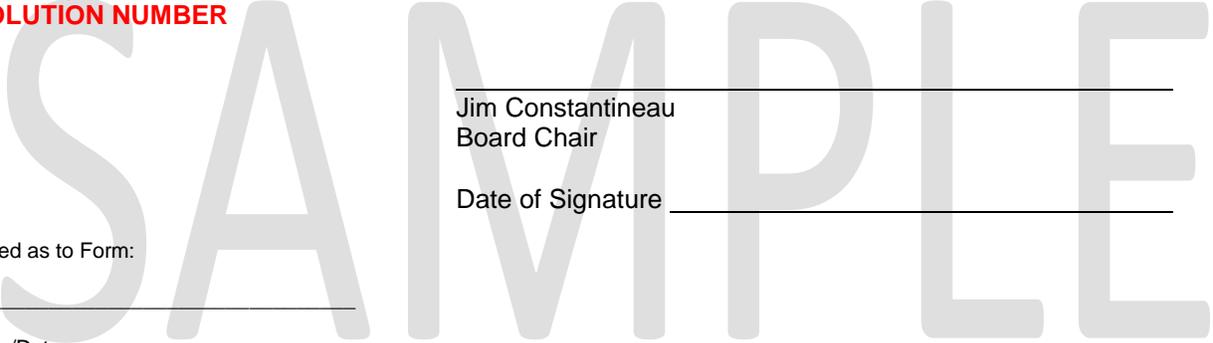
CRIMINAL JUSTICE NETWORK

Jim Constantineau
Board Chair

Date of Signature _____

Approved as to Form:

Attorney/Date
File Number:



ATTACHMENT A
SYSTEM OVERVIEW

The CJN System includes the following applications:

eBriefing: eBriefing is a web application that enables the data entry, viewing, and tracking of police roll call briefing information. Multiple categories of data are available and shared between law enforcement agencies. The application includes notifications of situational changes, various levels of security, and advanced auditing. eBriefing is upgraded on a regular basis based on the suggestions of the eBriefing user community.

Search, Preference, Clipboard: The CJN Search application provides criminal justice users the ability to search local databases for briefing, forms, prisoner, warrant and arrest information. Configurable Preferences allow agencies to customize the CJN applications for their personal and agency use. The Clipboard application is the foundation for allowing personnel to enter information once, and then copy data to the CJN Clipboard to re-use that information throughout the criminal justice process.

eForms: eForms is CJN's field based reporting application for law enforcement. It is a web application that enables the data entry, viewing, and tracking of law enforcement forms. Multiple form types are available to local agencies. The application includes notifications of situational changes, various levels of security, and advanced auditing. eForms is upgraded on a regular basis based on the suggestions of the eForms user community.

Scheduling: CJN Scheduling provides criminal justice users the ability to electronically create, modify, view, and distribute staff work schedules. Scheduling includes the ability to set agency specific work patterns, work types, teams/groups, and assignment areas for all staff as well as set the agency's schedules for weeks, months, even years in advance.

CJN Integration Hub: The CJN Integration Hub is based on Microsoft's BizTalk integration middleware and is used for the routing of information among CJN partners. Fully deployed, the Integration Hub will link regional criminal justice information systems in Dakota County.

Sheriff's Jail Transportation Management System: The CJN Sheriff's Jail Transportation Management System provides Minnesota sheriff's offices with a software application that coordinates the scheduling of secure transports of persons subject to detention for a criminal offense and of other persons according to a lawful duty or obligation, all as defined and governed by the Mutual Aid Agreement by and between the participating sheriff's offices.

Gun Permit Application for Processing Applications and Renewals and Conducting Background Investigations: The CJN Gun Permit application allows easy processing of permit applications and renewals; including a supervisor work flow module for processing the application and renewal. In addition, CJN's integration hub electronically links criminal justice data of participating CJN partners to allow CJN partners secured, direct access to search and retrieve data in connection with gun permit background investigations as authorized by Minnesota law.

ATTACHMENT B

1. MAINTENANCE AND SUPPORT SERVICES

- 1.1. CJN will maintain all CJN applications including related hardware and software.
- 1.2. CJN will maintain the following regular business hours: 8:00 a.m. – 4:30 p.m. Central Standard Time, Monday – Friday, except for holidays.
- 1.3. CJN support will include the following:
 - 1.3.1. Unlimited phone support, facsimile and email, including the use of the “CJNSUPPORT” email (CJNsupport@co.dakota.mn.us) system available to all Permitted Users during regular business hours.
 - 1.3.2. 24x7x365 afterhours support for major system failures will be available by contacting CJN Support at 651 438-8348 and following the emergency phone procedures.
 - 1.3.3. 24x7 phone to respond to emergencies.
 - 1.3.4. All applications will include the ability to email CJNsupport@co.dakota.mn.us at any time. This email account will be monitored during regular business hours.

2. MINIMUM EQUIPMENT AND HARDWARE SPECIFICATIONS

The following are Agency’s minimum equipment and hardware specifications:

- 2.1. A secure modern web browser – Microsoft Edge or Google Chrome, for example – over a secure connection to the internet.
- 2.2. A CJDN Network IP is required to ensure that you are accessing Law Enforcement Data from a secure location.
- 2.3. 1024 X 768 resolution or better will provide the best experience.
- 2.4. Keyboard and pointing device. Tabbing can be used to access most functionality, but a Mouse or other point and click device will help speed up navigation in certain instances.

ATTACHMENT C
DATA MANAGEMENT, SHARING AND COMPLIANCE

1. Background.
 - 1.1 The Parties are authorized recipients and users of criminal justice information and criminal history records information for authorized criminal justice purposes.
 - 1.2 The Parties find it to be of mutual benefit to engage in facilitated sharing and exchanging of electronic criminal justice data to provide the most efficient utilization of their resources and services for criminal justice efforts and as authorized by the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, ("MGDPA") and the FBI Criminal Justice Information Services Security Policy ("CJIS Security Policy") and all other local, state and federal laws.
 - 1.3 Agency desires to share its Agency Data with other CJN criminal justice user agencies ("CJN Participating Agency/Agencies") under the conditions set forth in this Attachment and the Agreement for authorized criminal justice purposes.
 - 1.4 Agency is responsible for the accuracy and completeness of its Agency Data and abiding by the data management requirements as contained herein.
 - 1.5 CJN agrees to implement, build out and maintain the CJN System capable of allowing CJN Participating Agencies to access Agency Data for authorized purposes under the conditions set forth in this Attachment and the Agreement.
2. Purpose. This Attachment is a supplement to the Agreement. Its purpose is to provide CJN with access to Agency's electronic management system for CJN to implement, build out and maintain the CJN System capable of allowing CJN Participating Agencies to have direct access to Agency Data for authorized criminal justice purposes. Additionally, this Attachment defines the expectations of the Parties regarding data access, management, and retention.
3. Additional Agencies. From time to time, additional criminal justice agencies may wish to contract with CJN, share data, and participate in the benefits of the CJN System. All such agencies will enjoy all the benefits and be bound by all the responsibilities as set for in this Attachment and the services agreements. Agency expressly agrees that all future subscribing criminal justice agencies are included within the meaning of "CJN Participating Agencies."
4. Data Privacy and Security. The Parties agree to enforce and maintain the privacy, security, and access to data in the CJN System pursuant to state and federal law and industry regulations for data collection, maintenance, storage, dissemination, access, usage, release, and sharing, including, but not limited to, the MGDPA, Minn. Stat. §§ 299C, 171 and 28 CFR Parts 20 and 23 (multijurisdictional criminal intelligence systems) and the CJIS Security Policy. Misuse of any data may result in administrative, civil, or criminal action and must be reported to the appropriate authority. In addition, and as an example, the MGDPA requires notification to individuals if there has been an unauthorized acquisition of data maintained by a government entity that compromises the security and classification of the data.
5. Data Access, Generally. Access to the CJN System is only granted to Agency as provided for in the Agreement. In addition to the identity management responsibilities in Section 9 of the Agreement, Agency must, at a minimum: (i) ensure that its Permitted Users do not reveal their access credentials to anyone; (ii) ensure that Permitted Users will not share access credentials; (iii) immediately inform CJN if there is a reason to believe that anyone may have learned of or used any Permitted User's access credentials; (iv) keep CJN updated on all Permitted Users' access rights and regularly review all access rights to ensure current access rights to the CJN System are appropriate and no greater than are required for a Permitted User to perform his/her functions; (v) remove a Permitted User's access rights within the CJN System if there is a change (e.g. termination, reassignment, etc.) in the Permitted User's status or access requirements within three (3) business days of such change; and (vi) ensure that Permitted Users do not attempt to, nor assist others, in subverting CJN network security to impair its functionality or to bypass restrictions set by IT administrators or CJN.

6. Driver and Vehicle Data Access. The following clause applies if Agency subscribes to the eForms, eBriefing or Search applications. The Parties agree that Agency's Permitted Users must comply with the Driver's Privacy Protection Act (DPPA), Minn. Stat. §§ 168.346 and 171.12 when accessing driver and vehicle services (DVS) data through CJN's Bureau of Criminal Apprehension (BCA) portal. Agency is solely responsible and liable for any actions taken by Permitted Users regarding DVS access. Agency must, at a minimum: (i) ensure that access to the DVS system is restricted to Permitted Users who need access to perform their job duties; (ii) train all Permitted Users on the proper use and dissemination of DVS data; (iii) ensure that all Permitted Users with access to the DVS system sign an Individual Access Agreement that is available to CJN upon request; (iv) disable a Permitted User's access within three (3) days of an assignment change or separation from employment; (v) ensure each Permitted User has a unique username and password, which is only available to the Permitted User (no shared usernames/passwords); and (vi) cooperate with CJN regarding any audit of Permitted Users' DVS searches. CJN will maintain a way to verify DVS searches for at least five (5) years from the date of the search and will present the records to DVS upon request, or a longer period if requested by the MN Department of Public Safety or BCA.
7. Data Sharing. The Parties agree that Agency is responsible for its decision to allow other CJN Participating Agencies or third-parties to access Agency Data through the CJN System. If Agency is a law enforcement agency, it expressly agrees that Minn. Stat. § 13.82, subd. 24 applies, and it agrees to share all Agency Data with all other current and future law enforcement CJN Participating Agencies, unless Agency does one or both of the following: (a) marks specific forms, information or identities as protected through available CJN administrative tools; and/or (b) requests in writing to CJN to limit data sharing in the Records Management System/Search application interface. Upon request, CJN will provide Agency with a list of all CJN Participating Agencies with access to Agency Data. From time-to-time Agency may request in writing specialized business rules to route Agency Data externally through the CJN System. Agency is responsible for compliance with any legal requirements governing the routing of Agency Data using specialized business rules through the CJN System.
8. Data Retention and Deletion. Agency is responsible for complying with the Official Records Act, Minn. Stat. § 15.17, and the Records Management Act, Minn. Stat. § 138.17, with respect to its Agency Data. CJN is not the records custodian of Agency Data. Any retention of Agency Data by CJN is for Agency's business use while using the CJN System. Within sixty (60) days after expiration or termination of the Agreement, CJN will provide Agency with a copy of Agency Data. Within a reasonable time after providing the Agency Data, CJN will delete and remove all the Agency Data from CJN's servers and data storage facilities.
9. Data Requests. If Agency receives a request under the MGDPA, or similar law, for another CJN Participating Agency's data, it must refer the requestor to the originating CJN Participating Agency. If Agency receives a court order or subpoena for another CJN Participating Agency's data, it must notify the originating CJN Participating Agency and CJN. Additionally, CJN will notify Agency if it receives a court order, subpoena, or data request for Agency's Data. CJN will direct the requestor to the Agency for the requested Agency Data. In the event CJN must respond to the court order, subpoena, or data request, it will consult with Agency on the data production and Agency must cooperate with CJN in fulfilling the request, and pay all costs associated with producing the data.
10. Litigation Holds. If Agency determines that CJN maintains relevant information to a notice of claim or other legal action, it must provide Notice to CJN and include the specific CJN information relevant to the notice of claim or other legal action. Within ten (10) business days of the receipt of Agency's Notice, CJN will prepare a copy of all requested information, including available metadata, and provide it to Agency. CJN will not have any further obligation to preserve the relevant information after it provides a copy to Agency.
11. Data Management. It is the responsibility of Agency to maintain Agency Data within the CJN System in accordance with the MGDPA and all other laws and rules governing the data. Agency must, at a minimum: (i) delete records in compliance with an expungement/seal order and in compliance with the destruction requirements of Minn. Stat. § 299C.11 (destruction of arrest records); (ii) delete Gun Permit application data in accordance with Minn. Stat. §§ 624.714, subd. 14 (permit to carry) and 624.7132, subd. 10 (permit to purchase); (iii) protect the identities of individuals qualifying for protection under Minn. Stat. § 13.82, subd. 17, Minn. Stat. § 13.822 (sexual assault victims), Minn. Stat. § 13.045 (Safe at Home participants) and all other laws protecting the identity of an individual, by utilizing the CJN administrative tools; (iv) clear probable cause pick-ups and hold alerts in the eBriefing application in a timely manner but not to exceed two (2) hours from the time of pick-up; and (v) prohibit the entry of private personnel data in the Employee Comments

section of the Scheduling application and caution Permitted Users that the Employee Comments are viewable by other employees.

12. Data Accuracy and Verification. Agency acknowledges that other CJN Participating Agencies' data made available to Agency pursuant to this Agreement may not be accurate or complete and may contain not public information, for example active criminal investigative data, protected identities, vulnerable adult/child maltreatment identity data, or deliberative process data. The Agency agrees to make every effort to share only data that is accurate and reliable. It is the responsibility of the Agency when it requests or uses any other CJN Participating Agency's data to confirm its accuracy with the originating CJN Participating Agency that authored the data before taking any action in reliance. CJN does not warrant the accuracy or completeness of any data in the CJN System and cannot and will not provide such verification of its accuracy or completeness.
13. Data Breach. Agency must notify CJN by emailing CJNsupport@co.dakota.mn.us or calling 651-438-8348 immediately, but not to exceed two (2) business days, after Agency's or a Permitted User's discovery of an actual or suspected Data Security Incident. A "Data Security Incident" is defined herein as the unauthorized or unlawful processing, accessing, viewing, acquiring, or disclosing of any data in the CJN System, including Agency Data, the unauthorized or accidental loss, destruction, damage, alteration of any data in the CJN System, including Agency Data, or the breach or attempted breach of CJN's security measures. The notification must include, at a minimum: (i) the nature of the Data Security Incident; (ii) the types of potentially compromised data; (iii) the duration and expected consequences of the Data Security Incident; and (iv) any mitigation or remediation measures taken or planned by Agency in response to the Data Security Incident. Agency must cooperate with CJN in the investigation, containment, and mitigation of any Data Security Incident as requested and directed by CJN. After learning of a Data Security Incident of the CJN System impacting Agency Data, CJN must notify Agency in a timely manner, not to exceed two (2) business days.
14. Training. The Parties agree that Agency must provide its Permitted Users with ongoing data privacy and security training and is responsible for its Permitted Users' compliance with this Attachment and the Agreement.
15. System Administration. CJN representatives, employees, vendors, and consultants will have limited access to Agency Data solely for providing, supporting, and improving the CJN System.
16. Sanctions. CJN may immediately temporarily suspend Agency's or any Permitted Users' right to access or use any portion or all of the CJN System if Agency or Permitted Users use of the CJN System may: (i) pose a security risk to the CJN System, Dakota County network (if applicable) or a third party; (ii) adversely impact the CJN System, Dakota County network (if applicable), or another CJN Participating Agency's data; (iii) violates the law; or (iv) violates this Attachment or the Agreement. Following the temporary suspension, CJN will provide Agency with prompt Notice as well as the opportunity to correct the occurrence at the sole discretion of CJN.
17. CJIS Management Control Agreement. As required by the CJIS Security Policy, CJN will maintain a management control agreement ("MCA") with one or more of the CJN member criminal justice agencies, which stipulates that management control of the criminal justice function remains solely with the criminal justice agency. Additionally, the Dakota County Information Technology Department will maintain a MCA with one or more of the CJN member criminal justices agencies during such time as Dakota County hosts criminal justice information ("CJI") on behalf of CJN. CJN will provide Agency with copies of the MCAs upon request.



Board of Commissioners

Request for Board Action

Item Number: DC-1448

Agenda #: 8.1

Meeting Date: 10/4/2022

DEPARTMENT: Finance

FILE TYPE: Consent Action

TITLE

Scheduling Of Public Hearing To Receive Comments On Dakota County 2023 Recommended Fee Schedules

PURPOSE/ACTION REQUESTED

Schedule a public hearing for 9:00 a.m. on October 18, 2022, to receive comments on the recommended 2023 Dakota County fee schedules.

SUMMARY

The County Manager recommends that the County Board adopt a fee schedule for 2023. The recommended fees are for services provided throughout the organization.

Minn. Stat. § 373.41 authorizes the County Board to establish fees for various services provided to the public. This law also requires the County Board to hold a public hearing prior to adopting such fees. This action will direct County staff to provide notice of the public hearing on the 2023 fees to be held at 9:00 a.m. on October 18, 2022. The hearing will be held in the Dakota County Board Room at 1590 Highway 55, Hastings, Minnesota 55033. The statute authorizing County fees does not require any specific type of notice for the public hearing and does not require publication in the County's designated official newspaper. Therefore, the County Board can direct staff to provide notice using the method it determines is the most appropriate or cost effective for this public hearing. County staff recommends the notice be posted on the County website, instead of publication in the official newspaper, as this form of notice is likely to be seen by more County residents than will occur through publication in the official newspaper.

The recommended fees will be presented and discussed at the General Government and Policy Committee meeting on October 4, 2022.

RECOMMENDATION

Staff recommends the County Board schedule a public hearing to receive comments on the recommended fee schedules at 9:00 a.m. at the October 18, 2022 County Board of Commissioners Meeting located in the Dakota County Board Room at 1590 Highway 55, Hastings, Minnesota 55033.

EXPLANATION OF FISCAL/FTE IMPACTS

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

RESOLUTION

WHEREAS, County fees for services not otherwise established by law may be imposed if adopted by the Dakota County Board of Commissioners following a public hearing; and

WHEREAS, staff will present a schedule of recommended 2023 fees at the General Government and Policy Committee meeting on October 4, 2022.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing for the purpose of receiving public comments regarding the proposed fee schedules on October 18, 2022, at 9:00 a.m., in the Board Room, Dakota County Administration Center, 1590 Highway 55, Hastings, Minnesota, 55033 or via telephone or other electronic means; and

BE IT FURTHER RESOLVED, That the proposed fee schedules will be implemented effective January 1, 2023 (some Parks fees effective late 2022); and

BE IT FURTHER RESOLVED, That staff is hereby directed to post notice of this public hearing on the official Dakota County website following adoption of this resolution and to not remove the notice from the website until October 18, 2022.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: None.

BOARD GOALS

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

PUBLIC ENGAGEMENT LEVEL

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

CONTACT

Department Head: Peter Skwira Author: Kirupa Suntharalingam



Board of Commissioners

Request for Board Action

Item Number: DC-1458

Agenda #: 8.2

Meeting Date: 10/4/2022

DEPARTMENT: Information Technology

FILE TYPE: Consent Action

TITLE

Proclamation Of October 2022 As Cyber Security Awareness Month

PURPOSE/ACTION REQUESTED

Proclaim October 2022 as Cyber Security Awareness Month in Dakota County.

SUMMARY

The U.S. Department of Homeland Security and the National Cyber Security Alliance have traditionally designated October as Cyber Security Awareness Month. The National Association of Counties is encouraging member counties to also promote Cyber Security Awareness Month to bring attention to the increasing cyber security threats all levels of governments and residents are facing.

Dakota County provides a wide variety of services that expose the County to many types of sensitive information. Staff work with health care and welfare records, criminal justice data, property and environmental records, financial and social security identifiers, information on veterans, minors and other staff. The nature of the information and data maintained by Dakota County puts Dakota County at significant risk of cyber-attacks.

Dakota County Information Technology Department (IT), with the support of the County Board and Senior Leadership Team, is continually working to improve our security defenses in response to escalating cyber threats. Cybersecurity threats have increased as bad actors try to take advantage of the shift towards remote and hybrid work environments. In response we have increased, and will continue to increase, our monitoring and reporting. All of these changes make the County network more secure from outside threats. Because human error is widely considered the cause of at least a quarter of all reportable security breaches, it is critical that everyone understand their role in securing personal and County information. To that end, the County has a robust training plan that requires employees to stay current on threats and their responsibility in mitigating them. This includes monthly simulated phishing emails to staff.

RECOMMENDATION

Staff recommend the County Board proclaim October 2022 as Cyber Security Awareness Month in Dakota County. To support the proclamation, staff will be assigned updated cybersecurity training and IT will post cyber security tips and information on DC Works.

EXPLANATION OF FISCAL/FTE IMPACTS

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

RESOLUTION

WHEREAS, counties recognize the vital role that the internet and information technology play in their county staffs’ and residents’ daily lives; and

WHEREAS, counties understand that critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care and emergency response systems; and

WHEREAS, internet users and the nation’s information infrastructure face an increasing threat of malicious cyber-attack, loss of privacy from spyware and adware, and significant financial and personal privacy losses due to identity theft and fraud; and

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which everyone has a critical role, and awareness of computer security essentials will improve the security of Dakota County information infrastructure and economy; and

WHEREAS, the U.S. Department of Homeland Security and the National Cyber Security Alliance have promoted an annual National Cyber Security Awareness Month, and all government entities and citizens are encouraged to learn about cyber security and put that knowledge into practice in their homes, schools, workplaces, and businesses.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby proclaims the month of October 2022 as Cyber Security Awareness Month in Dakota County.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: None.

BOARD GOALS

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

PUBLIC ENGAGEMENT LEVEL

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

CONTACT

Department Head: Dan Cater
Author: Dan Ferber



Board of Commissioners

Request for Board Action

Item Number: DC-1351

Agenda #: 9.1

Meeting Date: 10/4/2022

DEPARTMENT: Physical Development Administration

FILE TYPE: Consent Action

TITLE

Authorization To Approve Grant Application Submittal To Reconnecting Communities Pilot

PURPOSE/ACTION REQUESTED

Authorize submittal to the 2022 Reconnecting Communities discretionary program.

SUMMARY

Staff has identified a potential federal grant program that aligns with current transportation and greenway projects in the Dakota County Park System and 2040 Transportation Plans.

Reconnecting Communities Pilot: The proposed grant would assist in funding the planning and design for the reconstruction of CSAH 54 between Hastings and the Prairie Island Indian Community. Funding will also update of the Mississippi River Greenway - Hastings to Red Wing Master Plan last completed in 2009. The grant would cover preliminary design of road improvements, including an off-road trail that would serve as the eventual Mississippi River Greenway extension to Prairie Island and Red Wing. The estimated cost for planning and preliminary design would be \$750,000 and require a \$150,000 match. To be competitive Dakota County is seeking support from the Prairie Island Indian Community, City of Hastings and City of Red Wing. The Dakota County portion of the match would be dependent on final grant submittal and proportion of project costs estimated to be within Dakota County.

If funded Dakota County will coordinate with project partners to develop agreements to fund and manage overall projects costs. The Dakota County portion of the match is anticipated to be \$120,000 and would come from the CSAH 54 design budget proposed in the draft 2023 - 2027 Transportation CIP.

Completion of planning and design would position Dakota County and our partners to be competitive for upcoming federal infrastructure grants.

RECOMMENDATION

Staff recommends submittal of grant applications for Reconnecting Communities Pilot discretionary program.

EXPLANATION OF FISCAL/FTE IMPACTS

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

RESOLUTION

WHEREAS, U.S. Department of Transportation is requesting project submittals for federal funding under the Reconnecting Communities Pilot Program; and

WHEREAS, these federal programs fund up to 80 percent of eligible project expenses; and

WHEREAS, federal funding of projects reduces the burden to local taxpayers for regional improvements; and

WHEREAS, non-federal funds will be required as a match; and

WHEREAS, the Dakota County portion of the federal match is estimated at \$120,000; and

WHEREAS, project submittals are due October 13, 2022.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County to submit grant for planning study and preliminary design of road and greenway projects between Hastings and Red Wing for the Reconnecting Communities Pilot program.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: Map 1 - RCP GRANT: CSAH 54 & Mississippi River Greenway - Hastings to Red Wing

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: Kurt Chatfield
Author: John Mertens

Reconnecting Communities Pilot (RCP) Program Hastings to Red Wing Transportation Connections



Prepared by: Dakota County Planning
JM 10/27/2020.



Board of Commissioners

Request for Board Action

Item Number: DC-1409

Agenda #: 9.2

Meeting Date: 10/4/2022

DEPARTMENT: Physical Development Administration

FILE TYPE: Consent Action

TITLE

Approval Of Amendments To Dakota County Community Development Block Grant Program - Dakota Woodlands Elevator Rehabilitation

PURPOSE/ACTION REQUESTED

Approve substantial amendments to the 2018 and 2019 Community Development Block Grant (CDBG) Programs for the modernization of an elevator at Dakota Woodlands, a shelter for homeless families in Eagan.

SUMMARY

Three types of substantial amendments to the CDBG Program are permissible by the U.S. Department of Housing and Urban Development (HUD): creation of a new activity or cancellation of an activity, increase or decrease of an activity budget by \$100,000 or more at one time, and change to the location and/or national objective of an activity. The Dakota County Community Development Agency (CDA) administers the CDBG program on behalf of Dakota County.

In 2021, Dakota County allocated special coronavirus funds to Dakota Woodlands for rehabilitation activities, including repairing and replacing an obsolete heating, ventilation, and air conditioning (HVAC) system and repairing an elevator. Dakota Woodlands was constructed in 1971 and has ongoing capital needs that have not been funded. Due to higher-than-expected construction expenses, the special coronavirus funds could only fund the rehab of the HVAC system. Community Development Agency staff is now requesting that CDBG funds be used to assist Dakota Woodlands with the repair of its elevator. The elevator has been only partially functioning for several years and has trapped some residents between floors. Additionally, the shelter is not fully accessible to disabled clients. Dakota Woodlands contracted with a third-party assessor to determine the extent of the repairs needed and the cost of the repairs. The repairs are estimated to cost approximately \$170,000 and will waterproof the elevator pit and modernize equipment, including the cables, doors, and cab. The project is expected to be completed by April 30, 2023.

Entitlement CDBG funds currently allocated to the CDA-administered Home Improvement Loan activity could be used to fund the Dakota Woodlands elevator repair. The CDBG Program received a substantial amount of program income generated from the Home Improvement Loan activity in the last two years. Over \$1.1 million was received in both Fiscal Year 2020 and Fiscal Year 2021. The entitlement CDBG funds could be reallocated without adversely impacting the Home Improvement Loan program and will help ensure CDBG funds are spent quickly. If the Board approves the reallocation of funds, the 2018 and 2019 Dakota County Annual Action Plans must be amended to create the Dakota Woodlands Elevator Modernization activity in both years and fund it with a total

budget of \$170,298. The CDA's Citizen Participation Plan requires public notification of substantial amendments. A public notice for the substantial amendments described above was placed in the *Star Tribune* on September 1, 2022, and also on the CDA and Dakota County websites. No comments were received.

RECOMMENDATION

Dakota County and CDA staff recommend approval of the substantial amendments to the 2018 and 2019 Dakota County CDBG Program.

EXPLANATION OF FISCAL/FTE IMPACTS

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

RESOLUTION

WHEREAS, three types of substantial amendments to the Community Development Block Grant (CDBG) Program are permissible by the US Housing and Urban Development Department (HUD): creation of a new activity or cancellation of an activity, increase or decrease of an activity budget by \$100,000 or more at one time, and change to the location and/or national objective of an activity; and

WHEREAS, the Dakota County Community Development Agency (CDA) administers the CDBG funds on behalf of Dakota County; and

WHEREAS, Dakota Woodlands, located at 3430 Wescott Woodlands in Eagan, provides shelter and services to homeless families in Dakota County; and

WHEREAS, Dakota Woodlands was constructed in 1971 and has ongoing capital needs, including the rehabilitation of a partially functioning elevator that requires modernization, which is an anticipated cost of \$170,000; and

WHEREAS, there are available CDBG funds that can be used for the Dakota Woodlands elevator modernization; and

WHEREAS, CDA staff recommends substantial amendments to the 2018 and 2019 Dakota County CDBG Programs to create the Countywide Dakota Woodlands Homeless Facility Rehabilitation in both years and fund it with a budget of \$170,298; and

WHEREAS, CDA staff recommends canceling the 2019 Mendota Heights and Countywide Home Improvement Loan activities and transferring funds totaling \$80,123 to the Countywide Dakota Woodlands Homeless Facility Rehabilitation; and

WHEREAS, public notice of the substantial amendments was placed in the *Star Tribune* on September 1, 2022, and also on the CDA and Dakota County websites, in accordance with the approved Citizen Participation Plan process, and no public comments were received on the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the substantial amendments to the 2018 and 2019 Dakota County Community Development Block Grant Programs.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: Affidavit of Publication and Public Notice

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: Maggie Dykes

AFFIDAVIT OF PUBLICATION



**STATE OF MINNESOTA)
COUNTY OF HENNEPIN)**

650 3rd Ave. S, Suite 1300 | Minneapolis, MN | 55488

Terri Swanson, being first duly sworn, on oath states as follows:

1. (S)He is and during all times herein stated has been an employee of the Star Tribune Media Company LLC, a Delaware limited liability company with offices at 650 Third Ave. S., Suite 1300, Minneapolis, Minnesota 55488, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

<u>Dates of Publication</u>	<u>Advertiser</u>	<u>Account #</u>	<u>Order #</u>
StarTribune 09/01/2022	DAKOTA COUNTY COMMUNITY DEVELOPM	1000368678	435067

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: **\$526.40**

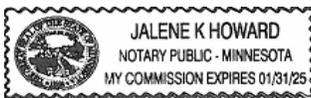
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Hennepin County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

Terri Swanson

Subscribed and sworn to before me on: 09/01/2022

Jalene K. Howard



Notary Public

Bed Bath & Beyond to shutter stores in reorganization

Home-goods chain plans to cut workforce by 20%.

By ANNE D'INNOENZIO
Associated Press

NEW YORK - Bed Bath & Beyond said Wednesday that it will close stores and lay off workers in a bid to turn around its beleaguered business. The home-goods retailer based in Union, N.J., said it will close about 150 of its namesake stores and slash its workforce by 20%. It estimated those cuts would save \$250 million in the company's current fiscal year. It also said it is considering selling more of its stock to shore up its finances and had lined up more than \$500 million of new financing. But it will keep its Buybuy Baby chain, which earlier this year it considered selling. Bed Bath & Beyond's stock fell more than 21% Wednesday and is down 65% in the last 12

months. Mired in a prolonged sales slump, the company also announced it will revert to its original strategy of focusing on national brands, instead of pushing its own store labels. That reverses a strategy embraced by its former CEO Mark Tritton, who was ousted in June after less than three years at the helm. It said it would get rid of one-third of its store brands, which had started to be rolled out in the last year or so. "There's still an incredible degree of love for Bed Bath & Beyond," Mara Sirhal, the newly named brand president of Bed Bath & Beyond, told industry analysts Wednesday. "We must get back to our rightful place as the home-category destination, and our goal is to achieve this by leading with the products and brands our customers want." As of May, the retailer



LOGAN CYRUS • Bloomberg News
Bed Bath & Beyond officials estimated the upcoming cuts would save \$250 million in the company's current fiscal year.

operated a total of 955 stores, including 769 Bed Bath & Beyond stores, 135 Buybuy Baby stores and 51 stores under the names Harmon, Harmon Face Values or Face Values. As of February, it had roughly 32,000 employees. Time is of the essence for the company heading into the critical holiday shopping season. It said it expects a 26% decline in comparable sales for its fiscal second quarter, which ended Saturday. It burned through \$325 million of cash in the quarter.

Sirhal said the retailer wants to get back to being a place where shoppers find innovative items. For example, Bed Bath & Beyond was the first to bring items such as the air fryer and the single-serve coffee maker to its customers, she said. Neil Sanders, managing director at GlobalData Retail, said he applauds the strategic shift. But he said that task is "easier said than done" and will require much closer relationships with suppliers to secure unique offerings. "If Bed Bath & Beyond simply stocks the same sort of things as can be found at Target, Walmart, or Amazon, then it will struggle to differentiate and will find margins compressed as it needs to match on price," he said. Bed Bath & Beyond has been facing plenty of turbulence recently. Its shares made a monstrous run from \$5.77 to

\$23.08 in a little more than two weeks in August, in trading reminiscent of last year's meme-stock craze, when out-of-favor companies suddenly became darlings of smaller-pocketed investors. But the shares fell back to earth after a deep-pocketed investor, activist Ryan Cohen, the billionaire co-founder of online pet-products retailer Chewy Inc., sold his entire stake in the company. In March, Cohen had purchased a nearly 10% stake in Bed Bath & Beyond, giving investors hope he could turn around the company's finances. The stock ended Wednesday down \$2.58 at \$9.53. The company said that it is still searching for a permanent CEO. Board member Sue Gove took over as interim CEO, replacing Tritton. Chief Operating Officer John Hartmann is leaving the company, and it's eliminating that position.

Yellen pushes for Russian oil price cap

Treasury secretary fears a cost spike if other world leaders do not buy in.

By FATIMA HUSSEIN
Associated Press

WASHINGTON - Treasury Secretary Janet Yellen on Wednesday warned that a failure to place a price cap on Russian oil would hurt the global economy. "Without a price cap, we face the threat of a global energy-price spike if the majority of Russian energy production gets shut in," Yellen said at the start of a meeting with her British counterpart, Nadhim Zahawi.

The European Union has decided to ban nearly all oil from Russia by the end of the year. It also will ban insuring and financing the maritime transport of Russian oil to other countries. Unless a price cap is implemented, prices will almost certainly spike. The United Kingdom and other Group of Seven countries tentatively agreed in June to pursue a ceiling on the price of Russian oil. Getting as many other nations as possible to agree to join a buyers' cartel has been one of Treasury's



JACQUELYN MARTIN • Associated Press
U.S. Treasury Secretary Janet Yellen said there has been "substantial progress" toward making the price cap a reality.

main objectives as it seeks to curb Russia's ability to finance its war in Ukraine. Yellen said there has been "substantial progress" toward making the price cap a reality and she was optimistic it would happen. Zahawi said Britain intends to "influence key nations" to join the plan. The Kremlin's main pillar of financial revenue — oil — has kept the Russian economy afloat despite export bans, sanctions and the freezing of central bank assets. Limiting the price would

reduce the Kremlin's income from oil, and a cap would encourage the country to continue producing, Treasury officials have said. World leaders fear that Russia could, however, constrict its energy supply in retaliation, causing prices to spike. Yellen said a price cap also would limit the impact of higher oil prices on inflation in consuming countries, with the cost of gasoline and diesel still squeezing consumers and businesses hard, especially in Europe. To be effective, participat-

ing countries would have to collectively agree to purchase the oil at a lower-than-market price. China and India, two countries that have largely resisted signing onto efforts to punish the Kremlin and have maintained business relationships with Russia during the war, will need to get on board. Zahawi said "there is obviously some more to be done and we're ready to work in particular to persuade more countries to support the measure," citing India, Turkey, South Africa and others as possible participants. Treasury leaders have been visiting allies and neutral parties in the war to call for their participation. Yellen traveled to the Indo-Pacific in July and Treasury Deputy Secretary Wally Adeyemo met with government ministers and business leaders in India in mid-August, in part to push for the price cap. The Biden administration is keeping a close eye on the progress of the price cap. "We believe it is only an idea worth exploring and an idea worth implementing," John Kirby, a national security spokesman, told reporters.

S&P 500 slumps again on tough day for market

Major stock indexes are on pace for weekly losses.

By ALEX VEIGA
Associated Press

A choppy day of trading ended Wednesday with a broad slide for stocks as Wall Street closed the books on a rocky August that started off strong, but wound up leaving the market deeper in the red for the year. The S&P 500 fell 0.8%, extending its losing streak to a fourth day. The benchmark index ended the month with a 4.2% loss after surging 9.1% in July. The Dow Jones industrial average fell 0.9%, while the Nasdaq composite slid 0.6%. The major stock indexes are on pace for weekly losses. Technology stocks and big retailers were among the heaviest weights on the mar-

ket. Only communications stocks eked out a slight gain. Smaller-company stocks also fell, pulling the Russell 2000 index 0.6% lower. The latest pullback for stocks came as Treasury yields rose broadly. The yield on the 10-year Treasury, which influences interest rates on mortgages and other consumer loans, rose to 3.17% from 3.11% late Tuesday. Bond yields have been rising along with expectations for higher interest rates, which the Federal Reserve has been increasing in a bid to squash the highest inflation in decades. "You have the bond market now taking the Fed seriously," said Willie Delwiche, investment strategist at All Star Charts. "And it's not that stocks can't overcome that, but so far they haven't over-

come that." The last time stocks mounted a rally was in July and early August, when bond yields came off their highs as expectations for higher rates eased. "If the underlying trend in stocks is lower, then higher bond yields weigh on that," Delwiche said. The S&P 500 fell 31.16 points to 3,955. The index is now down 17% so far this year. The Nasdaq lost 66.93 points to 11,816.20, while the Dow gave up 280.44 points to close at 31,510.43. The Russell fell 11.48 points to 1,844.12. Stocks got off to a solid start in early August, continuing a July rally. Investors were encouraged to see that signs that inflation, while still high, was leveling off. That fueled optimism on Wall Street that the Federal Reserve might be able to ease back on raising

interest rates, its main weapon in its fight to bring inflation down. Those gains followed a weak first half of the year where the S&P 500 dropped 20% from its most recent high and entered a bear market. That optimism faded by mid-August as the central bank signaled it would keep raising rates and keep them high as long as necessary to tame the hottest inflation in four decades. On Friday, Federal Reserve Chairman Jerome Powell underscored the Fed's intention in a speech at the central bank's annual symposium. Wall Street is worried that the Fed could hit the brakes too hard on an already slowing economy and veer it into a recession. Higher interest rates also hurt investment prices, especially for pricier stocks like technology companies.

GM battery plant in Ohio begins making cells

ASSOCIATED PRESS

DETROIT - General Motors said Wednesday that a new electric-vehicle battery plant built in Ohio has started producing cells, which could help customers receive federal tax credits. The joint-venture plant near Warren, Ohio, is focused on training as it prepares to ramp up manufacturing. A spokeswoman for the venture said it is producing cells but they are not yet being shipped. They will go into vehicles with

GM's Ultium batteries, which currently include Hummer EVs, Chevrolet Silverado EV pickups and the Cadillac Lyriq electric SUV. Eventually, though, the plant should help GM's EVs meet requirements to qualify for a \$7,500-per-vehicle federal tax credit. Under the Inflation Reduction Act recently signed into law, electric vehicles and their batteries must be manufactured in North America to get the credit. Battery minerals must be mined or recycled on

the continent as well, or half the tax credit would be lost. And the batteries can't have any components from China, another difficult hurdle. The requirements are designed to build a North American supply chain for EVs so the country isn't reliant on China and other overseas countries. GM said it's working to meet the requirements. The Ohio plant built with battery maker LG Energy Solution is a step toward getting the credits, which are key to boosting

electric-vehicle sales. No automaker wants to put EVs on the market that cost \$7,500 more than the competition. The \$2.3 billion, 2.8-million-square-foot battery plant now employs 800 people, and eventually it will have 1,300. The factory is near Lordstown, Ohio, where GM closed a huge small-car assembly plant. GM has a goal of making only electric passenger vehicles by 2035, and CEO Mary Barra has pledged to unseat Tesla as the top seller of EVs by the middle of this decade.

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Legal Notices

PUBLIC NOTICE - Disposition of Property (Commonly known as 12451 Nicollet Avenue South, Burnsville)

Notice is hereby given that the Board of Commissioners of the Dakota County Community Development Agency (CDA) will hold a public hearing on Tuesday, September 20, 2022, beginning at 3:30pm to consider the sale, transfer and/or exchange of property currently owned by the CDA. The Dakota County CDA Board of Commissioners will hold this hearing at the CDA office located at 1228 Town Centre Drive, Eagan, Minnesota. At this hearing, the CDA will meet to decide if the sale is advisable.

The proposed parcel to be sold, transferred and/or exchanged is hereby described as:

That part of Lot 1, Block 4, Heart of the City East, lying easterly of the southerly extension of the east line of the west 155.00 feet of Lot 1, Block 2, BOR-NEL 2nd Addition, Dakota County, Minnesota.

PID 02-32175-04-011

Persons seeking more information on this proposed sale, transfer and/or exchange of property should contact Lisa Alfson at the Dakota County CDA, 1228 Town Centre Drive, Eagan, MN 55123, telephone number 651-675-4467. Members of the public can participate in the public hearing in one of the following ways:
• All persons interested may appear and be heard at the time and place set forth above.
• The public may comment in writing or via voicemail. Any comments and materials submitted by 12:00pm of the day of the meeting will be attached to the public record for review by the Board. Comments may be submitted to the Clerk of the Board via email at sjacobson@dakotacda.org or by voicemail at 651-675-4434.

PUBLIC NOTICE Dakota County Community Development Agency September 1, 2022

Notice is hereby given of an opportunity for public comment on proposed substantial amendments to the Dakota County Community Development Block Grant (CDBG) Program for Federal Fiscal Years 2018, 2019, 2020, and 2021.

Proposed Substantial Amendments

The Dakota County 2018 Action Plan shall be amended to:
• Create the CDBG Project: Homeless Facilities - Dakota Woodlands Elevator Modernization located at 3430 Wescott Woodlands, Eagan, MN 55123, and fund with a budget of \$155,897.

The Dakota County 2019 Action Plan shall be amended to:
• Create the CDBG Project: Homeless Facilities - Dakota Woodlands Elevator Modernization Activity located at 3430 Wescott Woodlands, Eagan, MN 55123, and fund with a budget of \$155,897.
• Cancel the Mendota Heights Residential Rehab and Countywide Residential Rehab Activities and transfer the funds totaling \$80,124 to the Homeless Facilities - Dakota Woodlands Elevator Modernization Activity.

The Dakota County 2020 Action Plan shall be amended to:
• Add the CDBG Project: Horizon Heights Acquisition Activity located at 10 Horizon Heights, Burnsville, MN, 55337, and fund with a budget of \$404,403.
• Decrease the budget for the Inver Grove Heights Residential Rehab Activity by \$100,000 and transfer the funds to the Horizon Heights Acquisition Activity.

The Dakota County 2021 Action Plan shall be amended to:
• Add the CDBG Project: Horizon Heights Acquisition Activity located at 10 Horizon Heights, Burnsville, MN, 55337, and fund with a budget of \$200,000.
• Decrease the budget for the Eagan Residential Rehab Activity by \$100,000 and transfer the funds to the Horizon Heights Acquisition Activity.

Persons seeking more information on the proposed substantial amendments should contact Maggie Dykes, Assistant Director of Community and Economic Development, at the Dakota County Community Development Agency (CDA) at mdykes@dakotacda.org or (651) 675-4464. Public comments may be submitted orally or in writing to the CDA through October 3, 2022. Approval of the proposed amendment, subject to consideration of public comments, will be on the agenda of the Dakota County Board of Commissioners meeting to be held at the Dakota County Government Center, third floor, 1590 Highway 55, Hastings, MN 55033 on October 4, 2022 at 9:00 a.m.

Legal Notices

PUBLIC NOTICE

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

September 1, 2022

DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY
1228 Town Centre Drive
Eagan, MN 55123
(651) 675-4400

TO ALL INTERESTED PARTIES, GROUPS AND PERSONS:

The purpose of this notice is to identify two separate but related procedural requirements for activities to be undertaken by the Dakota County Community Development Agency (Agency).

On or about October 1, 2022, the above-named Agency on behalf of Dakota County, will submit a request to the Department of Housing and Urban Development (HUD) for the release of federal funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) for the following project:

Dakota County Consortium HOME Investment Partnerships Program (HOME) trails:

Denmark Trail Townhomes - a 40-unit Townhome Development to be constructed on a six-acre parcel located immediately west of 23300 Denmark Avenue, and legally described as Part of W 1/2 of NW 1/4 in S 6, T 113, R 19 lying N of RR except for E 597.97 ft and N 1338.34 ft thereof, Farmington, Minnesota.

It has been determined that the request for release of funds will not constitute actions significant of impacting the quality of the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190) is not required.

Environmental Review Records (ERR), with respect to the above mentioned projects, will be made available for public review of the projects and more fully set forth the reasons why such statements are not required. These records are on file at the above address and are available for public examination between the hours of 8:00 am and 4:30 pm Monday through Friday. No further review of the project will be conducted prior to the request for release of funds.

PUBLIC COMMENTS ON FINDING

All interested parties and groups, agencies and persons disagreeing with this determination or wishing to comment on the projects may submit written comments for consideration by the Agency to the office of the undersigned and to specify in their comments as to which finding their comments are addressed. Such written comments should be received at the Agency on or before October 1, 2022. All such comments so received will be considered and the Agency will not request the release of funds or take any action on the projects prior to the date specified.

RELEASE OF FUNDS

The Agency is certifying to HUD that the Agency and the Director of Community and Economic Development, as Certifying Officer, consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, the Agency may use HOME funds and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

OBJECTIONS TO FEDERAL RELEASE OF FUNDS

HUD will accept objections to its approval of the release of funds only if the objection is a written decision, finding, or statement applicable to the project in the environmental review process; or 3. The grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 (environmental review process) before approval of the release of funds by HUD; or

4. Another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and shall be addressed to HUD, 1212 Third Avenue South, Suite 150, Minneapolis, MN 55401 or CPD_CO_VID-190EE-MIN@hud.gov.

Objections to the release of funds on a basis other than those stated above will not be considered by HUD. Potential objectors should contact the Minnesota HUD office to verify the actual last day of the objection period.

Lisa Alfson, Director of Community & Economic Development



Board of Commissioners

Request for Board Action

Item Number: DC-1410

Agenda #: 9.3

Meeting Date: 10/4/2022

DEPARTMENT: Physical Development Administration

FILE TYPE: Consent Action

TITLE

Approval Of Amendments To Dakota County Community Development Block Grant Program - Horizon Heights Townhomes Acquisition

PURPOSE/ACTION REQUESTED

Approve substantial amendments to the 2020 and 2021 Community Development Block Grant (CDBG) Programs for acquisition of Horizon Heights Townhomes in Burnsville.

SUMMARY

Three types of substantial amendments to the CDBG Program are permissible by the U.S. Department of Housing and Urban Development (HUD): creation of a new activity or cancellation of an activity, increase or decrease of an activity budget by \$100,000 or more at one time, and change to the location and/or national objective of an activity. The Dakota County Community Development Agency (CDA) administers the CDBG program on behalf of Dakota County.

Horizon Heights Townhomes is an existing 25-unit affordable rental townhome development located at 1 Horizon Heights Road in Burnsville. Horizon Heights was constructed in 1980 and has significant deferred maintenance needs. The development currently has a project-based Housing Assistance Payment contract for 100 percent of the units, allowing residents to pay a percentage of their income towards rent payments, with HUD paying the remaining portion. Christopher Michael Cooper & Associates (CMC), a for-profit developer, is purchasing the property and has committed to maintaining the affordability of the development. Additionally, CMC has committed to completing substantial improvements and maintenance to the development. The total costs for the acquisition and necessary rehabilitation were anticipated to be \$9.1 million. CMC has obtained funding for the project from the Minnesota Housing Finance Agency and the CDA. The CDA is providing a \$500,000 HOPE loan for acquisition and rehabilitation expenses. The rehabilitation costs were anticipated to be \$3.1 million in 2021. CMC has since found additional deferred maintenance that must be addressed, and costs have increased in the last year. The additional expenses will add approximately \$850,000 to the project. CMC is scheduled to close on the purchase and financing of the property by December 31, 2022.

CDA staff is requesting \$600,000 of 2020 and 2021 entitlement CDBG funds be used to assist with acquisition for the project. The CDBG funds would be in addition to the CDA's HOPE loan and would be required to be paid back if the property is no longer used for affordable housing. The CDBG Program received a substantial amount of program income generated from the CDA-administered Home Improvement Loan activity in the last two years. Over \$1.1 million was received in both Fiscal Year 2020 and Fiscal Year 2021. The entitlement CDBG funds could be reallocated without adversely

impacting the Home Improvement Loan program and will help ensure CDBG funds are spent quickly. HUD requires that a grantee have no more than 1.5 times the amount of the current year's CDBG allocation, including program income, on hand on May 2nd when it reviews the fund balances for each grantee. This is called the timeliness test. CDA staff is concerned that the timeliness test may not be met unless a substantial amount of CDBG funding can be expended by May. If the Board approves the reallocation of funds, the 2020 and 2021 Dakota County Annual Action Plans must be amended to create the Horizon Heights Acquisition activity in both years and fund it with a total budget of \$600,000. The CDA's Citizen Participation Plan requires public notification of substantial amendments. A public notice for the substantial amendments described above was placed in the *Star Tribune* on September 1, 2022, and also on the CDA and Dakota County websites. No comments were received.

RECOMMENDATION

Dakota County and CDA staff recommend approval of the substantial amendments to the 2020 and 2021 Dakota County CDBG Program.

EXPLANATION OF FISCAL/FTE IMPACTS

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

RESOLUTION

WHEREAS, three types of substantial amendments to the Community Development Block Grant (CDBG) Program are permissible by the US Housing and Urban Development Department (HUD): creation of a new activity or cancellation of an activity, increase or decrease of an activity budget by \$100,000 or more at one time, and change to the location and/or national objective of an activity; and

WHEREAS, the Dakota County Community Development Agency (CDA) administers the CDBG funds on behalf of Dakota County; and

WHEREAS, Horizon Heights Townhomes is a 25-unit affordable townhome development located at 1 Horizon Heights Road in Burnsville, was constructed in 1980, and has significant deferred maintenance needs; and

WHEREAS, a for-profit developer has executed a purchase agreement for Horizon Heights Townhomes and is committed to maintaining affordability and completing significant rehabilitation; and

WHEREAS, Dakota County has available CDBG funds that can be used for the acquisition of Horizon Heights Townhomes; and

WHEREAS, CDA staff recommends substantial amendments to the Dakota County 2020 and 2021 CDBG Programs to create the Horizon Heights Townhomes Acquisition activity in those years and fund the activity with a total budget of \$600,000; and

WHEREAS, CDA staff recommends decreasing the 2020 Inver Grove Heights Home Improvement Loan budget activity by \$100,000 and transferring the funds to the Horizon Heights Townhomes Acquisition activity; and

WHEREAS, CDA staff recommends canceling the 2020 Mendota Heights Home Improvement Loan activity and transferring the funds totaling \$20,530 to the Horizon Heights Townhomes Acquisition activity; and

WHEREAS, CDA staff recommends decreasing the 2021 Eagan Home Improvement Loan budget activity by \$100,000 and transferring the funds to the Horizon Heights Townhomes Acquisition activity; and

WHEREAS, public notice of the substantial amendments was placed in the *Star Tribune* on September 1, 2022, and also on the CDA and Dakota County websites, in accordance with the approved Citizen Participation Plan process, and no public comments were received on the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the substantial amendments to the 2020 and 2021 Dakota County Community Development Block Grant Programs.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: Affidavit of Publication and Public Notice

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: Maggie Dykes

AFFIDAVIT OF PUBLICATION



STATE OF MINNESOTA)
COUNTY OF HENNEPIN)

650 3rd Ave. S, Suite 1300 | Minneapolis, MN | 55488

Terri Swanson, being first duly sworn, on oath states as follows:

1. (S)He is and during all times herein stated has been an employee of the Star Tribune Media Company LLC, a Delaware limited liability company with offices at 650 Third Ave. S., Suite 1300, Minneapolis, Minnesota 55488, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

<u>Dates of Publication</u>	<u>Advertiser</u>	<u>Account #</u>	<u>Order #</u>
StarTribune 09/01/2022	DAKOTA COUNTY COMMUNITY DEVELOPM	1000368678	435067

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: **\$526.40**

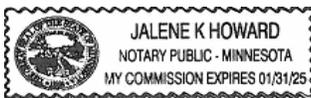
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Hennepin County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

Terri Swanson

Subscribed and sworn to before me on: 09/01/2022

Jalene K. Howard



Notary Public

Bed Bath & Beyond to shutter stores in reorganization

Home-goods chain plans to cut workforce by 20%.

By ANNE D'INNOCENZIO
Associated Press

NEW YORK — Bed Bath & Beyond said Wednesday that it will close stores and lay off workers in a bid to turn around its beleaguered business.

The home-goods retailer based in Union, N.J., said it will close about 150 of its namesake stores and slash its workforce by 20%. It estimated those cuts would save \$250 million in the company's current fiscal year. It also said it is considering selling more of its stock to shore up its finances and had lined up more than \$500 million of new financing.

But it will keep its Buybuy Baby chain, which earlier this year it considered selling.

Bed Bath & Beyond's stock fell more than 21% Wednesday and is down 65% in the last 12

months. Mired in a prolonged sales slump, the company also announced it will revert to its original strategy of focusing on national brands, instead of pushing its own store labels. That reverses a strategy embraced by its former CEO Mark Tritton, who was ousted in June after less than three years at the helm. It said it would get rid of one-third of its store brands, which had started to be rolled out in the last year or so.

"There's still an incredible degree of love for Bed Bath & Beyond," Mara Sirhal, the newly named brand president of Bed Bath & Beyond, told industry analysts Wednesday. "We must get back to our rightful place as the home-category destination, and our goal is to achieve this by leading with the products and brands our customers want."

As of May, the retailer



LOGAN CYRUS • Bloomberg News
Bed Bath & Beyond officials estimated the upcoming cuts would save \$250 million in the company's current fiscal year.

operated a total of 955 stores, including 769 Bed Bath & Beyond stores, 135 Buybuy Baby stores and 51 stores under the names Harmon, Harmon Face Values or Face Values. As of February, it had roughly 32,000 employees.

Time is of the essence for

the company heading into the critical holiday shopping season.

It said it expects a 26% decline in comparable sales for its fiscal second quarter, which ended Saturday. It burned through \$325 million of cash in the quarter.

Sirhal said the retailer wants to get back to being a place where shoppers find innovative items. For example, Bed Bath & Beyond was the first to bring items such as the air fryer and the single-serve coffee maker to its customers, she said.

Neil Sanders, managing director at GlobalData Retail, said he applauds the strategic shift. But he said that task is "easier said than done" and will require much closer relationships with suppliers to secure unique offerings.

"If Bed Bath & Beyond simply stocks the same sort of things as can be found at Target, Walmart, or Amazon, then it will struggle to differentiate and will find margins compressed as it needs to match on price," he said.

Bed Bath & Beyond has been facing plenty of turbulence recently. Its shares made a monstrous run from \$5.77 to

\$23.08 in a little more than two weeks in August, in trading reminiscent of last year's meme-stock craze, when out-of-favor companies suddenly became darlings of smaller-pocketed investors.

But the shares fell back to earth after a deep-pocketed investor, activist Ryan Cohen, the billionaire co-founder of online pet-products retailer Chewy Inc., sold his entire stake in the company. In March, Cohen had purchased a nearly 10% stake in Bed Bath & Beyond, giving investors hope he could turn around the company's finances.

The stock ended Wednesday down \$2.58 at \$9.53.

The company said that it is still searching for a permanent CEO. Board member Sue Gove took over as interim CEO, replacing Tritton. Chief Operating Officer John Hartmann is leaving the company, and it's eliminating that position.

Yellen pushes for Russian oil price cap

Treasury secretary fears a cost spike if other world leaders do not buy in.

By FATIMA HUSSEIN
Associated Press

WASHINGTON — Treasury Secretary Janet Yellen on Wednesday warned that a failure to place a price cap on Russian oil would hurt the global economy.

"Without a price cap, we face the threat of a global energy-price spike if the majority of Russian energy production gets shut in," Yellen said at the start of a meeting with her British counterpart, Nadhim Zahawi.

The European Union has decided to ban nearly all oil from Russia by the end of the year. It also will ban insuring and financing the maritime transport of Russian oil to other countries. Unless a price cap is implemented, prices will almost certainly spike.

The United Kingdom and other Group of Seven countries tentatively agreed in June to pursue a ceiling on the price of Russian oil. Getting as many other nations as possible to agree to join a buyers' cartel has been one of Treasury's



JACQUELYN MARTIN • Associated Press
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main objectives as it seeks to curb Russia's ability to finance its war in Ukraine.

Yellen said there has been "substantial progress" toward making the price cap a reality and she was optimistic it would happen.

Zahawi said Britain intends to "influence key nations" to join the plan.

The Kremlin's main pillar of financial revenue — oil — has kept the Russian economy afloat despite export bans, sanctions and the freezing of central bank assets.

Limiting the price would

reduce the Kremlin's income from oil, and a cap would encourage the country to continue producing, Treasury officials have said. World leaders fear that Russia could, however, constrict its energy supply in retaliation, causing prices to spike.

Yellen said a price cap also would limit the impact of higher oil prices on inflation in consuming countries, with the cost of gasoline and diesel still squeezing consumers and businesses hard, especially in Europe.

To be effective, participating countries would have to collectively agree to purchase the oil at a lower-than-market price.

China and India, two countries that have largely resisted signing onto efforts to punish the Kremlin and have maintained business relationships with Russia during the war, will need to get on board.

Zahawi said "there is obviously some more to be done and we're ready to work in particular to persuade more countries to support the measure," citing India, Turkey, South Africa and others as possible participants.

Treasury leaders have been visiting allies and neutral parties in the war to call for their participation. Yellen traveled to the Indo-Pacific in July and Treasury Deputy Secretary Wally Adeyemo met with government ministers and business leaders in India in mid-August, in part to push for the price cap.

The Biden administration is keeping a close eye on the progress of the price cap.

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S&P 500 slumps again on tough day for market

Major stock indexes are on pace for weekly losses.

By ALEX VEIGA
Associated Press

A choppy day of trading ended Wednesday with a broad slide for stocks as Wall Street closed the books on a rocky August that started off strong, but wound up leaving the market deeper in the red for the year.

The S&P 500 fell 0.8%, extending its losing streak to a fourth day. The benchmark index ended the month with a 4.2% loss after surging 9.1% in July. The Dow Jones industrial average fell 0.9%, while the Nasdaq composite slid 0.6%. The major stock indexes are on pace for weekly losses.

Technology stocks and big retailers were among the heaviest weights on the mar-

ket. Only communications stocks eked out a slight gain. Smaller-company stocks also fell, pulling the Russell 2000 index 0.6% lower.

The latest pullback for stocks came as Treasury yields rose broadly. The yield on the 10-year Treasury, which influences interest rates on mortgages and other consumer loans, rose to 3.17% from 3.11% late Tuesday.

Bond yields have been rising along with expectations for higher interest rates, which the Federal Reserve has been increasing in a bid to squash the highest inflation in decades.

"You have the bond market now taking the Fed seriously," said Willie Delwiche, investment strategist at All Star Charts. "And it's not that stocks can't overcome that, but so far they haven't over-

come that."

The last time stocks mounted a rally was in July and early August, when bond yields came off their highs as expectations for higher rates eased.

"If the underlying trend in stocks is lower, then higher bond yields weigh on that," Delwiche said.

The S&P 500 fell 31.16 points to 3,955. The index is now down 17% so far this year.

The Nasdaq lost 66.93 points to 11,816.20, while the Dow gave up 280.44 points to close at 31,510.43. The Russell fell 11.48 points to 1,844.12.

Stocks got off to a solid start in early August, continuing a July rally. Investors were encouraged to see that signs that inflation, while still high, was leveling off. That fueled optimism on Wall Street that the Federal Reserve might be able to ease back on raising

interest rates, its main weapon in its fight to bring inflation down. Those gains followed a weak first half of the year where the S&P 500 dropped 20% from its most recent high and entered a bear market.

That optimism faded by mid-August as the central bank signaled it would keep raising rates and keep them high as long as necessary to tame the hottest inflation in four decades. On Friday, Federal Reserve Chairman Jerome Powell underscored the Fed's intention in a speech at the central bank's annual symposium.

Wall Street is worried that the Fed could hit the brakes too hard on an already slowing economy and veer it into a recession. Higher interest rates also hurt investment prices, especially for pricier stocks like technology companies.

GM battery plant in Ohio begins making cells

ASSOCIATED PRESS

DETROIT — General Motors said Wednesday that a new electric-vehicle battery plant built in Ohio has started producing cells, which could help customers receive federal tax credits.

The joint-venture plant near Warren, Ohio, is focused on training as it prepares to ramp up manufacturing. A spokeswoman for the venture said it is producing cells but they are not yet being shipped. They will go into vehicles with

GM's Ultium batteries, which currently include Hummer EVs, Chevrolet Silverado EV pickups and the Cadillac Lyriq electric SUV.

Eventually, though, the plant should help GM's EVs meet requirements to qualify for a \$7,500-per-vehicle federal tax credit.

Under the Inflation Reduction Act recently signed into law, electric vehicles and their batteries must be manufactured in North America to get the credit. Battery minerals must be mined or recycled on

the continent as well, or half the tax credit would be lost. And the batteries can't have any components from China, another difficult hurdle.

The requirements are designed to build a North American supply chain for EVs so the country isn't reliant on China and other overseas countries.

GM said it's working to meet the requirements. The Ohio plant built with battery maker LG Energy Solution is a step toward getting the credits, which are key to boosting

electric-vehicle sales. No automaker wants to put EVs on the market that cost \$7,500 more than the competition.

The \$2.3 billion, 2.8-million-square-foot battery plant now employs 800 people, and eventually it will have 1,300. The factory is near Lordstown, Ohio, where GM closed a huge small-car assembly plant.

GM has a goal of making only electric passenger vehicles by 2035, and CEO Mary Barra has pledged to unseat Tesla as the top seller of EVs by the middle of this decade.

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Legal Notices

PUBLIC NOTICE - Disposition of Property (Commonly known as 12451 Nicollet Avenue South, Burnsville)

Notice is hereby given that the Board of Commissioners of the Dakota County Community Development Agency (CDA) will hold a public hearing on Tuesday, September 20, 2022, beginning at 3:30pm to consider the sale, transfer and/or exchange of property currently owned by the CDA. The Dakota County CDA Board of Commissioners will hold this hearing at the CDA office located at 1228 Town Centre Drive, Eagan, Minnesota. At this hearing, the CDA will meet to decide if the sale is advisable.

The proposed parcel to be sold, transferred and/or exchanged is hereby described as:

That part of Lot 1, Block 4, Heart of the City East, lying easterly of the southerly extension of the east line of the west 155.00 feet of Lot 1, Block 2, BOR-NEL 2nd Addition, Dakota County, Minnesota.

PID 02-32175-04-011

Persons seeking more information on this proposed sale, transfer and/or exchange of property should contact Lisa Alfson at the Dakota County CDA, 1228 Town Centre Drive, Eagan, MN 55123, telephone number 651-675-4467. Members of the public can participate in the public hearing in one of the following ways:

- All persons interested may appear and be heard at the time and place set forth above.
- The public may comment in writing or via voicemail. Any comments and materials submitted by 12:00pm of the day of the meeting will be attached to the public record for review by the Board. Comments may be submitted to the Clerk of the Board via email at sjacobson@dakotacda.org or by voicemail at 651-675-4434.

**PUBLIC NOTICE
Dakota County Community Development Agency
September 1, 2022**

Notice is hereby given of an opportunity for public comment on proposed substantial amendments to the Dakota County Community Development Block Grant (CDBG) Program for Federal Fiscal Years 2018, 2019, 2020, and 2021.

Proposed Substantial Amendments

The Dakota County 2018 Action Plan shall be amended to:
• Create the CDBG Project: Homeless Facilities - Dakota Woodlands Elevator Modernization located at 3430 Wescott Woodlands, Eagan, MN 55123, and fund with a budget of \$155,897.

The Dakota County 2019 Action Plan shall be amended to:
• Create the CDBG Project: Homeless Facilities - Dakota Woodlands Elevator Modernization Activity located at 3430 Wescott Woodlands, Eagan, MN 55123, and fund with a budget of \$155,897.
• Cancel the Mendota Heights Residential Rehab and Countywide Residential Rehab Activities and transfer the funds totaling \$80,124 to the Homeless Facilities - Dakota Woodlands Elevator Modernization Activity.

The Dakota County 2020 Action Plan shall be amended to:
• Add the CDBG Project: Horizon Heights Acquisition Activity located at 10 Horizon Heights, Burnsville, MN, 55337, and fund with a budget of \$404,403.
• Decrease the budget for the Inver Grove Heights Residential Rehab Activity by \$100,000 and transfer the funds to the Horizon Heights Acquisition Activity.

The Dakota County 2021 Action Plan shall be amended to:
• Add the CDBG Project: Horizon Heights Acquisition Activity located at 10 Horizon Heights, Burnsville, MN, 55337, and fund with a budget of \$200,000.
• Decrease the budget for the Eagan Residential Rehab Activity by \$100,000 and transfer the funds to the Horizon Heights Acquisition Activity.

Persons seeking more information on the proposed substantial amendments should contact Maggie Dykes, Assistant Director of Community and Economic Development, at the Dakota County Community Development Agency (CDA) at mdykes@dakotacda.org or (651) 675-4464. Public comments may be submitted orally or in writing to the CDA through October 3, 2022. Approval of the proposed amendment, subject to consideration of public comments, will be on the agenda of the Dakota County Board of Commissioners meeting to be held at the Dakota County Government Center, third floor, 1590 Highway 55, Hastings, MN 55033 on October 4, 2022 at 9:00 a.m.

Legal Notices

PUBLIC NOTICE

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

September 1, 2022

DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY
1228 Town Centre Drive
Eagan, MN 55123
(651) 675-4400

TO ALL INTERESTED PARTIES, GROUPS AND PERSONS:

The purpose of this notice is to identify two separate but related procedural requirements for activities to be undertaken by the Dakota County Community Development Agency (Agency).

On or about October 1, 2022, the above-named Agency on behalf of Dakota County, will submit a request to the Department of Housing and Urban Development (HUD) for the release of federal funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) for the following project:

Dakota County Consortium HOME Investment Partnerships Program (HOME) funds:

Denmark Trail Townhomes - a 40-unit Townhome Development to be constructed on a six-acre parcel located immediately west of 23300 Denmark Avenue, and legally described as Part of W 1/2 of NW 1/4 in S 6, T 113, R 19 lying N of RR except for E 597.97 ft and N 1338.34 ft thereof, Farmington, Minnesota.

It has been determined that the request for release of funds will not constitute actions significant to impacting the quality of the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190) is not required.

Environmental Review Records (ERR), with respect to the above mentioned projects, made by the Agency, document the environmental review of the projects and more fully set forth the reasons why such statements are not required. These records are on file at the above address and are available for public examination between the hours of 8:00 am and 4:30 pm Monday through Friday. No further review of the project will be conducted prior to the request for release of funds.

PUBLIC COMMENTS ON FINDING

All interested parties and groups, agencies and persons disagreeing with this determination or wishing to comment on the projects may submit written comments for consideration by the Agency to the office of the undersigned and to specify in their comments as to which finding their comments are addressed. Such written comments should be received at the Agency on or before October 1, 2022. All such comments so received will be considered and the Agency will not request the release of funds or take any action on the projects prior to the date specified.

RELEASE OF FUNDS

The Agency is certifying to HUD that the Agency and the Director of Community and Economic Development, as Certifying Officer, consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, the Agency may use HOME funds and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

OBJECTIONS TO FEDERAL RELEASE OF FUNDS

HUD will accept objections to its approval of the release of funds pursuant to 40 CFR Part 1504 has decision, finding, or site application for a period of 15 days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases:

1. The Certification was not in fact executed by the Certifying Officer or other grantee approved by HUD; or
2. The Environmental Review Record for the project indicated included an omission of a required decision, finding, or site application to the project in the environmental review process; or
3. The grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 (environmental review process) before approval of the release of funds by HUD; or
4. Another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and shall be addressed to HUD, 212 Third Avenue South, Suite 150, Minneapolis, MN 55401 or CPD_CO_VID-190EE-MIN@hud.gov.

Objections to the release of funds on a basis other than those stated above will not be considered by HUD. Potential objectors should contact the Minnesota HUD office to verify the actual last day of the objection period.

Lisa Alfson, Director of Community & Economic Development

Dakota County Community Development...
N/A
D-3-Southwest
PUBLIC NOTICE Dakota County Commu...

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Star Tribune
Business
Thursday, September 1, 2022



Board of Commissioners

Request for Board Action

Item Number: DC-1355

Agenda #: 9.4

Meeting Date: 10/4/2022

DEPARTMENT: Parks, Facilities, and Fleet Management

FILE TYPE: Consent Action

TITLE

Authorization To Award Bid And Execute Contract With Morcon Construction Co., Inc. To Provide General Contractor Services For Burnsville License Center Remodel And Amend 2022 Buildings Capital Improvement Program Adopted Budget

PURPOSE/ACTION REQUESTED

Authorize award of bid and execution of contract with Morcon Construction Co., Inc. to provide general contractor services for the Burnsville License Center Remodel and amendment of the 2022 Buildings Capital Improvement Program (CIP) Adopted Budget.

SUMMARY

The City of Burnsville has seen steady growth in population over the last few decades. The Burnsville License Center was added to the Burnhaven Library in 2011 and has since continually experienced long wait times due to its current size. To correct the issue, this project repurposes 500 square feet of interior space from the Burnhaven Library to the Burnsville License Center to expand space for staff and the public's waiting area. This project was originally funded in the 2022 Building CIP for a total budget of \$235,000. As design progressed, the scope included an additional customer service station, increased space to address an expanded waiting area for the public, enhanced ribbon glass, reconfiguration of the original customer service counters, and associated renovation work to the adjacent space in the library. The total project costs are now \$435,000 of which the construction is \$280,000; project contingencies are \$40,000; and remaining soft costs including design, furniture, and modifications to the impacted library book handling system are a total of \$115,000.

Bid documents were prepared by Wold Architects and Engineers. The project was formally advertised, and nine competitive bids were received on September 13, 2022. The following lowest three bids were received:

Bidder:	Amount:
Morcon Construction Co, Inc, Fridley, MN	\$279,950
CM Construction, Burnsville, MN	\$282,380
Parkos Construction, St. Paul, MN	\$302,000

Staff and Wold Architects and Engineers, the project design firm, reviewed the bidder qualifications and found that Morcon Construction Co., Inc. has submitted the lowest responsive and responsible bid. A bid tabulation is attached.

The current bid exceeds the current funds available and execution of a budget amendment in the amount of \$200,000 from the Countywide Public Counter Security project budget will create a new

project budget of \$435,000.

RECOMMENDATION

Staff recommend, after reviewing the qualifications of the low bidder, award to Morcon Construction Co., Inc. as the lowest responsive and responsible bidder in an amount not to exceed \$279,950. Staff also recommends execution of a budget amendment in the amount of \$200,000 from the Countywide Public Counter Security project budget.

EXPLANATION OF FISCAL/FTE IMPACTS

The 2022 Buildings CIP Adopted Budget provides total funding for the project in the amount of \$235,000 (Attachment: Financial Summary). The budget amendment increases the total project budget to \$435,000.

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

RESOLUTION

WHEREAS, the Burnsville License Center Remodel project is included in the 2022 Building Capital Improvement Program (CIP) Adopted Budget; and

WHEREAS, the Burnsville License Center was added to the Burnhaven Library in 2011 and has since continually experienced long wait times due to its current size; and

WHEREAS, to correct the issue, this project repurposes 500 square feet of interior space from the Burnhaven Library to the Burnsville License Center to expand space for staff and the public's waiting area; and

WHEREAS, as design progressed, the scope included an additional customer service station, increased space to address an expanded waiting area for the public, enhanced ribbon glass, reconfiguration of the original customer service counters, and associated renovation work to the adjacent space in the library; and

WHEREAS, bid documents and specifications were prepared by Wold Architects & Engineers and advertised on August 19, 2022; and

WHEREAS, nine competitive bids were received on September 13, 2022; and

WHEREAS, Morcon Construction Co., Inc. has submitted a bid of \$279,950; and

WHEREAS, staff and Wold Architects and Engineers reviewed the qualifications of the bidder and recommend award to Morcon Construction Co., Inc. as the lowest responsive and responsible bidder, in an amount not to exceed \$279,950, for the Burnsville License Center Remodel project; and

WHEREAS, the total project costs are now \$435,000.

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 Morcon Construction Co., Inc., 5151 Industrial Blvd NE, Fridley, MN 55421 in an amount not to exceed \$297,950 for the Burnsville License Center Remodel, 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 amends the 2022 Building Capital Improvement Program budget as follows:

Expense

Countywide Public Counter Security (B70053)	(\$200,000)
Burnsville License Center Counter Renovations (B10076)	<u>\$200,000</u>
Total Expense	\$0

Revenue

Countywide Public Counter Security (B70053)	(\$200,000)
Burnsville License Center Counter Renovations (B10076)	<u>\$200,000</u>
Total Expense	\$0

PREVIOUS BOARD ACTION

22-067; 2/22/22

ATTACHMENTS

Attachment: Bid Tabulation

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

Project: Burnsville Burnhaven License Center Remodel

Project #: B10076

Date: September 13, 2022

Time: 2:00 PM



BID Tabulation

	Bidder	Bid Bond	Bid Form	Addenda	BASE BID
		Y/N	Attachments & Complete	No. 1	
1	MORCON Construction Co., Inc.	Y	Y	X	\$ 279,950
2	CM Construction	Y	Y	X	\$ 282,380
3	Parkos Construction	Y	Y	X	\$ 302,000
4	Century Construction	Y	Y	X	\$ 317,000
5	CJC Construction	Y	Y	X	\$ 329,000
6	Green Construction Services	Y	Y	X	\$ 351,800
7	Versacon, Inc.	Y	Y	X	\$ 353,500
8	Weber, Inc.	Y	Y	X	\$ 357,000
9	Met-Con Construction	Y	Y	X	\$ 384,900

B10076 - Burnsville License Center Counter Renovations

Year	Expense Budget			Funding Sources Budget						
	Budget	Proposed RBA	Revised Budget	Current County's Share	Proposed RBA	Revised County's Share	Current Non-County Funding	Proposed RBA	Revised Non-County Funding	Total Revised Project Funding
Prior to 2022	-	-	-	-	-	-	-	-	-	-
2022 Budget	235,000	200,000	435,000	235,000	200,000	-	-	-	-	-
2023 Plan	-	-	-	-	-	-	-	-	-	-
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
<i>Current CIP Total</i>	<i>235,000</i>	<i>200,000</i>	<i>435,000</i>	<i>235,000</i>	<i>200,000</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
Total	235,000	200,000	435,000	235,000	200,000	-	-	-	-	-

B70053 - Countywide Public Counter Security

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	490,000	-	490,000	490,000	-	490,000	-	-	-	490,000
2022 Budget	-	(200,000)	(200,000)	-	(200,000)	(200,000)	-	-	-	(200,000)
2023 Plan	-	-	-	-	-	-	-	-	-	-
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
<i>Current CIP Total</i>	<i>-</i>	<i>(200,000)</i>	<i>(200,000)</i>	<i>-</i>	<i>(200,000)</i>	<i>(200,000)</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>(200,000)</i>
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
Total	490,000	(200,000)	290,000	490,000	(200,000)	290,000	-	-	-	290,000



Board of Commissioners

Request for Board Action

Item Number: DC-1407

Agenda #: 9.5

Meeting Date: 10/4/2022

DEPARTMENT: Transportation

FILE TYPE: Consent Action

TITLE

Authorization To Execute Joint Powers Agreement, Approval Of Right Of Way Acquisition, Authorization To Initiate Quick-Take Condemnation, And Amendment Of Transportation Budget For County Project 50-32 In Farmington, County Road 50 Intersection

PURPOSE/ACTION REQUESTED

Authorize execution of joint powers agreement (JPA) with the City of Farmington for County Project (CP) 50-32; approve acquisition of necessary right of way and authorize quick-take condemnation for CP 50-32 in Farmington, and Amend the 2022 Transportation Capital Program Budget.

SUMMARY

To provide a safe and efficient transportation system, Dakota County and the City of Farmington are proceeding with CP 50-32, which includes the construction of an offset southbound right turn lane and re-striping of Flagstaff Avenue (Attachment: Location Map). Dakota County is the lead agency, with construction planned for the spring/summer 2023.

One parcel has been identified from which right of way acquisition will be necessary for CP 50-32 (Attachment: Parcel Map). One acquisition appraisal has been prepared by Valbridge Property Advisors.

If timely acquisition by direct negotiation of all required parcels does not appear possible, it is necessary for the County Board to authorize the County Attorney’s Office to initiate “quick-take” condemnation of the parcel. Efforts will be made to negotiate an agreeable settlement before and after the start of the condemnation process.

In order to partner on the project, a JPA is necessary to define project cost shares and responsibilities. The JPA would identify the County as the lead agency for final design and construction. The County would be responsible for all costs associated with final design and construction.

RECOMMENDATION

Staff recommends approval of the right of way acquisition for one parcel for CP 50-32.

EXPLANATION OF FISCAL/FTE IMPACTS

The 2022-2026 Transportation Capital Improvement Program ROW Preservation and Management Set-aside budget includes sufficient funds for the anticipated cost of the right of way. A budget amendment is needed to move the funding from the set-aside to the project. (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 and the City of Farmington are proceeding with County Project (CP) 50-32; and

WHEREAS, CP 50-32 will be changing the intersection geometry of Flagstaff Avenue and County State Aid Highway (CSAH) 50 to address the safety issues and demonstrated crash issues observed at the intersection; and

WHEREAS, the purpose and need for this Project is to improve safety and traffic operations at the intersection, focusing on southbound traffic on Flagstaff turning onto CSAH 50; and

WHEREAS, Dakota County is the lead agency for CP 50-32; and

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

WHEREAS, the partial acquisition of the following parcel is necessary to move forward with the Project:

14-03400-16-031 - Parcel 1

A permanent easement for highway purposes over, under, and across that part of the following described property:

The Northeast Quarter of the Northeast Quarter of Section 34, Township 114 North, Range 20 West lying North of State Truck Highway No. 50, except that part platted as "Regetta Fields." Included abandoned railroad right of way, Dakota County, Minnesota. Said permanent easement described as follows:

Commencing at corner B14 as shown on Dakota County Road Right of Way Map No. 167 according to the recorded plat thereof Dakota County, Minnesota; thence North 89 degrees 55 minutes 31 seconds East 80.68 feet; thence North 15 degrees 6 minutes 44 seconds East 178.54 feet; thence North 00 degrees 28 minutes 25 seconds East 79.85 feet to a point on the westerly right of way line of Flagstaff Avenue as described by Final Certificate document number 2633064; thence North 89 degrees 43 minutes 33 seconds East 10.00 feet along said westerly right of way of Flagstaff Avenue; thence South 00 degrees 28 minutes 25 seconds West 208.02 feet along said westerly right of way line of Flagstaff Avenue; thence South 89 degrees 43 minutes 33 seconds West 25.00 feet along said westerly right of way line of Flagstaff Avenue; thence South 00 degrees 28 minutes 25 seconds West 64.10 feet along said westerly right of way line of Flagstaff Avenue to a north line of said CSAH 50 per Dakota County Road Right of Way Map No. 167; thence South 89 degrees 55 minutes 31 seconds West 110.61 feet along the said north line of CSAH 50 to corner B15 of said Dakota County Road Right of Way Map No. 167; thence North 00 degrees 4 minutes 29 seconds West 20.00 feet along the said north line of CSAH 50 to said corner B14 and said permanent easement there terminating.

Permanent Easement containing approximately 7520 square feet.

; and

WHEREAS, one parcel has been appraised by Valbridge Property Advisors, and the offer has been prepared; and

WHEREAS, the project is planned to be included in the 2023 Pavement Preservation and Misc. project package; and

WHEREAS, the approved 2022 Transportation Capital Improvement Program (CIP) ROW Preservation, and Management budget includes sufficient funds for the anticipated cost of the right of way acquisition for CP 50-32; and

WHEREAS, a joint powers agreement between Dakota County and the City of Farmington for CP 50-32 is proposed to outline cost participation and responsibilities for design, right of way acquisition, construction, and maintenance in accordance with the County Transportation Plan and County Policy; and

WHEREAS, if timely acquisition by direct negotiation of the required parcel does not appear possible, it is necessary for the County Board to authorize the County Attorney's Office to initiate quick-take condemnation of the parcel to allow for a spring 2023 start date.

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 Farmington to outline cost participation and responsibilities for the design, right of way acquisition, construction, and maintenance for County Project 50-32, 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 approves the acquisition of the property described below:

14-03400-16-031 - Parcel 1

A permanent easement for highway purposes over, under, and across that part of the following described property:

The Northeast Quarter of the Northeast Quarter of Section 34, Township 114 North, Range 20 West lying North of State Truck Highway No. 50, except that part platted as "Regetta Fields." Included abandoned railroad right of way, Dakota County, Minnesota. Said permanent easement described as follows:

Commencing at corner B14 as shown on Dakota County Road Right of Way Map No. 167 according to the recorded plat thereof Dakota County, Minnesota; thence North 89 degrees 55 minutes 31 seconds East 80.68 feet; thence North 15 degrees 6 minutes 44 seconds East 178.54 feet; thence North 00 degrees 28 minutes 25 seconds East 79.85 feet to a point on the westerly right of way line of Flagstaff Avenue as described by Final Certificate document number 2633064; thence North 89 degrees 43 minutes 33 seconds East 10.00 feet along said westerly right of way of Flagstaff Avenue; thence South 00 degrees 28 minutes 25 seconds West 208.02 feet along said westerly right of way line of Flagstaff Avenue; thence South 89

degrees 43 minutes 33 seconds West 25.00 feet along said westerly right of way line of Flagstaff Avenue; thence South 00 degrees 28 minutes 25 seconds West 64.10 feet along said westerly right of way line of Flagstaff Avenue to a north line of said CSAH 50 per Dakota County Road Right of Way Map No. 167; thence South 89 degrees 55 minutes 31 seconds West 110.61 feet along the said north line of CSAH 50 to corner B15 of said Dakota County Road Right of Way Map No. 167; thence North 00 degrees 4 minutes 29 seconds West 20.00 feet along the said north line of CSAH 50 to said corner B14 and said permanent easement there terminating.

Permanent Easement containing approximately 7520 square feet.

; and

for County Project 50-32 at the approved appraised values and in accordance with County policy and authorizes payment from the 2022 Transportation Capital Improvement Program budget; and

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

Expense

County Project 50-32 - Right of Way	\$100,000
Right of Way Preservation and Management set-aside	(\$100,000)
Total Expense	\$0

Revenue

County Funding - County Project 50-32	\$100,000
County Funding - ROW set-aside	(\$100,000)
Total Revenue	\$0

; and

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

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

- Attachment: Location Map
- Attachment: Parcel Map
- Attachment: Financial Summary

BOARD GOALS

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

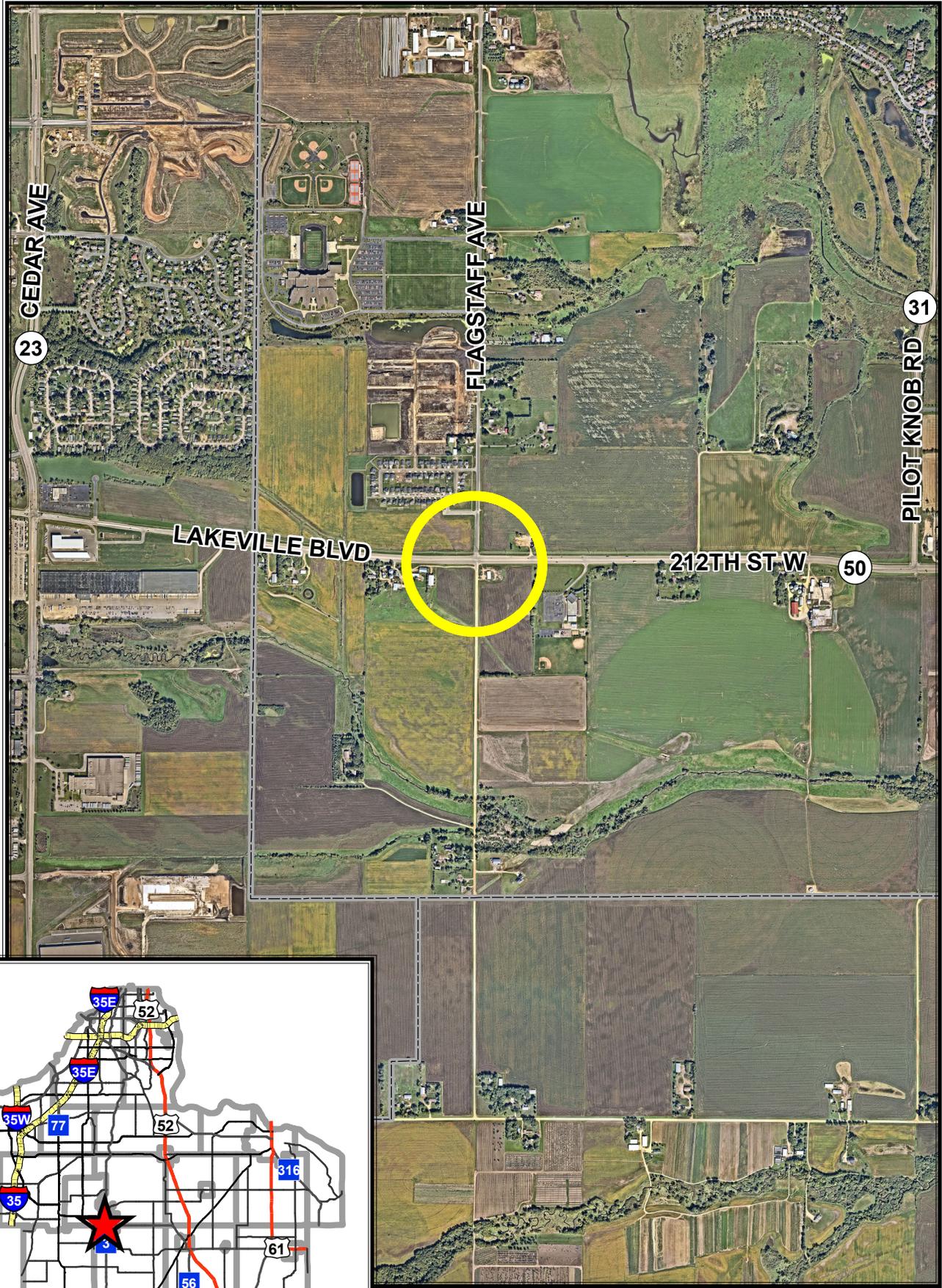
PUBLIC ENGAGEMENT LEVEL

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

CONTACT

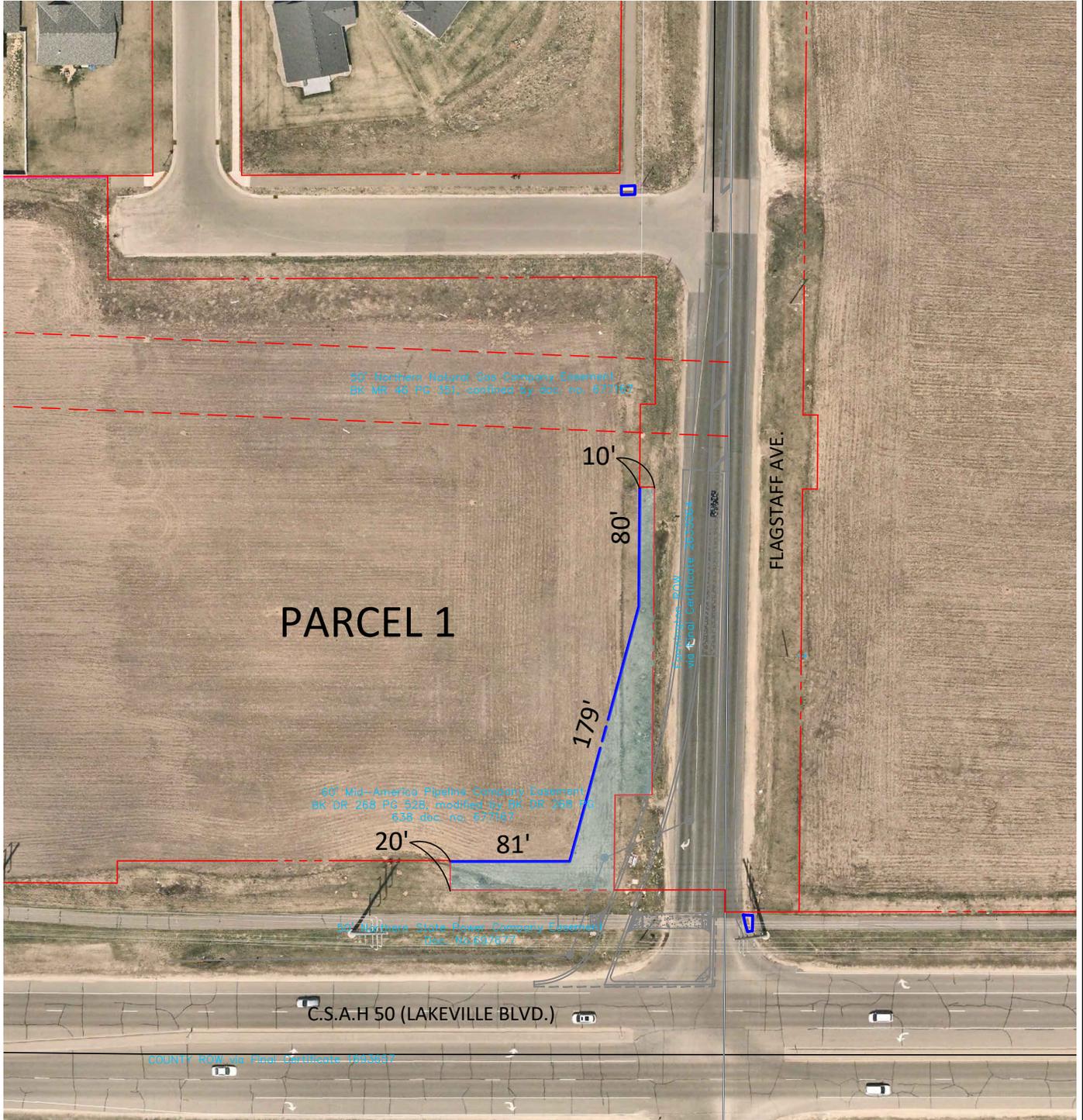
Department Head: Erin Laberee
Author: Joe Connelly

Prepared by Dakota County Physical Development Division



County Project 50-32

FLAGSTAFF AVENUE, PROPERTY EXHIBIT FARMINGTON, MN



PARCEL 1

FLAGSTAFF AVE.

C.S.A.H 50 (LAKEVILLE BLVD.)

LEGEND

-  DENOTES PARCEL LINE
-  DENOTES EXISTING R/W LINE
-  DENOTES PROPOSED R/W LINE

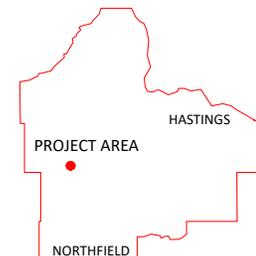
DIMENSIONS OF EASEMENT AREAS ARE ROUNDED TO THE NEAREST FOOT SO MAY NOT MATCH SQUARE FOOTAGE LISTED BELOW

OWNER:
BURNELL J. SAYERS, AS TRUSTEE OF THE JOHN A. SAYERS LIVING TRUST;
KIMBERLY D. DENMARK, THE PERSONAL REPRESENTATIVE OF THE ESTATE OF JOHN ALBERT SAYERS;
ROBERT SAYERS; RICHARD SAYERS AND DARLENE PEDERSEN,
AS TRUSTEE OF THE DARLENE K. PEDERSEN TRUST, AND DARLENE PEDERSON

PROJECT NO. 50-32
PID 140340016031

NEW HIGHWAY RIGHT OF WAY (SQ. FT.) 7,520

DRAFT



Project 50-32 212TH ST/FLAGSTAFF FARMINGTON

Year	Expense Budget			Funding Sources Budget						
	Budget	Proposed RBA	Revised Budget	Current County's Share	Proposed RBA	Revised County's Share	Current Non-County Funding	Proposed RBA	Revised Non-County Funding	Total Revised Project Funding
Prior to 2022	-		-	-		-	-	-	-	-
2022 Budget	7,300	100,000	107,300	7,300	100,000	107,300	-	-	-	107,300
2023 Plan	-		-	-		-	-	-	-	-
2024 Plan	-		-	-		-	-	-	-	-
2025 Plan	-		-	-		-	-	-	-	-
2026 Plan	-		-	-		-	-	-	-	-
<i>Current CIP Total</i>	<i>7,300</i>	<i>100,000</i>	<i>107,300</i>	<i>7,300</i>	<i>100,000</i>	<i>107,300</i>	-	-	-	<i>107,300</i>
Costs Beyond Current CIP	-		-	-		-	-	-	-	-
Total	7,300	100,000	107,300	7,300	100,000	107,300	-	-	-	107,300



Board of Commissioners

Request for Board Action

Item Number: DC-1423

Agenda #: 9.6

Meeting Date: 10/4/2022

DEPARTMENT: Transportation

FILE TYPE: Consent Action

TITLE

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

PURPOSE/ACTION REQUESTED

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

SUMMARY

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

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

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

Two parcels have been identified from which right of way will be acquired in advance of other parcels by the County. Staff is proposing acquisition of the necessary permanent highway easements from these identified parcels (Attachment: Parcel Location). One appraisal report has been completed by Nicollet Partners for the two parcels (PID: 31-15902-00-010 and PID: 31-01000-42-020). Data about the appraisals has been provided to the County Board in a confidential spreadsheet

because the appraisal is currently confidential, non-public data pursuant to Minn. Stat § 13.44, subd. 3.

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

RECOMMENDATION

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

EXPLANATION OF FISCAL/FTE IMPACTS

The funding for this acquisition was included as part of the original project budget for CP 88-20, but has since been split into two phases. The budget needed for this acquisition will be transferred to CP 88-24 administratively after a settlement has been reached.

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

RESOLUTION

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

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

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

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

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

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

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

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

PID: 31-15902-00-010

A permanent easement for highway purposes
Said easement contains approximately 17,894 square feet of new right of way.

PID: 31-01000-42-020

A permanent easement for highway purposes
Said easement contains approximately 29,623 square feet of new right of way.

An easement for highway purposes over, under, and across Outlot A, Byllesby Shores 3rd Addition, according to the recorded plat thereof, Dakota County, Minnesota.

Together with an easement for highway purposes over, under, and across part of the following described subject property:

That part of the Southwest Quarter of the Northwest Quarter, Section 10, Township 112 North, Range 18 West, Dakota County, Minnesota, described as follows:

Beginning at the northwest corner of said Southwest Quarter of the Northwest Quarter; thence South 89 degrees 42 minutes 18 seconds East, bearing assumed, along the north line of said Southwest Quarter of the Northwest Quarter, a distance of 250.00 feet; thence South 00 degrees 17 minutes 28 seconds East a distance of 447.60 feet; thence North 89 degrees 49 minutes 47 seconds West a distance of 250.00 feet to the West line of said Southwest Quarter of the Northwest Quarter; thence North 00 degrees 17 minutes 28 seconds West, along said west line, a distance of 448.15 feet to the point of beginning.

Said easement is described as follows:

Beginning at said northwest corner; thence South 89 degrees 42 minutes 18 seconds East, bearing assumed, along the said north line of said Southwest Quarter of the Northwest Quarter a distance of 56.19 feet; thence South 00 degrees 05 minutes 08 seconds West a distance of 99.51; thence southerly a distance of 354.30 feet along a tangential curve concave to the east having a radius of 1136.00 feet a central angle of 17 degrees 52 minutes 10 seconds to the south line of said subject property; thence North 89 degrees 49 minutes 47 seconds West along said south line a distance of 108.05 feet to the west line of said Southwest Quarter of the Northwest Quarter; thence North 00 degrees 17 minutes 28 seconds West along said west line, a distance of 448.15 feet to the point of beginning.

Said easement area containing approximately 47,517 Square Feet of new right of way.

; and

WHEREAS, one appraisal has been completed for two parcels by Nicollet Partners; and

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

WHEREAS, two parcels (PID: 31-15902-00-010 and PID: 31-01000-42-020) have been appraised, and the values have been presented to the County Board in a confidential spreadsheet.

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

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

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

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

PREVIOUS BOARD ACTION

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

ATTACHMENTS

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

BOARD GOALS

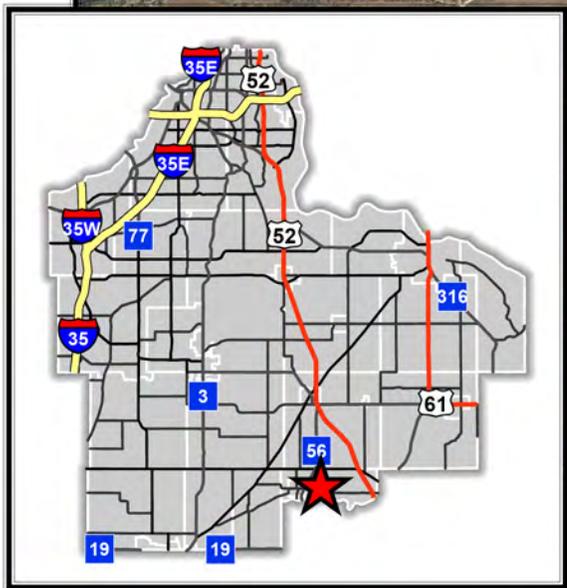
- | | |
|---|--|
| <input type="checkbox"/> A Great Place to Live | <input type="checkbox"/> A Healthy Environment |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input checked="" type="checkbox"/> Excellence in Public Service |

PUBLIC ENGAGEMENT LEVEL

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

CONTACT

Department Head: Erin Laberee
Author: Matthew Parent



County Project 88-24

Attachment: Parcel Location





Board of Commissioners

Request for Board Action

Item Number: DC-1411

Agenda #: 9.7

Meeting Date: 10/4/2022

DEPARTMENT: Transportation

FILE TYPE: Consent Action

TITLE

Authorization To Execute Agreement With City Of Lakeville For Traffic Signal Installations At CSAH 31 (Pilot Knob) And 179th Street Intersection And At CSAH 23 (Cedar Avenue) And 185th Street Intersection

PURPOSE/ACTION REQUESTED

- Authorize intersection traffic control change to traffic signal at County State Aid Highway (CSAH) 31 (Pilot Knob Road) and 179th Street.
- Authorize intersection traffic control change to traffic signal at County State Aid Highway (CSAH) 23 (Cedar Avenue) and 185th Street.
- Authorize execution of joint powers agreement (JPA) with the City of Lakeville (City) for the installation of and to define cost, operation, utility, and maintenance responsibilities of traffic signal systems at the CSAH 31 (Pilot Knob Road) and 179th Street intersection and at the CSAH 23 (Cedar Avenue) and 185th Street intersection.

SUMMARY

To promote a safe and efficient transportation system throughout the County, Dakota County and the City are partnering to install new traffic signal systems at the intersection of CSAH 31 (Pilot Knob) and 179th Street (see Attachment: CSAH 31 & 179th Location Map) and the intersection of CSAH 23 (Cedar Avenue) and 185th Street (Attachment: CSAH 23 & 185th Location Map).

The CSAH 31 and 179th Street intersection is currently a two-way stop control with vehicles on 179th required to stop for CSAH 31 traffic. Currently, CSAH 9 follows the Dodd Boulevard alignment between CSAH 23 and CSAH 31. The County will be constructing a realignment of CSAH 9 onto the 179th Street alignment in 2023. This realignment will shift traffic patterns, increasing traffic volumes on 179th Street at CSAH 31.

Installation of a traffic signal at CSAH 31 and 179th Street is justified and the appropriate traffic control for the intersection in consideration of the additional traffic associated with the new CSAH 9 alignment, future designation of 179th Street as CSAH 9 and overall operations. The County is the lead agency for the project to install the new County-owned traffic signal system at CSAH 31 and 179th Street. Installation of the signal is scheduled to occur in 2023 under County Project (CP) 31-110.

County State Aid Highway 23 and 185th Street is currently a t-intersection with side street stop control, with vehicles on 185th required to stop for CSAH 23 traffic. A missing segment of 185th Street will be constructed in 2023 under CP 60-28, which will extend CSAH 60 to CSAH 23 along the 185th

Street alignment. The extension of CSAH 60 will shift traffic patterns, increasing traffic volumes on 185th Street at CSAH 23.

Installation of a traffic signal at CSAH 23 and 185th Street is justified and the appropriate traffic control for the intersection in consideration of the additional traffic associated with the extension of CSAH 60, designation of 185th Street as CSAH 60 and overall operations. Installation of the signal is scheduled to occur in 2023 as part of CP 60-28. The City is the lead agency for the project to install the new County-owned traffic signal system at CSAH 23 and 185th Street.

A JPA with the City is necessary to define costs, operation, and maintenance responsibilities at both intersections. The cost participation for design, engineering, and construction of the two new traffic signals will be in accordance with the adopted Cost Share Policy (Policy F.4 Traffic Signals). The County’s cost share is 55 percent, and the City’s cost share is 45 percent. The cost participation for power and maintenance will be in accordance with the adopted Cost Share Policy (Policy F.17 Traffic Signal and Street Lighting Power Costs and Maintenance Responsibilities). The County’s cost share is 75 percent, and the City’s cost share is 25 percent for power costs of the traffic signal systems and attached street lighting. The County will operate and maintain the signal systems, timing, and operation. The City will be responsible for streetlight maintenance and painting of the signal systems.

RECOMMENDATION

Staff recommends a change in traffic control to traffic signals at the CSAH 31 and 179th Street and the CSAH 23 and 185th Street intersections. Staff further recommends entering into a JPA with the City of Lakeville to define cost, operation, utility, and maintenance responsibilities for the new traffic signal systems at these two locations.

EXPLANATION OF FISCAL/FTE IMPACTS

The 2023 Transportation Capital Improvement Program (CIP) Draft Budget contains a total budget of \$650,000 for construction of CP 31-110 (see Attachment: CP 31-110 Financial Summary) and a total budget of \$4,823,500 for construction of CP 60-28 (see Attachment: CP 60-28 Financial Summary). Sufficient funds are included for costs associated with the installation of the traffic signal systems. Sufficient funds are included in the 2023 Transportation Department’s draft operating budget for County maintenance and operation of the traffic signal systems following installation.

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

RESOLUTION

WHEREAS, to provide a safe and efficient transportation system, Dakota County (County) is partnering with the City of Lakeville (City) for projects to install new traffic signal systems at the County State Aid Highway (CSAH) 31 (Pilot Knob) and 179th Street and the CSAH 23 (Cedar Avenue) and 185th Street intersections; and

WHEREAS, installation of the traffic control signal system is justified and the appropriate traffic control for the intersection of CSAH 31 and 179th Street in consideration of additional traffic associated with a new CSAH 9 alignment, future designation of 179th Street as CSAH 9 and overall operations; and

WHEREAS, installation of the traffic control signal system is justified and the appropriate traffic

control for the intersection of CSAH 23 and 185th Street in consideration of the additional traffic associated with the extension of CSAH 60, designation of 185th Street as CSAH 60 and overall operations; and

WHEREAS, the County is the lead agency for the project to install the signal system at CSAH 31 and 179th Street; and

WHEREAS, the City is the lead agency for the project to install the signal system at CSAH 23 and 185th Street; and

WHEREAS, cost participation for design, engineering, and construction of the two new traffic signals will be in accordance with the adopted Cost Share Policy (Policy F.4 Traffic Signals), such that the County's cost share is 55 percent and the City's cost share is 45 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 75 percent and the City cost share is 25 percent for power costs of the traffic signal and attached street lighting; and

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

WHEREAS, a joint powers agreement with the City of Lakeville is needed for signal installation and to define operation and maintenance costs and responsibilities.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the installation of a traffic control signal system at the intersection of County State Aid Highway (CSAH) 31 (Pilot Knob) and 179th Street and also at the intersection of CSAH 23 (Cedar Avenue) and 185th Street, in the City of Lakeville in accordance with Dakota County Transportation Plan (Policy M.9); and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with the City of Lakeville for the installation, operation and maintenance of traffic signal systems at the intersection of CSAH 31 (Pilot Knob Road) and 179th Street and also at the intersection of CSAH 23 (Cedar Avenue) and 185th Street, subject to approval by the County Attorney's Office as to form.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: CSAH 31 & 179th Location Map
Attachment: CSAH 23 & 185th Location Map
Attachment: CP 31-110 Financial Summary
Attachment: CP 60-28 Financial Summary

BOARD GOALS

A Great Place to Live

A Healthy Environment

A Successful Place for Business and Jobs

Excellence in Public Service

PUBLIC ENGAGEMENT LEVEL

Inform and Listen

Discuss

Involve

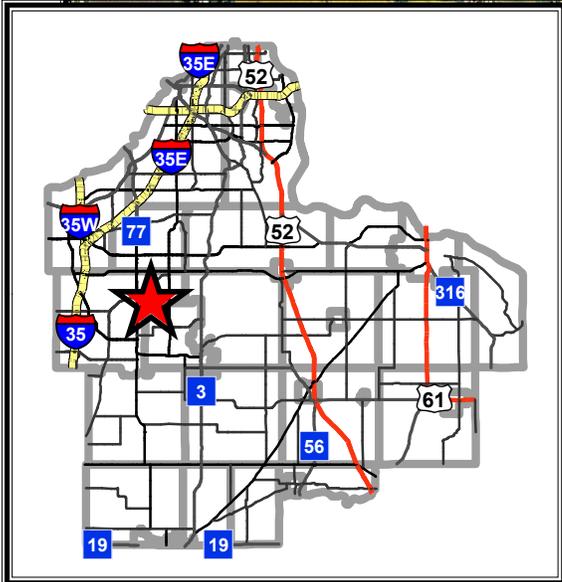
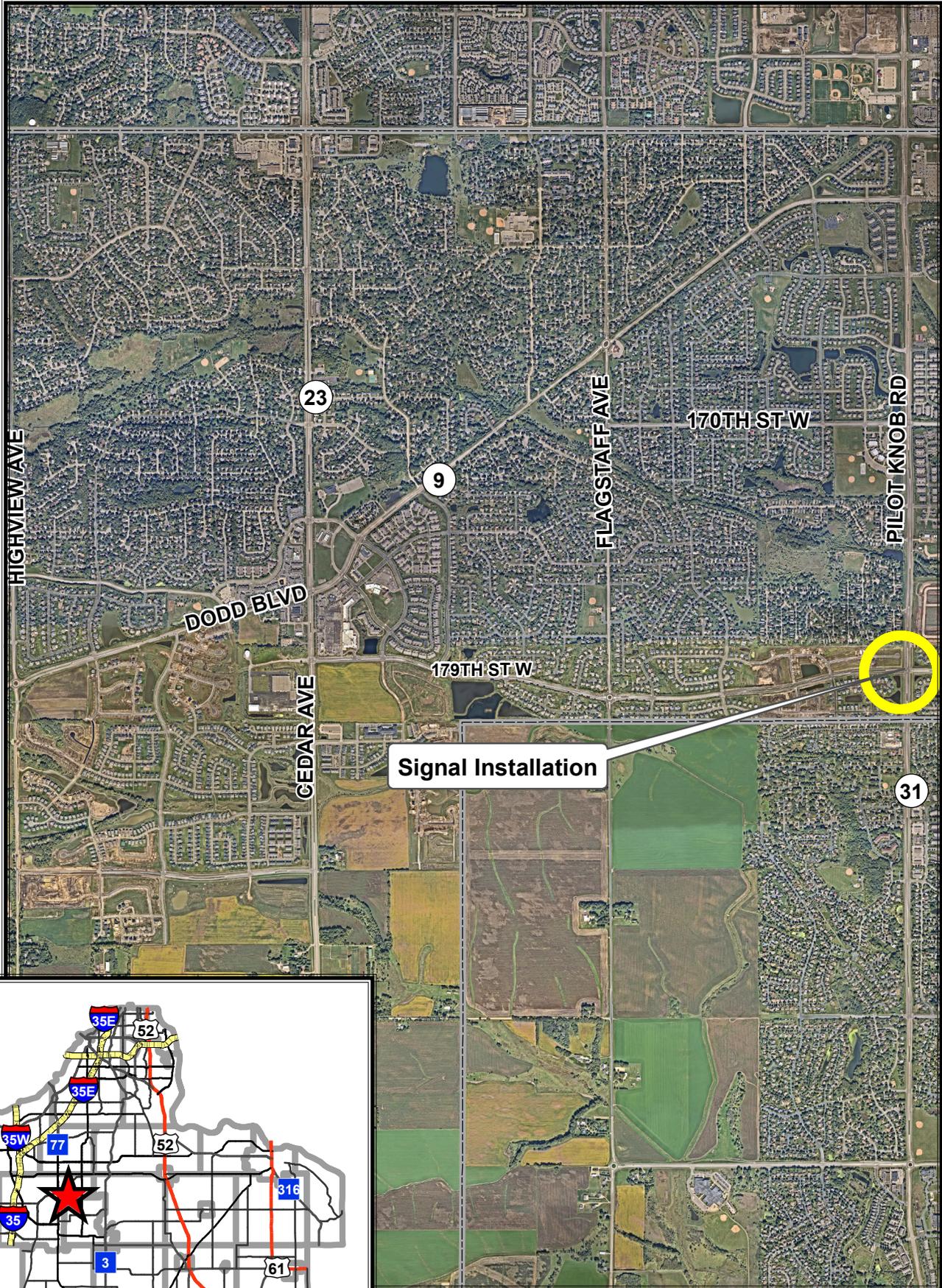
N/A

CONTACT

Department Head: Erin Laberee

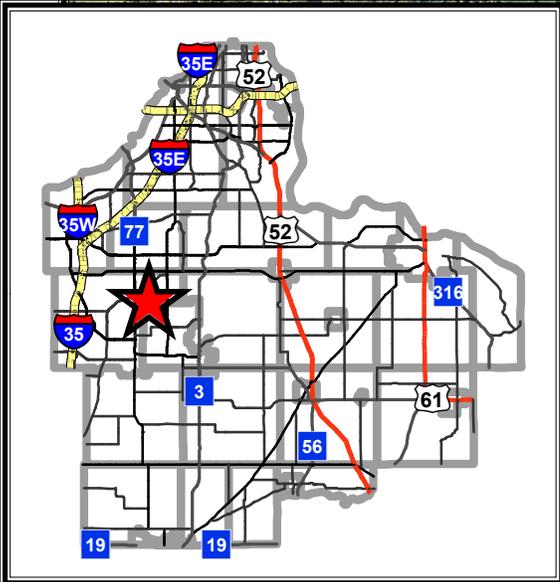
Author: Tom Bowlin

Prepared by Dakota County Physical Development Division



County Project 31-110

Prepared by Dakota County Physical Development Division



County Project 60-28

Project 31-110 Signal System at 179th

Year	Expense Budget			Funding Sources Budget						
	Budget	Proposed RBA	Revised Budget	Current County's Share	Proposed RBA	Revised County's Share	Current Non-County Funding	Proposed RBA	Revised Non-County Funding	Total Revised Project Funding
Prior to 2022	-	-	-	-	-	-	-	-	-	-
2022 Budget	32,000	-	32,000	32,000	-	32,000	-	-	-	32,000
2023 Plan	650,000	-	650,000	357,500	-	357,500	292,500	-	292,500	650,000
2024 Plan	-	-	-	-	-	-	-	-	-	-
2025 Plan	-	-	-	-	-	-	-	-	-	-
2026 Plan	-	-	-	-	-	-	-	-	-	-
<i>Current CIP Total</i>	<i>682,000</i>	<i>-</i>	<i>682,000</i>	<i>389,500</i>	<i>-</i>	<i>389,500</i>	<i>292,500</i>	<i>-</i>	<i>292,500</i>	<i>682,000</i>
Costs Beyond Current CIP	-	-	-	-	-	-	-	-	-	-
Total	682,000	-	682,000	389,500	-	389,500	292,500	-	292,500	682,000

Project 60-28 Expansion of CSAH 60/185th St

Year	Expense Budget			Funding Sources Budget						
	Budget	Proposed RBA	Revised Budget	Current County's Share	Proposed RBA	Revised County's Share	Current Non-County Funding	Proposed RBA	Revised Non-County Funding	Total Revised Project Funding
Prior to 2022	-		-	-		-	-	-	-	-
2022 Budget	187,000	-	187,000	187,000		187,000	-	-	-	187,000
2023 Plan	4,823,500		4,823,500	4,823,500		4,823,500	-	-	-	4,823,500
2024 Plan			-	-		-	-	-	-	-
2025 Plan			-	-		-	-	-	-	-
2026 Plan			-	-		-	-	-	-	-
<i>Current CIP Total</i>	<i>5,010,500</i>	<i>-</i>	<i>5,010,500</i>	<i>5,010,500</i>	<i>-</i>	<i>5,010,500</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>5,010,500</i>
Costs Beyond Current CIP	-		-	-		-	-	-	-	-
Total	5,010,500	-	5,010,500	5,010,500	-	5,010,500	-	-	-	5,010,500



Board of Commissioners

Request for Board Action

Item Number: DC-1447

Agenda #: 9.8

Meeting Date: 10/4/2022

DEPARTMENT: Transportation

FILE TYPE: Consent Action

TITLE

Approval Of Final Plats Recommended By Plat Commission

PURPOSE/ACTION REQUESTED

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

SUMMARY

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

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

RECOMMENDATION

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

EXPLANATION OF FISCAL/FTE IMPACTS

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

RESOLUTION

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

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

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

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

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

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

EAGAN MOB

Eagan

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: Meeting Notes

Attachment: Location Map

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 Laberee

Author: Todd Tollefson

**DAKOTA COUNTY PLAT COMMISSION
MEETING SUMMARY**

September 14, 2022

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

1.) Plat Name:	EAGAN MOB
PID:	100010055020
City:	Eagan
County Road:	CSAH 26 (Lone Oak Rd.)
Current ADT (2017):	6,700
Projected ADT (2040):	18,000
Current Type:	4-lane, divided
Proposed Type:	4-lane, divided
R/W Guideline:	75ft (½ R/W)
Spacing Guideline:	¼ mile full access
Posted Speed Limit:	50 mph
Proposed Use:	Commercial
Status:	Preliminary
Location:	SW ¼ Sec 1-27-23
In attendance (09/14/22):	Mike Schultz(city); Aaron Nelson(city); PJ Disch (Loucks); Matthew O’Keefe (developer); Mark Davis (developer)

REVIEW 09/14/22:

The proposed site includes a medical building along CSAH 26. CSAH 26 is planned for a reconstruction project in 2023 (CP 26-54). The future right-of-way needs along CSAH 26 are 75 feet of half right of way, which meets the needs for CP 26-54. The access spacing guidelines for a 4-lane divided roadway along CSAH 26 are ¼ mile full access and 1/8-mile restricted access. The proposed site will have access to Holiday Lane (a city street) via CSAH 26. A ¾-access will be allowed at the Holiday Lane/CSAH 26 intersection at this time. If there are safety concerns at Holiday Lane, the access may be closed to a right turns only access in the future. As discussed, the County owns land within this plat that includes a land swap. The authorization of the land swap is planned to be approved at the County Board meeting on September 20th, 2022. Restricted access should be shown along all of CSAH 26 except for one access opening at Holiday Lane. A quit claim deed to Dakota County for restricted access is required with the recording of the plat mylars.

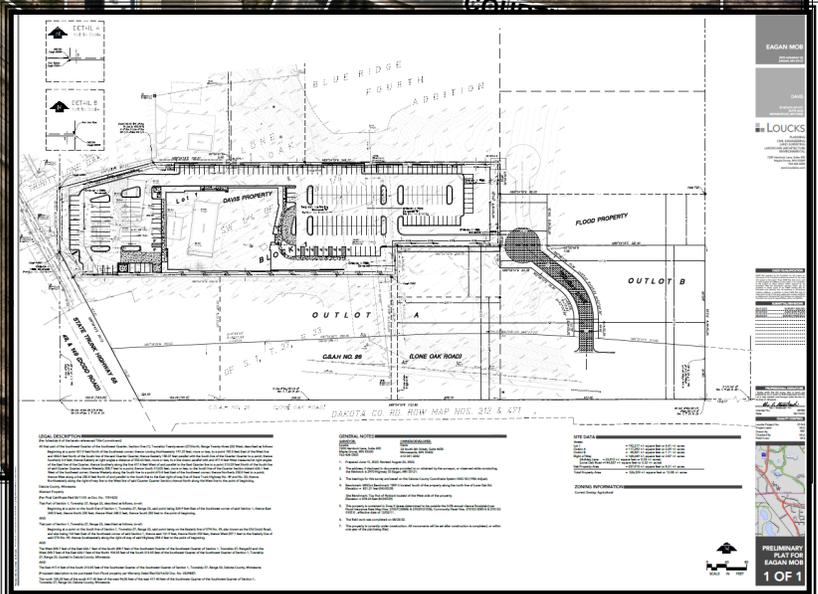
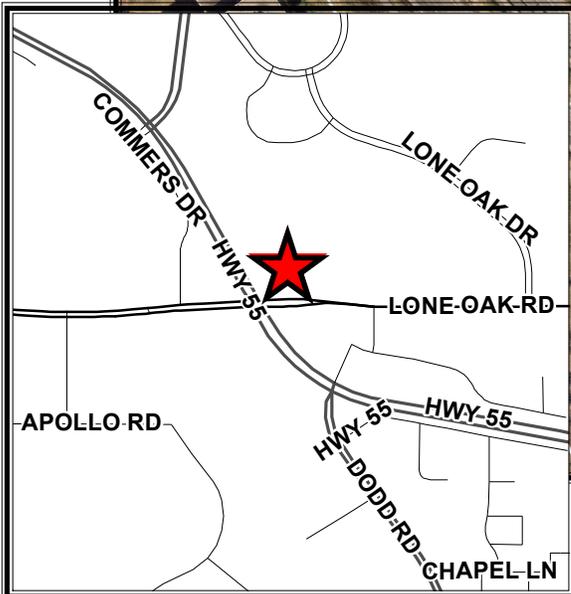
The type of future access openings along County Roads are subject to change based upon operation, safety concerns, updated studies, or increased traffic counts. Future access allowed to any County Road has a right to an access opening but not the type of access (full, restricted) or future median requirements

RECOMMENDATION 09/14/22:

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

EAGAN MOB

Prepared by Dakota County Physical Development Division





Board of Commissioners

Request for Board Action

Item Number: DC-1467

Agenda #: 13.1

Meeting Date: 10/4/2022

Information

See Attachment for future Board meetings and other activities.

October 3, 2022

Monday

10:30 AM - 10:30 AM

Same-day Standard Driver's License Pilot Launch -- Lakeville License Center, 20085 Heritage Drive, Lakeville

October 4, 2022

Tuesday

9:00 AM - 9:00 AM

Dakota County Board of Commissioners Meeting -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast
<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>

9:30 AM - 9:30 AM

Dakota County General Government and Policy Committee Meeting (or following CB) -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings

2:00 PM - 2:00 PM

South St. Paul Library Groundbreaking Ceremony -- Future Site of South St. Paul Library, corner of Marie and Seventh Aves, So. St. Paul

October 5, 2022

Wednesday

10:00 AM - 10:00 AM

GREATER MSP Board of Directors Meeting -- Zoom
(<https://greatermsp-org.zoom.us/j/82424940033?pwd=MVBoMHIhdVJkNUJqZTFGZkpTRVBIUT09>)

October 7, 2022

Friday

5:00 PM - 5:00 PM

Charlton Underpass Mural Unveiling -- Garlough Environmental Magnet Elementary School, 1740 Charlton Street, West St. Paul

October 11, 2022

Tuesday

9:00 AM - 9:00 AM

Dakota County Community Services Committee of the Whole -- Western Service Center, 14955 Galaxie Avenue, Apple Valley, Conference Room L139

10:00 AM - 10:00 AM

Dakota County Physical Development Committee of the Whole (or following Community Services Committee) -- Western Service Center, 14955 Galaxie Avenue, Apple Valley, Conference Room L139

3:30 PM - 3:30 PM

Dakota-Scott Workforce Development Board Executive Committee Meeting -- Zoom
(<https://us02web.zoom.us/j/89744523163?pwd=amhmRIF3ZlloREJyVGJ2RnQxbXc4Zz09>)

October 12, 2022

Wednesday

- 10:00 AM - 10:00 AM **Metropolitan Emergency Services Board Executive Committee Meeting -- Metro Counties Government Center, 2099 University Avenue West, Room 205, St. Paul**
- 4:00 PM - 4:00 PM **Dakota Broadband Board Meeting -- Apple Valley City Hall, 7100 147th Street West, Regent Room, Apple Valley**
- 4:00 PM - 4:00 PM **Vermillion River Watershed Planning Commission Meeting -- Dakota County Extension & Conservation Center, 4100 220th St. W, Farmington**
- 5:00 PM - 5:00 PM **Open House #2: CP 6-06 & CP 73-34 -- Wentworth Library, 199 Wentworth Ave E, Large Meeting Room, West St. Paul**

October 13, 2022

Thursday

- 7:30 AM - 7:30 AM **I-35W Solutions Alliance Board Meeting -- Richfield City Hall, 6700 Portland Avenue South, Bartholomew Room, Richfield**
- 5:00 PM - 5:00 PM **We Are Water MN -- Pleasant Hills Library, 1490 S. Frontage Rd, Large Conference Room, Hastings**

October 14, 2022

Friday

- 10:00 AM - 10:00 AM **Aspen House Ribbon Cutting -- Dakota Communities Inc, 2031 Victoria Road South, Mendota Heights**

October 18, 2022

Tuesday

- 9:00 AM - 9:00 AM **Dakota County Board of Commissioners Meeting -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast
<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>**
- 9:30 AM - 9:30 AM **Dakota County Regional Railroad Authority (or following CB) -- Administration Center, 1590 Highway 55, Boardroom, Hastings**
- 3:30 PM - 3:30 PM **Dakota County Community Development Agency Board Regular Meeting -- Dakota County CDA, 1228 Town Centre Drive, Eagan**



Board of Commissioners

Request for Board Action

Item Number: DC-1468

Agenda #: 14.1

Meeting Date: 10/4/2022

Adjournment