



# Dakota County

## Board of Commissioners

### Agenda

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Tuesday, November 12, 2024

9:00 AM

Boardroom, Administration Center,  
Hastings, MN

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

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

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

4. **Agenda**
  - 4.1 Approval of Agenda (Additions/Corrections/Deletions)
5. **Presentation**
  - 5.1 Minnesota Juvenile Detention Association Juvenile Services Center Worker of the Year Award

#### CONSENT AGENDA

6. **County Administration - Approval of Minutes**
  - 6.1 Approval of Minutes of Meeting Held on October 29, 2024
7. **County Board/County Administration**
  - 7.1 *Employee Relations* - Authorization To Amend Contract With Deloitte Consulting For Benefits Consulting Services In 2024

**8. Enterprise Finance and Information Services**

- 8.1 *Information Technology* - Authorization To Amend Fiber Optic Indefeasible Right To Use Agreement With City Of South St. Paul
- 8.2 *Information Technology* - Authorization To Execute Contract Amendment With DLT Solutions, LLC For Additional Enterprise Resource Planning Software Licenses
- 8.3 *Office Of Risk Management* - Authorization To Execute Contract With Minnesota Department Of Public Safety For 2024-2026 Allied Radio Matrix For Emergency Response (ARMER) Grant Program And Authorization To Amend 2024 Risk Management Budget

**9. Physical Development**

- 9.1 *Parks, Facilities, and Fleet Management* - Authorization To Execute Professional Design Service Contract With HKGI For Site Improvements In Miesville Ravine Park Reserve
- 9.2 *Transportation* - Approval Of Final Plats Recommended By Plat Commission
- 9.3 *Transportation* - Authorization To Execute Joint Powers Agreement With City Of Eagan For Design And Construction Of Trails Along County Highways, County Projects 31-112 And 43-057
- 9.4 *Transportation* - Authorization To Execute Railroad Flaggers Contract Second Amendment With National Railroad Safety Services On Railroad Bridge In Castle Rock Township, County Project 86-34
- 9.5 *Transportation* - Authorization To Enter Into Cooperative Agreement For Cost Participation To Replace I-35W Bridge Over County State Aid Highway 32 And I-35W Interchange Improvements At County State Aid Highway 42, County Projects 32-115 And 42-164 In Burnsville
- 9.6 *Transportation* - Approval Of Right Of Way Acquisition And Quick-Take Condemnation And Authorization To Amend 2024 Budget For County State Aid Highway 42 Federal Mill And Overlay In City Of Apple Valley, County Project 42-172
- 9.7 *Transportation* - Approval Of Right Of Way Acquisition And Quick-Take Condemnation For Roundabout At Intersection Of County State Aid Highway 50 (202nd Street West) And Hamburg Avenue In City Of Lakeville, County Project 50-37

**10. Public Services and Revenue**

- 10.1 *Public Services and Revenue Administration* - Scheduling Of Public Hearing To Receive Comments On 2025 Off Sale Intoxicating Liquor License Applications

**REGULAR AGENDA**

**11. Closed Executive Session**

- 11.1 *Office Of The County Manager* - Closed Executive Session: Legal Strategy For Acquisition Of Property From Kristin Ann Klein In City Of Eagan For County Project 26-67 (Lone Oak Road/County State Aid Highway 26)

**12. Interagency Reports/Commissioner Updates**

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

**13. County Manager's Report**

**14. Information**

- 14.1 Information  
See Attachment for future Board meetings and other activities.

**15. Adjournment**

- 15.1 Adjournment

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# Board of Commissioners

## Request for Board Action

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**Item Number:** DC-3933

**Agenda #:** 4.1

**Meeting Date:** 11/12/2024

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Approval of Agenda (Additions/Corrections/Deletions)





# Board of Commissioners

## Request for Board Action

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**Item Number:** DC-3934

**Agenda #:** 6.1

**Meeting Date:** 11/12/2024

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Approval of Minutes of Meeting Held on October 29, 2024



# Dakota County

## Board of Commissioners

### Minutes

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Tuesday, October 29, 2024

9:00 AM

Boardroom, Administration Center,  
Hastings, MN

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

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

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

#### 2. Pledge Of Allegiance

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

#### 3. Audience

Chair Atkins noted that all public comments can be sent to [CountyAdmin@co.dakota.mn.us](mailto:CountyAdmin@co.dakota.mn.us)  
The following came forward with comments:  
Tom Lopac (Eagan), Post-Election Review follow-up  
Beth Eilers (Eureka Township), Enforcement/signage for Jake Braking

#### 4. Agenda

**4.1** Resolution No: 24-502  
Approval of Agenda (Additions/Corrections/Deletions)

Motion: William Droste

Second: Mike Slavik

Ayes: 7

#### 5. Public Hearing

**5.1** Resolution No: 24-503  
Public Hearing To Receive Comments And Adoption Of Dakota County 2025  
Recommended Fee Schedules

Motion: Laurie Halverson

Second: William Droste

The time being 9:16 a.m. and pursuant to public notice, a public hearing was conducted to receive comments on the Dakota County 2025 recommended fee schedules. Finance Deputy Director Leng Vang briefed this item and the public hearing was opened. No one came forward with comments and no comments were received via email. The Public Hearing was closed at 9:17 a.m.

WHEREAS, Minn. Stat. § 373.41 authorizes the Dakota County Board to establish fees for various services provided to the public after holding a public hearing; and

WHEREAS, Dakota County desires to recover costs for services, except where an increase would adversely affect the use of a program or service; and

WHEREAS, notice of a public hearing on the recommended 2025 fee schedules was published from October 08, 2024 to October 29, 2024, on the Dakota County external website under Public Notices; and

WHEREAS, a public hearing was held on October 29, 2024, to receive comments on the 2025 Fee Schedules.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Dakota County 2025 fee schedules, as presented.

Ayes: 7

**CONSENT AGENDA**

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

**6. County Administration - Approval of Minutes**

**6.1** Resolution No: 24-504  
Approval of Minutes of Meeting Held on October 8, 2024

Motion: Mary Hamann-Roland Second: Mike Slavik

Ayes: 7

**7. Items Recommended By Board Committee\***

**7.1** Resolution No: 24-505  
Delegation Of Tax-Forfeit Land Administration Duties To Director Of Property Taxation And Records, Acting As Dakota County Treasurer-Auditor

Motion: Mary Hamann-Roland Second: Mike Slavik

WHEREAS, Minn. Stat. § 282.135, authorizes the County Board the ability to delegate its statutory authority, power, and responsibility relating to the administration of tax-forfeited land; and

WHEREAS, the County Board previously delegated to the Director of the Property Taxation and Records Department, acting as the Dakota County Treasurer-Auditor, the authority to administer tax-forfeited land pursuant to Resolution No. 15-011; and

WHEREAS, in 2024, the statutes relating to the administration of tax-forfeited land were amended to provide for additional procedures relating to the valuation, sale and administration of tax-forfeited property; and

WHEREAS, the Dakota County Property Taxation and Records Director requests the delegation of authority, power, and responsibility for managing the entire tax forfeiture process pursuant to the amended tax forfeiture statutes, including but not limited to the:

- Authority to approve former owners and eligible parties to repurchase tax-forfeit land; and
- Authority to initiate legal proceedings to cancel purchase and repurchase contracts in default status; and
- Authority to reinstate cancelled tax-forfeited contracts; and
- Authority to establish the market value at the time of forfeiture, set the appraised value, and establish the minimum bid; and
- Authority to classify tax-forfeited land as conservation or non-conservation; and
- Authority to schedule a public auction; and
- Authority to initiate legal proceedings for evictions

; and

WHEREAS, this delegation will streamline these processes, reduce administrative costs, and provide quicker, more responsive service to taxpayers and the public.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby delegates authority, power, and responsibility to the Dakota County Property Taxation and Records Director the ability to manage the entire tax forfeiture process including but not limited to; the authority to approve former owners and eligible parties to repurchase tax-forfeit land; and the authority to initiate legal proceedings to cancel purchase and repurchase contracts in default status; and the authority to reinstate cancelled tax-forfeited contracts; and the authority to establish the market value at the time of forfeiture, set the appraised value, and establish the minimum bid; and the authority to classify tax-forfeited land as conservation or non-conservation; and the authority to schedule a public auction; and the authority to initiate legal proceedings for evictions.

Ayes: 7

- 7.2** Resolution No: 24-506  
Adoption Of Revisions To Policy No. 8003, Conveyance Of Tax Forfeited Property To Local Government Unit

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, in 2024, in Chapter 282, the statutes relating to the administration of tax forfeited land were amended to update the requirements for public auctions, the department of natural resources review, and the hold process for local government units or state agencies; and

WHEREAS, the Dakota County Board of Commissioners adopted Abatement Policy No. 8003 in 2014 and revise the policy in 2020; and

WHEREAS, the Property Taxation and Records Department has reviewed Policy No. 8003 as a part of legislative changes; and

WHEREAS, staff recommends changes to Policy No. 8003, including:

- The minimum bid is defined as the sum of delinquent taxes, special assessments, penalties, interests, and costs assigned to the parcel.
- The county auditor must first hold a public auction within six months of a property forfeiting.
- If the property is not sold at public auction, the property remains in tax forfeiture status which will allow for a local government unit to acquire.
- The county auditor must provide notice to the commissioner of natural resources of the forfeiture of any lands eligible to be withheld or withdrawn from sale under this section.
- Notice must be provided within 30 days of either the filing of the certificate of forfeiture pursuant to section 281.23, subdivision 9, or the date the property is vacated by the occupant, whichever is later.
- Within 30 days of this notice, the commissioner of natural resources must notify the county auditor of a decision to withhold or withdraw a property from the sale under section 282.005, and the county auditor must hold a public auction within six months of a property forfeiting.
- If the property is not sold at public auction, the property remains in tax forfeiture status.
- If a local government unit or state agency wishes to acquire a tax-forfeit property, it may request a six-month hold on the property.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the proposed amendments to Policy No. 8003, Conveyance of Tax Forfeited Property to Local Government Unit.

Ayes: 7

**7.3** Resolution No: 24-507  
Authorization To Renew Contract with The Sand Creek Group, Ltd. For Employee Assistance Program Services For 2025-2027

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the purpose of an Employee Assistance Program (EAP) is to offer support services to address employee's personal and work-related concerns

outside the office with trained professional counselors; and

WHEREAS, The Sand Creek Group, Ltd. has provided the County's EAP since December 1, 1993; and

WHEREAS, The Sand Creek Group provides EAP services for 81 counties under a contract with the Minnesota Counties Intergovernmental Trust (MCIT), as well as Dakota Counties; and

WHEREAS, employee feedback and participation continue to be positive regarding the services provided by The Sand Creek Group, Ltd.; and

WHEREAS, after six years of rates held, The Sand Creek Group monthly rate increases to 2.72 percent; and

WHEREAS, the three-year (2025-2027) proposed rate increases from \$27.55 to \$28.30 per employee, for an estimated annual cost of \$69,000; and

WHEREAS, the County's utilization rate has remained strong with a projected utilization rate over 9 percent; and

WHEREAS, specialty services including special request subject oriented trainings, conflict resolution, organization development, grief group facilitation and critical incident stress response are billed separately at \$325- \$450 per hour, substance abuse professional services are offered at \$600/incident.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Employee Relations Director to execute a contract with The Sand Creek Group, Ltd., for Employee Assistance Program services at the rate of \$28.30 per employee per year for January 1, 2025 - December 31, 2027, and for specialty employee assistance services at \$325 - \$450 per hour; subject to approval by the County Attorney's Office as to form and execution.

Ayes: 7

**7.4** Resolution No: 24-508  
Authorization To Execute One-Year Contract for Wellness Services With  
OPTUM

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, for the past nine years OPTUM has successfully administered Dakota County's employee wellness program, wellness coaching and Biometric Screenings; and

WHEREAS, about 63 percent Dakota County employees participate in the wellness program offering between biometric screenings, wellness coaching, and RALLY wellness portal activities; and

WHEREAS, renewal rate for services for another one year represents a 4 percent increase; and

WHEREAS, the cost of the services, \$165,000 per year is currently included with funds already budgeted in the employee health insurance internal service fund.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Director of Employee Relations to execute a one-year contract with OPTUM for wellness programming, wellness coaching and incentive services, in an amount not to exceed \$165,000 for 2025, to approval by the County Attorney's Office as to form.

Ayes: 7

**7.5** Resolution No: 24-509  
Authorization To Execute Agreement With University Of Minnesota For Local Extension Programming And Employing Extension Staff

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, on January 1, 2004, the University of Minnesota (U of M) Extension deployed a new model for Extension programming; and

WHEREAS, Extension Regional Offices were established throughout the state (one of those located in Farmington at the Dakota County Extension and Conservation Center) and local Extension offices were established in counties where customized local programs, services, and positions are funded with county dollars; and

WHEREAS, this arrangement provided counties more choices in local Extension programming and increased accountability from Extension for its work; and

WHEREAS, since 2004, the Dakota County Extension Committee has recommended programming, and based on current community need, continues to recommend that local programming be offered for the following areas: Extension Educator, 4-H Youth Development and Horticulture/Master Gardener; and

WHEREAS, by Resolution No. 22-124 (March 15, 2022), the Dakota County Board of Commissioners authorized the Physical Development Director to execute an agreement with the U of M for the support of the Dakota County Master Gardener (DCMG) program, including \$90,000 for a 1.0 full-time equivalent (FTE) position responsible for managing Dakota County plant production and DCMG program activities and \$5,500 in in-kind support for DCMG program activities; and

WHEREAS, by Resolution No. 23-528 (November 28, 2023), the DCMG, a volunteer program of the U of M Extension, authorized re-establishing a formal partnership with the County focused on expanding their plant production efforts

and associated public services regarding horticulture and environmental stewardship; and

WHEREAS, to establish consistency for the rates charged for these local Extension program positions, the U of M works with the Association of Minnesota Counties (AMC), and the AMC sub-committee for Extension, to establish statewide costs; and

WHEREAS, staff is recommending a three-year agreement with a cost of \$463,750 for 2025, \$477,625 for 2026, and \$491,975 for 2027, for a total not to exceed amount of \$1,433,350; and

WHEREAS, Minn. Stat. §§ 38.34-38.37 authorizes a board of county commissioners to incur expenses and spend money for county Extension work, states that money in the county Extension fund appropriated by the county board be paid out by orders of the U of M Dean of Extension, and provides that Extension education and program staff must be U of M employees employed according to U of M personnel procedures; and

WHEREAS, this agreement includes salary and fringe benefits for the local programming positions, all travel (mileage, meals and lodging), in-service training and professional development, program supervision, and payroll and accounting services provided by the U of M; and

WHEREAS, all program staff will continue to be U of M employees; and

WHEREAS, the County will provide support for these positions such as office space, telephone, computer, email, support staff, and other general office supplies; and

WHEREAS, all services will be provided exclusively in Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute an agreement with the University of Minnesota for local Extension programming and employing Extension staff in an amount not to exceed \$1,433,350, effective January 1, 2025 through December 31, 2027; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said agreement/contract, consistent with the amount budgeted, to alter the agreement/contract amount and the agreement/contract term up to one year after initial expiration date, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form.

Ayes: 7



**7.6** Resolution No: 24-510  
Authorization To Accept Minnesota Department Of Human Services Children's  
Mental Health Screening Grant Funds And Execute Grant Agreement

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, in 2003, the Minnesota Legislature added mental health screening requirements to Minnesota Statutes to include children's mental health screening for specific Child Welfare and Juvenile Justice populations; and

WHEREAS, the purpose of the children's mental health screening within the child welfare and juvenile justice populations is to integrate mental health into current practices and to promote earlier mental health identification and intervention; and

WHEREAS, early identification of mental illness followed by the appropriate intervention and treatment may prevent years of disability and provide improved outcomes for children and their families; and

WHEREAS, focusing on these at-risk populations, and particularly the uninsured and underinsured, grant funding can provide mental health treatment for children who would not otherwise receive these services; and

WHEREAS, children's mental health screenings facilitate referral of children for further testing and treatment using standardized effective mental health screening instruments; and

WHEREAS, the breakdown of the total \$413,911 grant allocation is as follows:

Child Welfare \$123,319

Juvenile Justice \$290,592

; and

WHEREAS, staff recommends the County Board authorizes acceptance of the grant funds in the amount of \$413,911 and execution of the grant agreement for the period of January 1, 2025 through December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to accept the Minnesota Department of Human Services Children's Mental Health Screening grant award of \$413,911 and execute a grant agreement for the period of January 1, 2025 through December 31, 2025, 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 extend the grant term up to two years after initial expiration date, accept additional grant funds, and continue grant-funded full-time equivalents, consistent with County contracting policies, and inclusion of grant funds in future yearly Recommended and Approved Budgets, subject to approval by the County

Attorney's Office as to form.

Ayes: 7

**7.7** Resolution No: 24-511  
Authorization To Execute Contracts For Children And Family In-Home And  
Community-Based Services

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the work of Children and Family Services requires access to in-home and community-based services for children, youth, and families, whether in addressing child protection issues, children's mental health needs, truancy, or youth transitioning from the foster care system; and

WHEREAS, the juvenile protection provisions of the Juvenile Court Act, Minn. Stat. Ch. 260C, reference child protection case plan services and the need for county social services agencies to provide support and services to prevent out-of-home placement, and to assist in family reunification following children being in out-of-home placement; and

WHEREAS, Behavioral Dimensions Inc. currently provides Intensive Behavioral Specialist programming for Dakota County children who meet Severe Emotional Disturbance (SED) eligibility, up to age 18, who have frequent behavioral health crises and are unable to access most services due to frequent and/or severe episodes of unsafe behavior; and

WHEREAS, Lopno and Associates currently provides Psychological Evaluations for Dakota County children who have an open Children and Family Services case and cannot access a complete psychological evaluation through their health plans; and

WHEREAS, staff is requesting a contract with Behavioral Dimensions Inc. for Behavioral Specialist programming for a not to exceed amount of \$200,000, effective January 1, 2025 through December 31, 2026; and

WHEREAS, staff is requesting a contract with Lopno and Associates for Psychological Evaluations for a not to exceed amount of \$180,000, effective January 1, 2025 through December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract for Behavioral Specialist programming with Behavioral Dimensions Inc. in a not to exceed amount of \$200,000 for the period of January 1, 2025 through 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 Community Services Director to execute a contract for Psychological Evaluations services with Lopno and Associates in a not to

exceed amount of \$180,000 for the period of January 1, 2025 through December 31, 2026, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contracts, consistent with the amounts budgeted, to alter the contract amounts and the contract terms up to one year after initial expiration dates, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the contracts shall contain a provision that allows the County to immediately terminate the contract 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.

Ayes: 7

- 7.8** Resolution No: 24-512  
Update On Affordable Housing Aid Spending Options, And Authorization To Allocate Local Affordable Housing Aid to Emergency Rental Assistance And Amend 2024 Social Services Budget

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, in 2021, the Dakota County Board of Commissioners reconvened the Housing Leadership Workgroup to assess the outcomes of the County's Housing Business Plan and make recommendations for future housing initiatives and investments in Dakota County; and

WHEREAS, the workgroup was made up of faith leaders, law enforcement, people who have experienced homelessness, nonprofit partners, Dakota County Commissioners, and staff from the Dakota County Community Development Agency (CDA) and the County; and

WHEREAS, the workgroup recommended investments in three main areas to support the next phase of the Dakota County Housing Business Plan: shelter, homelessness prevention, and affordable housing; and

WHEREAS, staff presented these recommendations to the County Board on October 19, 2021, and staff returned to the County Board throughout 2022 and 2023 with additional information and further defined recommendations in each of the three investment areas; and

WHEREAS, the 2024 County Budget included initial investments utilizing the new State and Local Affordable Housing Aid, including Emergency Rental Assistance, Apartment Services, Prevention and Navigation Services, Family Voucher Program, and Permanent Supportive Housing and Rapid Re-Housing Services; and

WHEREAS, on March 27, 2024, Community Services and the CDA proposed an

expanded set of Affordable Housing Aid investments during a Board Workshop and the County Board requested that additional eligible activities that can be launched quickly be brought back for formal consideration; and

WHEREAS, on April 16, 2024, Community Services proposed expansion of the Emergency Rental Assistance program by adding \$1,500,000 to the 2024 Social Services Budget; and

WHEREAS, by Resolution No. 24-215 (April 23, 2024), the Dakota County Board of Commissioners authorized \$428,000 of Affordable Housing Aid funds be allocated toward emergency rental assistance and requested that staff return after the legislative session ends to provide an update on Affordable Housing Aid uses and propose eligible activities that can be launched quickly; and

WHEREAS, on July 23, 2024, Community Services presented updates to Affordable Housing Aid statute language and a plan for the 2025 budget as co-developed by Dakota County Community Services and the Dakota County CDA; and

WHEREAS, this plan is based on the Housing Business Plan recommendations and priorities and is built in the 2025 county budget proposal; and

WHEREAS, by Resolution No. 24-379 (July 30, 2024), staff also received authorization to accept the State and Local Affordable Housing Aid funds in 2024 and a portion of these funds were built into the 2024 Social Services Budget and are currently being spent; and

WHEREAS, there continues to be an immediate need for Emergency Rental Assistance funding to support the Housing Clinic at Eviction Court and Social Services' Prevention Services and Navigation Team for prevention assistance prior to an eviction filing and Social Services is requesting an additional \$355,000 in funding for 2024; and

WHEREAS, it is a Board Priority for Community Services and the Dakota County CDA to develop a 5-year plan for allocating Affordable Housing Aid in alignment with Dakota County's Housing Business Plan and this presentation will continue the Affordable Housing Aid discussion; and

WHEREAS, policy direction provided by the Board in this meeting will serve as the basis for 2025 budget development.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to allocate up to \$355,000 one-time additional Affordable Housing Aid funds towards emergency rental assistance; and

BE IT FURTHER RESOLVED, That the 2024 Social Services Budget is hereby amended as follows:

**Expense**

Emergency Rental Assistance \$355,000

**Total Expense            \$355,000**

**Revenue**

Affordable Housing Aid    \$355,000

**Total Revenue            \$355,000**

Ayes: 7

**7.9** Resolution No: 24-513

Approval Of Solid Waste Transfer Facility License For Dakota Area Transfer, Inc., Empire

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, in accordance with Dakota County Ordinance 110, Solid Waste Management, Dakota Area Transfer, Inc. submitted a license application to Dakota County to operate a solid waste transfer facility in the City of Empire; and

WHEREAS, Dakota Area Transfer, Inc., shall provide financial assurance in accordance with Dakota County Ordinance 110, Solid Waste Management, in the amount of \$45,000, in the form of a bond in favor of Dakota County to cover potential closure costs associated with the storage of up to 170 tons of unprocessed, mixed recyclables, subject to the approval of the Dakota County Risk and Homeland Security Manager and the Dakota County Attorney’s Office as to form and financial institution; and

WHEREAS, County staff reviewed the application from Dakota Area Transfer, Inc., and determined the proposed solid waste transfer facility conforms to the requirements of Dakota County Ordinance 110, Solid Waste Management.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the issuance of a license pursuant to Dakota County Ordinance 110, Solid Waste Management, to Dakota Area Transfer, Inc., to operate a solid waste transfer facility in the City of Empire for the period of October 29, 2024, to December 31, 2025, subject to compliance with all applicable federal, state, local, and County laws, rules, and ordinance requirements or special conditions; and

BE IT FURTHER RESOLVED, That Dakota Area Transfer, Inc., shall operate the solid waste transfer facility in accordance with the plans and information approved as part of its license application to Dakota County; and

BE IT FURTHER RESOLVED, That pursuant to Dakota County Ordinance 110, Solid Waste Management, Dakota Area Transfer, Inc., shall provide and maintain financial assurance in the form of a \$45,000 bond in favor of Dakota County, subject to the approval of the Dakota County Risk and Homeland

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Security Manager and the Dakota County Attorney's Office as to form and financial institution.

Ayes: 7

**7.10** Resolution No: 24-514

Authorization To Submit 2024--2044 Dakota County Solid Waste Management Plan To Minnesota Pollution Control Agency Commissioner For Review And Approval

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, Minnesota counties are responsible for developing projects and programs to achieve state goals for waste management; and

WHEREAS, the Minnesota Pollution Control Agency (MPCA) adopted the 2022-2042 Metropolitan Solid Waste Management Policy Plan (Policy Plan) on January 30, 2024; and

WHEREAS, Minn. Stat. § 473.803 requires each metropolitan county to revise its current solid waste management plan to implement the revised Policy Plan; and

WHEREAS, revised metropolitan county solid waste management plans must be submitted to the MPCA Commissioner for review and approval; and

WHEREAS, the Policy Plan prescribes strategies that must be incorporated into county-specific plans, including required strategies and optional strategies that must meet a minimum point threshold; and

WHEREAS, stakeholder engagement was conducted and gathered comments on waste management barriers and opportunities and timing and needs for a preliminary set of required and optional strategies from the MPCA Policy Plan; and

WHEREAS, by Resolution No. 24-368 (July 30, 2024), the County Board authorized the release of the draft 2024-2044 Dakota County Solid Waste Management Plan (2024-2044 Management Plan) for a 30-day public review and comment period; and

WHEREAS, the revised 2024-2044 Management Plan incorporates input from stakeholder engagement, public review, the Dakota County Planning Commission, and the County Board; and

WHEREAS the 2024-2044 Management Plan was developed in accordance with Minn. Stat. § 473.803 and 115A; and

WHEREAS, the 2024-2044 Management Plan communicates Dakota County's vision, policies, strategies, and tactics for solid waste management over the next 20 years; and

WHEREAS the 2024-2044 Management Plan includes Policy Plan required strategies and optional strategies that meet the minimum point value; and

WHEREAS, tactics and timelines have been included as required by Minn. Stat. § 115A.46; and

WHEREAS, implementation and costs will be determined annually as part of the County Board of Commissioners work plan priorities and approval of the Environmental Resources Department budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes Dakota County staff to submit the 2024-2044 Management Plan to the Minnesota Pollution Control Agency Commissioner for review and approval.

Ayes: 6

Mike Slavik, Joe Atkins, Laurie Halverson, William Droste, Liz Workman, and Mary Hamann-Roland

Nay: 1

Mary Liz Holberg

**7.11** Resolution No: 24-515

Authorization To Execute First Contract Amendment With Ebert Inc. For Law Enforcement Center Locker Room Expansion Project And Amend 2024 Facilities Capital Improvement Program Budget

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the 2023 Building Capital Improvement Program (CIP) Adopted Budget authorized the Law Enforcement Center Locker (LEC) Room Expansion project; and

WHEREAS, the Dakota County Board Of Commissioners authorized the award of construction of the LEC Locker Room Expansion project to Ebert Inc. in an amount not to exceed \$373,300 by Resolution No. 24-251 (May 21, 2024); and

WHEREAS, Dakota County Sheriff's Office (DCSO) staff believes that additional sallyports will activate the full potential of the Locker Room Expansion project because they will allow for employees to both prepare for duty and changeout during shift change, all outside of the secure perimeter; and

WHEREAS, Ebert Inc. has provided a price of \$143,500 for the additional construction improvements needed to build the two new sallyports for the benefit of the LEC Locker Room Expansion project; and

WHEREAS, the LEC Staff Breakroom Expansion project was included within the 2024 Adopted Facilities CIP with a budget of \$145,000; and

WHEREAS, DCSO staff believe that the operational improvement of two

additional sallyports within the jail is of greater value than the LEC Staff Breakroom Expansion project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Facilities Management Director to execute a contract amendment for the Law Enforcement Center Locker Room Expansion project to Ebert Inc., 23350 County Road 10, PO Box 97, Loretto, MN 55357, in an amount not to exceed \$143,500, subject to approval by the County Attorney’s office as to form; and

BE IT FURTHER RESOLVED, That the previously approved Law Enforcement Center Breakroom Expansion project is canceled and its funding reallocated to the Law Enforcement Center Locker Room Expansion project; and

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

**Expense**

Law Enforcement Center Breakroom Expansion (2000257) (\$145,000)

Law Enforcement Center Locker Room Expansion (2000022) \$145,000

**Total Expense** **\$0**

**Revenue**

Law Enforcement Center Breakroom Expansion (2000257) (\$145,000)

Law Enforcement Center Locker Room Expansion (2000022) \$145,000

**Total Revenue** **\$0**

Ayes: 7

**7.12** Resolution No: 24-516

Authorization To Execute Agreements With Union Pacific Railroad Company Related To Construction Of Minnesota River Greenway In Cities Of Burnsville And Eagan, County Project P00127

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the Minnesota River Greenway runs along the south side of the Minnesota River in Eagan and Burnsville, extending from I-35W in Burnsville to Lilydale Regional Park in Saint Paul; and

WHEREAS, by Resolution No. 11-516 (October 18, 2011), the Dakota County Board of Commissioners adopted the Minnesota River Greenway Plan; and

WHEREAS, the rapidly developing and robust recreational network that has developed in the area has created increased demand for the completion of the trail connection between the recently constructed Lone Oak Trail Head, the Cedar Nicols Trailhead, and the Minnesota River Greenway Black Dog Segment to the west; and

WHEREAS, construction of the Fort Snelling segment of the Minnesota River



Greenway began in November 2023; and

WHEREAS, Dakota County is preparing to proceed with the construction of a pedestrian bridge for the Minnesota River Greenway necessary to complete the project and provide a crossing of the adjacent Union Pacific Railroad track for construction activities; and

WHEREAS, Dakota County has sought and received approval from Union Pacific Railroad Company to construct the pedestrian bridge through their right of way; and

WHEREAS, Dakota County has sought and received approval from Union Pacific Railroad Company for a temporary, at-grade crossing of their right of way to allow for construction access to the project area; and

WHEREAS, Union Pacific Railroad Company has identified a total of \$257,500 in fees and construction costs associated with these agreements.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a public overpass agreement with Union Pacific Railroad Company to authorize the construction of a pedestrian bridge for the Fort Snelling segment of the Minnesota River Greenway; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a construction agreement with Union Pacific Railroad Company to authorize the construction of a construction access for the Fort Snelling segment of the Minnesota River Greenway.

Ayes: 7

**7.13** Resolution No: 24-517

Authorization To Execute Contract With Friends Of The Mississippi River For Natural Resources Project Management

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the 2020 Land Conservation Plan identified 24 Preliminary Conservation Focus Areas and directed staff to pursue conservation easements with willing landowners within these Focus Areas; and

WHEREAS, through successful Minnesota Outdoor Heritage Fund grant proposals, the program has acquired several new conservation easements eligible for natural resources restoration funding from these same sources; and

WHEREAS, the number of projects queued for restoration exceeds the current capacity of Parks and Soil and Water Conservation District staff; and

WHEREAS, on January 6, 2022, a Request for Qualifications was released to

determine vendor interest and labor rates for a variety of Land Conservation activities; and

WHEREAS, Friends of the Mississippi River's (FMR) response for natural resources project management was the lowest cost response, and FMR has a successful track record of providing high-quality services on other Dakota County Land Conservation projects.;

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners approves a three-year contract with Friends of the Mississippi River for natural resources project management and ecological consulting services in an amount not to exceed \$311,947.80, subject to approval by the County Attorney's Office as to form.; and

BE IT FURTHER RESOLVED, That service rates for this contract shall be increased by the inflation rate used in the Dakota County budget process as authorized by the Dakota County Board of Commissioners effective January 1, 2024, as applicable.

Ayes: 7

- 7.14** Resolution No: 24-518  
Authorization To Amend Contract With Alliant Engineering Inc., To Provide Additional Preliminary Engineering Services And To Execute A Joint Powers Agreement With City Of Eagan For County State Aid Highway 43 In Eagan, County Project 43-55

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project 43-55; and

WHEREAS, County Project 43-55 is for preliminary and final engineering of improvements to County State Aid Highway 43 (CSAH 43) in Eagan from CSAH 30 to Wescott Road; and

WHEREAS, by Resolution No. 23-587 (December 19, 2023), the County executed a contract with Alliant Engineering Inc., for preliminary and final design engineering consulting services for an amount not to exceed \$264,520; and

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

WHEREAS, staff negotiated an amount of \$110,500 with Alliant Engineering Inc., to complete the work; and

WHEREAS, the 2024-2028 Transportation Capital Improvement Program Budget includes \$1,800,000 for County Project 43-55; and

WHEREAS, a joint powers agreement (JPA) between the County and the City of

Eagan is necessary to outline cost participation, preliminary and final design responsibilities, future maintenance responsibility, and construction for County Project 43-55; and

WHEREAS, the cost participation for the Project outlined in the JPA will be in accordance with the adopted Cost Share Policy.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an amendment to the contract with Alliant Engineering Inc., for additional services necessary for County Project 43-55 in an amount not to exceed \$110,500 resulting in a total amended contract not to exceed \$375,020 subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement between Dakota County and the City of Eagan for the design and construction of County Project 28-44.

Ayes: 7

**7.15** Resolution No: 24-519

Authorization To Execute Contract With Kimley-Horn And Associates, Inc. And Execute Joint Powers Agreement With City Of Inver Grove Heights For County State Aid Highway 63 And Interstate 494 Interchange Footprint Study In Inver Grove Heights, County Project 63-29

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 63-29; and

WHEREAS, CP 63-29 is the preliminary engineering and consulting services for a study in the anticipated footprint area of County State Aid Highway (CSAH) 63 and Interstate 494; and

WHEREAS, the Transportation Department sent a request for proposals (RFP) to four qualified professional consultants; and

WHEREAS, the proposals received were evaluated by County and City staff; and

WHEREAS, the proposal from Kimley-Horn and Associates, Inc. provided the most complete response to the RFP, including project details and the most comprehensive cost for all the services needed; and

WHEREAS, the 2024-2028 Transportation Capital Improvement Program Budget includes \$470,000 for CP 63-29 engineering consulting and design services; and

WHEREAS, staff recommends the execution of a contract with Kimley-Horn and Associates, Inc. for engineering consulting services for CP 63-29 for actual costs not to exceed \$342,210 and

WHEREAS, the City's staff concurs with this recommendation; and

WHEREAS, a joint powers agreement (JPA) between the County and the City of Inver Grove Heights is necessary to outline cost participation and responsibilities for CP 63-29; and

WHEREAS, the County's cost share for CP 63-29 consulting services is 66.66 percent for the County and 33.33 percent for the City of Inver Grove Heights.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Kimley-Horn and Associates, Inc. to perform engineering consulting services for County Project 63-29 in an amount not to exceed \$342,210, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the City of Inver Grove Heights for County Project 63-29 Interchange Footprint Study.

Ayes: 7

**7.16** Resolution No: 24-520

Authorization To Execute Amendment To Contract With HDR Engineering, Inc., For County Road 86 Railroad Bridge Replacement In Castle Rock Township, County Project 86-34

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, to provide a safe and efficient transportation system, Dakota County is replacing the original timber railroad bridge over County State Aid Highway 86; and

WHEREAS, the design of the bridge plans was done by HDR Engineering, Inc.; and

WHEREAS, a contract was executed with HDR Engineering, Inc., for the review of materials and plan changes; and

WHEREAS, the current contract amount is \$90,000; and

WHEREAS, the bridge completion date is October 31, 2024; and

WHEREAS, staff recommends authorizing the execution of an amendment to the contract with HDR Engineering, Inc., in the amount of \$50,000 funded by Sales & Use Tax.

NOW, THEREFORE BE IT RESOLVED, That the Dakota Board of Commissioners hereby authorizes the Physical Development Director to execute an amendment to the contract with HDR Engineering, Inc. in the amount of \$50,000 for additional review and approval of materials and changes to the bridge plans for County Project 86-34, subject to approval by the County Attorney's Office as to form.

Ayes: 7

**7.17** Resolution No: 24-521

Authorization To Execute Contract With WSB LLC For Design Services At County State Aid Highway 31/Pilot Knob Road And Upper 147th Street In City Of Apple Valley And Amendment Of 2024 Transportation Capital Improvement Program Budget, County Project 31-118

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, to promote a safe and efficient transportation system, Dakota County (County), in cooperation with the City of Apple Valley, is proceeding with County Project (CP) 31-118; and

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

WHEREAS, CP 31-118 is a project to develop preliminary and final design plans and associated services in the City of Apple Valley; and

WHEREAS, the project consists of developing preliminary design, final design, and other associated services for the conversion of the County State Aid Highway (CSAH) 31 and Upper 147th Street intersection into a three-quarter restricted access; and

WHEREAS, programming is included in the draft 2025-2029 Transportation Capital Improvement Program with construction planned for 2026; and

WHEREAS, three proposals were submitted by consultants for the project; and

WHEREAS, WSB LLC was scored highest by a selection team of County and City of Apple Valley staff ranking the three consultant proposals; and

WHEREAS, WSB LLC project cost was \$287,997, and staff determined this estimate to be acceptable; and

WHEREAS, staff recommends awarding the project to WSB LLC; and

WHEREAS, the design services of this project are anticipated to cost \$287,997.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute

the contract with WSB LLC for County Project 31-118, not to exceed \$287,997, based on their selected and negotiated proposal, subject to approval by the County Attorney’s Office as to form, and to amend the 2024 Capital Improvement Program budget by an additional \$287,997 to fund the design services of this project.

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

<b>Expense</b>	
CP 31-118	\$287,997
Safety & Management	<u>(\$287,997)</u>
<b>Total Expenses</b>	<b>\$0</b>
<b>Revenue</b>	
CP 31-118 (CSAH)	\$287,997
Safety & Management (CSAH)	<u>(\$287,997)</u>
<b>Total Revenue</b>	<b>\$0</b>

Ayes: 7

**8. County Board/County Administration**

**8.1** Resolution No: 24-522  
Scheduling Of Dakota County Board Of Commissioners Governance And Strategic Planning Workshop

Motion: Mary Hamann-Roland Second: Mike Slavik

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a Strategic Planning and Governance workshop on December 6, 2024, 8:30 a.m., Schaar’s Bluff Gathering Center, 8395 127th Street East, Hastings, MN, for the purpose of discussing strategic planning, Board leadership in 2025 and other governance issues.

Ayes: 7

**8.2** Resolution No: 24-523  
Authorization To Execute 2025-2026 Labor Agreement With Teamsters Local 320 Jail Unit

Motion: Mary Hamann-Roland Second: Mike Slavik

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the appropriate County officials to execute the Labor Agreement with Teamsters Local 320 Jail unit for the period January 1, 2025 - December 31, 2026, in accordance with the terms and conditions of the Agreement and those contract modifications submitted to the Dakota County Board of Commissioners dated October 29, 2024, and subject to approval by the County’s contracted labor counsel as to form.

Ayes: 7

- 8.3** Resolution No: 24-524  
Authorization To Execute 2025-2026 Labor Agreement With Minnesota Public Employees Association

Motion: Mary Hamann-Roland

Second: Mike Slavik

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the appropriate County officials to execute the Labor Agreement with the Minnesota Public Employees Association Non-Licensed Jail Supervisors Unit in the Sheriff's Office for the period January 1, 2025 - December 31, 2026, in accordance with the terms and conditions of the Agreement and those contract modifications submitted to the Dakota County Board of Commissioners dated October 29, 2024, and subject to approval by the County's contracted labor counsel as to form.

Ayes: 7

**9. Enterprise Finance and Information Services**

- 9.1** Report On Invoices Paid In September 2024

Information only; no action requested.

- 9.2** Resolution No: 24-525

Authorization To Execute An Agreement With Dorsey And Whitney, LLP For Bonding Counsel Services

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the County has identified a need for bonding counsel services; and

WHEREAS, a Request for Proposals was issued September, 11, 2024 for bonding counsel services; and

WHEREAS, there were four proposals received in response to the RFP; and

WHEREAS, Dorsey and Whitney, LLP was selected based on the evaluation criteria as defined in the RFP and proposal interview presentation; and

WHEREAS, staff recommends executing an agreement with Dorsey and Whitney, LLP, upon the decision to proceed with bonding issuance, for the purpose of bonding counsel services; and

WHEREAS, the service rates are specified in the Attachment, for the period of November 1, 2024 to November 30, 2029.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Enterprise Finance and Information Services Director, to execute an agreement with Dorsey and Whitney, LLP, upon the decision to proceed with bonding issuance, for bonding counsel services, at the rates specified in the Attachment, for the period of November 1, 2024 to November 30, 2029, subject to approval by the County Attorney's Office

as to form.

Ayes: 7

- 9.3** Resolution No: 24-526  
Authorization To Amend Contract With EarthSoft Inc. For Annual Subscription And Maintenance Agreement For Environmental Quality Information System Software

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the Environmental Resources Department has purchased software from EarthSoft Inc. to better manage the well water and chemistry data collected over the years from wells located within Dakota County; and

WHEREAS, the parties amended the contract on September 11, 2023, to extend the contract term date for Professional Services term to September 30, 2023, and the Annual Subscriptions and Maintenance Term to November 30, 2024; increase the contract maximum by an additional \$8,785.44; and update annual subscription and maintenance agreement pricing; and

WHEREAS, the parties reinstated and amended the contract on January 18, 2024, to extend the contract term date for Professional Services term from September 30, 2023, to June 30, 2024; and increase the contract maximum by an additional \$7,181.68 for purposes of historical data migration; and

WHEREAS, funds are available in the 2024 Environmental Resources Department Operations Budget to cover license and maintenance costs for the term beginning on December 1, 2024 and ending on November 30, 2025; and

WHEREAS, the total annual cost for licensing and maintenance support beginning on December 1, 2024 and ending on November 30, 2025 is \$28,054.16.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Enterprise Finance and Information Services Director to amend the contract with EarthSoft Inc. for a total amount of \$28,054.16 for licensing and maintenance of the environmental data management software, subject to approval by the County Attorney's Office as to form.

Ayes: 7

- 9.4** Resolution No: 24-527  
Authorization To Renew Cyber Security Insurance With American International Group, Inc (AIG) Specialty Insurance Company

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, Dakota County purchases insurance to cover financial risks that can result in significant costs and are unpredictable in nature; and



WHEREAS, there has been a substantial increase in cyber security attacks on public sector entities over the last several years; and

WHEREAS, an evaluation of the cyber security marketplace for competitive pricing was completed; and

WHEREAS, based on the evaluation of the marketplace, staff is recommending the purchase of cyber security liability insurance with a limit of liability of three million dollars with American International Group, Inc (AIG) Specialty Insurance Company.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Enterprise Finance and Information Services Director to purchase the following insurance to be paid at the current rates from the Office of Risk Management insurance budget:

American International Group, Inc (AIG) Specialty Insurance Company  
Cyber Security Insurance  
October 31, 2024, through October 31, 2025  
Premium not to exceed \$102,500

Ayes: 7

## 10. Physical Development

### 10.1 Resolution No: 24-528

Certification Of Property Assessed Clean Energy (PACE) Charges For Energy Improvements On Properties In Cities Of Rosemount And Eagan

Motion: Mary Hamann-Roland

Second: Mike Slavik

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

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

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

WHEREAS, the County will take all actions permitted by law to recover the assessments, including, without limitation, reinstating the outstanding balance of

assessments when the land returns to private ownership, in accordance with Minn. Stat. § 429.071, subd. 4; and

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

WHEREAS, the annual installment and interest for current and delinquent collections or payoffs will be collected and disbursed at the same time and in the same manner as real property taxes, in accordance with Minn. Stat. §§ 276.11 and 276.111; and

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

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

Property Owner: OMNI Wine Holdings LLC  
Parcel Number: 34-03210-75-016  
Assessment: \$171,400  
Interest Rate: 6.95%  
Finance Period: 14 years  
Accrual Date: 1/1/2025

Property Owner: Coventry Properties of Eagan  
Parcel Number: 10-72940-01-010  
Assessment: \$3,000,000  
Interest Rate: 8.22%  
Finance Period: 29 years  
Accrual Date: 1/1/2026

; and

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

Ayes: 7

**10.2** Resolution No: 24-529  
Scheduling Of Public Hearing To Receive Comments On Eligible Projects For County Transportation Sales And Use Tax Funds

Motion: Mary Hamann-Roland Second: Mike Slavik

WHEREAS, Minn. Stat. § 297A.993 (the Act) authorizes the Dakota County Board to levy up to one-half of one percent sales and use tax and an excise tax

of \$20 per motor vehicle to fund statutorily defined transportation and transit projects; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing for December 3, 2024, at 9:00 AM in the Boardroom, Dakota County Administration Center, 1590 Highway 55, Hastings, Minnesota, for the purpose of receiving comments on an updated list of eligible projects for County Transportation Sales and Use Tax Funds.

Ayes: 7

**10.3** Resolution No: 24-530

Authorization To Accept Local Road Improvement Program Grant Funding Assistance And Demonstration Of Full Funding For 117th Street Reconstruction Of County State Aid Highway 32, County Project 32-65

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, to provide a safe and efficient transportation system, the County and the City are proceeding with County Project 32-65 (City Project 2016-17; State Project [SP] 019-632- 051, SP 178-020-032, SP 019-671-007, and SP 1907-127); and

WHEREAS, the project will reconstruct 117th Street East from County State Aid Highway (CSAH) 71 (Rich Valley Boulevard) to the Trunk Highway (TH) 52/117th Street Interchange; and

WHEREAS, the purpose of the project is to meet 10-ton design standards, enhance transportation system efficiency and mobility, reduce access points, improve pavement conditions, and facilitate the phased development of an essential east-west transportation corridor within the region; and

WHEREAS, under the provisions contained in Minnesota Laws of 2023, Chapter 72, Article 1, Section 16, Subdivision 13, the State of Minnesota appropriated \$5,000,000 in General Obligation bonds for a grant to the City of Inver Grove Heights (City) or Dakota County (County) "to perform final design, acquire right-of-way, acquire easements, and reconstruct 117th Street from Rich Valley

Boulevard (Dakota County Road 71), including intersection improvements thereto in both directions up to 1,500 feet, to approximately 800 feet east of U.S. Highway 52 to improve safety, mobility, and traffic conditions. This appropriation includes the cost for relocation and construction of public utilities on 117th Street, including sanitary sewer, water main, and storm sewer facilities"; and

WHEREAS, the adopted 2024-2028 Capital Improvement Program budget for County Project 32-65 includes \$1,678,410 from Transportation Advancement Account and \$8,047,590 from Transportation Sales Tax; and

WHEREAS, the County has the legal authority to apply for financial assistance and the institutional, administrative, and managerial capability to ensure adequate acquisition, construction, maintenance, and protection of the proposed project; and

WHEREAS, the County has not incurred any reimbursable expenses prior to the effective date of the session law providing the state appropriation; and

WHEREAS, the County has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest, or other unlawful or corrupt practice; and

WHEREAS, upon approval of its application by the state, the County may enter into an agreement with the State of Minnesota for the above referenced project and certifies that it will comply with all applicable laws and regulations as stated in the contract agreement.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners, in cooperation with the City of Inver Grove Heights, hereby pledges to complete the project if it exceeds the total funding provided by the proposed \$5,000,000 grant from the Minnesota Department of Transportation; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the financial capability to provide any required matching funds and that for the purposes of financing the 117th Street Reconstruction project, the source of County's matching funds in the amount of \$2,700,000 shall be from the Dakota County Transportation Sales Tax Special Revenue Fund and will not include other State funding sources; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Physical Development Director to execute such grant agreements as are necessary to implement the project on behalf of the County.

Ayes: 7

**10.4** Resolution No: 24-531  
Request To Commissioner Of Transportation To Transfer Excess Municipal State Aid Construction Funds To Regular State Aid Construction Account

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, Dakota County receives County State Aid Highway (CSAH) funds for construction that are allocated to a Regular State Aid Construction Account (Regular Account) and Municipal State Aid Construction Account (Municipal Account); and

WHEREAS, Regular Account funds can be used on any CSAH route, including CSAH routes in cities with a population less than 5,000, and Municipal Account funds can only be used for projects in cities with a population less than 5,000; and

WHEREAS, rules of the County State Aid Screening Board, a board of designated county engineers appointed by the Commissioner of Transportation, include a deduction in needs that will result in a reduction in the 2025 State Aid apportionment; and

WHEREAS, Minn. Stat. § 162.08, subd. 4 (d) provides that accumulated balances in excess of two years of Municipal Account apportionments may be spent on projects located outside of municipalities with populations under 5,000 when approved by resolution of the County Board; and

WHEREAS, since funds in the Regular Account can be used on any County State Aid Route, potential future projects in cities under 5,000 are not jeopardized; and

WHEREAS, a transfer of Municipal Account funds exceeding the last two years of apportionment to the Regular Account is necessary to avoid a reduction in needs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby requests that the Commissioner of Transportation transfer \$1,425,000 of Dakota County Municipal Account funds, an amount equal to all funds in excess of a two years' apportionment to the Municipal Account, into its Regular Account.

Ayes: 7

**10.5** Resolution No: 24-532  
Authorization To Purchase Fuel From State Of Minnesota Fuel Consortium Program

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, Dakota County has experienced significant variability in spot market fuel prices in the past; and

WHEREAS, the State of Minnesota is offering participants in the Fuel Consortium Program (Consortium) an opportunity to purchase fuel on a fixed price basis for a period of February 1, 2025, to January 31, 2026; and

WHEREAS, the fixed prices available under the Consortium program are expected to be lower than prices available through the spot market; and

WHEREAS, purchasing fuel on a fixed price basis will ensure accurate County budget planning and budget stability; and

WHEREAS, Dakota County holds a cooperative purchase agreement with the State of Minnesota that allows the County to purchase from vendors under contract with the State of Minnesota; and

WHEREAS, the use of the Consortium will reduce Dakota County administrative costs associated with the competitive bidding process and avoid duplication of activity.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to purchase 70 percent (127,000 gallons) of the County's estimated unleaded fuel need and 70 percent (102,000 gallons) of the County's estimated diesel fuel needs for the period of February 1, 2025, to January 31, 2026, through the State Fuel Consortium Program, at the rates approved by the State of Minnesota; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the Physical Development Director to purchase the remaining amount of fuel necessary for County operations from the State Spot Price Program or through local spot price vendors.

Ayes: 7

**10.6** Resolution No: 24-533

Authorization To Submit Funding Request To State Park Road Account Program For Paving Spring Lake Regional Park Reserve West Entrance And Pine Bend Trail Between Fahey Avenue And Fischer Avenue And To Accept Funds If Awarded

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the Minnesota Department of Natural Resources is accepting requests for the State Park Road Account (SPRA) program; and

WHEREAS, the SPRA program funds eligible construction costs related to improving access to public recreation areas including public lakes and rivers; and

WHEREAS, Dakota County has identified a need to pave primary access roads into the west side of Spring Lake Regional Park Reserve; and

WHEREAS, the Phase 1 improvements are estimated at \$1,200,000; and

WHEREAS, staff recommends submittal of a request for up to \$750,000 to the SPRA program for improving access to Spring Lake Regional Park Reserve and the Mississippi River; and

WHEREAS, the Phase 1 improvements are included in the Draft 2025-2029 Parks Capital Improvement Program and programmed in project year 2026, and

WHEREAS, project submittals are due November 1, 2024.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the submission to the Minnesota Department of Natural Resources State Park Road Account program and authorizes the Physical Development Director to accept funding, if awarded, and execute required agreements subject to approval as to form by the Dakota County Attorney's Office; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves requesting required letters of support from the City of Rosemount and the Minnesota Department of Natural Resources.

Ayes: 7

**10.7** Resolution No: 24-534

Authorization To Execute Lease Agreement Amendment With University Of Minnesota Regional Extension For Office Space Located At Extension And Conservation Center

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the Dakota County Board of Commissioners must approve all leases and license agreements; and

WHEREAS, the University of Minnesota leases space from Dakota County at the Extension and Conservation Center; and

WHEREAS, the lease period ended June 30, 2023, at which point the lease went on a month-to-month basis in the amount of \$4,627.27 per month, pending future ownership considerations of the facility; and

WHEREAS, the University of Minnesota and Dakota County have now agreed to the terms of a one-year lease agreement amendment commencing on October 1, 2024, through September 30, 2025, with five successive one-year options; and

WHEREAS, this rate of \$4,766.09 per month is a three percent increase from the previous lease rate; and

WHEREAS, staff from Facilities Management, the County Attorney's Office, and

the University of Minnesota have agreed to license amendment terms; and

WHEREAS, the lease rates cover the costs associated with the provision of space in the facility.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Facilities Management Director to execute a lease agreement amendment with the University of Minnesota for office space at the Dakota County Extension and Conservation Center, substantially as presented, subject to approval of the County Attorney's Office as to form.

Ayes: 7

**10.8** Resolution No: 24-535

Authorization To Execute Contract With Fitzgerald Excavating & Trucking Incorporated For Construction Of Interstate Valley Creek Stabilization, Authorization To Amend Budget, And Contract Amendment With Short-Elliott-Hendrickson, Inc., County Project P30002

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the River to River Greenway includes construction of three stormwater management projects and three streambank stabilization projects along Interstate Valley Creek in Mendota Heights; and

WHEREAS, staff advertised the construction contract (County Project P30002) on October 09, 2024; and

WHEREAS, the bid of Fitzgerald Excavating & Trucking Incorporated., in the amount of \$500,171.00 was the lowest responsive and responsible bid received; and

WHEREAS, the 2024 construction workload is greater than the number of available County staff; and

WHEREAS, staff recommends amending contract number C0035212 with Short-Elliott-Hendrickson, Inc., to include construction management, testing, survey, and inspection services; and

WHEREAS, the proposed construction services are 21 percent of the estimated construction cost; and

WHEREAS, the 2024 Park's Capital Improvement Program Budget has sufficient funds to accommodate the construction contract and account for the necessary budget amendment.

WHEREAS, for portions of greenway, the trail construction will cross Xcel Energy existing private utility line easements that run within the existing Interstate Valley Creek easement; and



WHEREAS, Xcel Energy private utility line is within their own 50' easement; therefore, an encroachment agreement is needed to complete the CP P 30002 work within the easement; and

WHEREAS, to proceed with the project, Xcel Energy is requesting that Dakota County execute an encroachment agreement to identify responsibilities and approved encroachments associated with CP P30002 crossing the Xcel Energy private utility lines.

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 Fitzgerald Excavating & Trucking Inc., 20865 390th St., Goodhue, MN 55027, for the construction work (County Project P30002) associated with the River to River Greenway Mendota Heights Segment, in an amount of \$575,196.65 including a 15 percent contingency based on their low bid, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an encroachment agreement with Xcel Energy for the portion of the Interstate Valley Creek within the Xcel Energy private utility line easement, 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 amend the contract with Short-Elliott-Hendrickson, Inc., to perform construction management, testing, survey, and inspection services for County Project P30002, in an amount not to exceed \$105,565, resulting in a total amended contract amount not to exceed \$1,178,732, including reimbursable items, subject to approval by the County Attorney's Office as to form; and

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

<b>Expense</b>	
P30002	<u>\$105,565</u>
<b>Total Expense</b>	\$105,565

<b>Revenue</b>	
Sales & Use Tax	<u>\$105,565</u>
<b>Total Revenue</b>	\$105,565

; and

BE IT FURTHER RESOLVED, That the 2024 Sales and Use Tax (SUT) Budget is hereby amended as follows:

**Expense**

Transfer to Parks Fund (\$105,565)

**Total Expense** (\$105,565)

**Revenue**

Sales & Use Tax (\$105,565)

**Total Revenue** (\$105,565)

Ayes: 7

**11. Public Services and Revenue**

**11.1** Resolution No: 24-536

Approval Of Application For Assemblage Of Large Number Of People License For Dakota City Heritage Village

Motion: Mary Hamann-Roland

Second: Mike Slavik

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

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

WHEREAS, Castle Rock Township approved the application.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application for Assemblage of Large Numbers of People License received by Dakota City Heritage Village to hold a Christmas in the Village gathering at Dakota County Fairgrounds, 4008 220th Street West, Farmington, on December 7-8, 2024, and December 14-15, 2024, from 3:00 p.m. to 8:00 p.m. each day, and authorizes the Public Services and Revenue division to issue the license.

Ayes: 7

**REGULAR AGENDA**

**12. Physical Development**

**12.1** Resolution No: 24-537

Reaffirmation Of Base Levy And Approval Of 2025 Incremental Levy For Dakota County Community Development Agency

Motion: Mike Slavik

Second: William Droste

Community Development Agency Executive Director Tony Schertler briefed this item and responded to questions.

WHEREAS, the Dakota County Board of Commissioners (Board) has determined that the availability of accessible affordable housing and economic development activities are a necessary component of a vital, sustainable economy in Dakota County; and

WHEREAS, the Dakota County Community Development Agency (CDA) has the powers of a Housing and Redevelopment Authority and Economic Development Authority within Dakota County; and

WHEREAS, there continues to be a substantial gap between the demand for affordable housing and economic development activities in Dakota County and financial resources for such activities, and additional capital for the CDA to support these activities is desired to contribute to a vital, sustainable economy in Dakota County; and

WHEREAS, the CDA develops senior and workforce housing financed through the use of housing revenue bonds with the pledge of general obligation backing by Dakota County, as approved by the Board; and

WHEREAS, the Board has previously approved the ongoing base levy by the CDA of special benefit taxes at a rate of .0144 percent of the Estimated Market Value to support debt service payments for the CDA bond-funded developments; and

WHEREAS, the CDA is authorized under Minn. Stat. § 469.033, Subd. 6, with the approval of the Board, to levy additional special benefit taxes, up to an amount of .0041 percent of the Estimated Market Value (the incremental levy) for a total levy of .0185 percent; and

WHEREAS, the CDA is requesting approval of an incremental levy of .0012 percent for a total levy of .0156 percent of Estimated Market Value; and

WHEREAS, the incremental levy would provide the CDA with an estimated \$883,362 for CDA-supported programs; and

WHEREAS, the approval of the incremental levy applies only to taxes payable in 2025.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby reaffirms the Dakota County Community Development Agency's base levy rate of .0144 percent of the Estimated Market Value and approves the Community Development Agency's incremental levy of .0012 percent of the Estimated Market Value, for a total Community Development Agency levy rate of .0156 percent of the Estimated Market Value for taxes payable in 2025 for the purpose of providing affordable housing and supporting economic development activities in Dakota County through the Community Development Agency's Common Bond Development Program and other

Community Development Agency-supported programs.

Ayes: 7

**13. Interagency Reports/Commissioner Updates**

**14. County Manager's Report**

County Manager Heidi Welsch stated that early voting is underway and Elections staff is managing it well.

Community Corrections Director Suwana Kirkland recognized New Chance Probation Officer Joseph Griesgraber who performed life-saving measures on a client's parent in distress.

**15. Information**

**15.1** Information

See Attachment for future Board meetings and other activities.

**16. Adjournment**

**16.1** Resolution No: 24-538

Adjournment

Motion: Laurie Halverson

Second: Mike Slavik

On a motion by Commissioner Halverson, seconded by Commissioner Slavik, the meeting was adjourned at 9:32 a.m.

Ayes: 7

Joe Atkins  
Chair

ATTEST

Heidi Welsch  
County Manager



# Board of Commissioners

## Request for Board Action

Item Number: DC-3929

Agenda #: 7.1

Meeting Date: 11/12/2024

**DEPARTMENT:** Employee Relations

**FILE TYPE:** Consent Action

**TITLE**

**Authorization To Amend Contract With Deloitte Consulting For Benefits Consulting Services In 2024**

**PURPOSE/ACTION REQUESTED**

Authorize to amend the 2024 contract with Deloitte Consulting for benefits consulting services.

**SUMMARY**

Deloitte has been the County’s benefits consultant for over 25 years and assists the County annually with things such as the development of required reports; providing financial analysis of paid claims experience; ongoing review of the third-party administrator accountability; and providing analysis and consultation in establishing each years renewal premiums.

In 2024, Deloitte assisted the County with issuing a Request for Proposals (RFP) to assess and select a third-party medical vendor to administer the County’s self-insured medical plan. The complexity of a medical RFP requires the services of an experienced benefits consultant. The required work for the medical RFP required more time from Deloitte than anticipated to ensure the top vendor was chosen with little disruption for our employees.

The initial 2024 contract with Deloitte was set at \$99,000. However, services required from Deloitte to adequately issue the RFP and analyze responses, along with other services provided by Deloitte to the County throughout the year, will total \$133,000. Therefore, an amendment of \$34,000 is required to the County’s contract with Deloitte. Deloitte’s professional fees are based on an estimate of the actual time spent on the project and the billing rate of team members who perform the work.

**RECOMMENDATION**

Staff recommends approval.

**EXPLANATION OF FISCAL/FTE IMPACTS**

Included in the County Manager’s 2024 recommended budget.

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

**RESOLUTION**

WHEREAS, Deloitte Consulting has been the County’s benefits consultant for over 25 years; and

WHEREAS, in 2024 Deloitte assisted the County with issuing a Request for Proposals (RFP) to assess and select a third-party medical vendor to administer the County's self-insured medical plan; and

WHEREAS, the complexity of a medical RFP requires the services of an experienced benefits consultant; and

WHEREAS, the required work for the medical RFP required more time from Deloitte than anticipated to ensure the top vendor was chosen with little disruption for our employees; and

WHEREAS, the initial 2024 contract with Deloitte was set at \$99,000; and

WHEREAS, services required from Deloitte to adequately issue the RFP and analyze responses, along with other services provided by Deloitte to the County throughout the year, will total \$133,000; and

WHEREAS, an amendment of \$34,000 is required to the County's contract with Deloitte. Deloitte's professional fees are based on an estimate of the actual time spent on the project and the billing rate of team members who perform the work.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Human Resources Director to amend the contract with Deloitte Consulting LLP for consulting services from \$99,000 to not exceed \$133,000, substantially as presented on November 12, 2024 and subject to approval by the County Attorney's Office as to form.

### **PREVIOUS BOARD ACTION**

None.

### **ATTACHMENTS**

Attachment: None.

### **BOARD GOALS**

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

### **CONTACT**

Department Head: Andy Benish

Author: Shannon Welle



# Board of Commissioners

## Request for Board Action

Item Number: DC-3878

Agenda #: 8.1

Meeting Date: 11/12/2024

**forDEPARTMENT:** Information Technology

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Amend Fiber Optic Indefeasible Right To Use Agreement With City Of South St. Paul**

### PURPOSE/ACTION REQUESTED

Authorize the Enterprise Finance and Information Services Director to amend the fiber optic Indefeasible Right to Use Agreement with City of South St. Paul.

### SUMMARY

By Resolution No. 24-407 (August 13, 2024), the Board of Commissioners approved authorizing the Enterprise Finance and Information Services Director to execute an Indefeasible Right to Use (IRU) Agreement with the City of South St. Paul.

The IRU facilitates a jointly built network for efficient and secure public cyber traffic, under which the City of South St. Paul is granting Dakota County the right to own 144 strands in the City’s fiber optic cable. The amended agreement clarifies that the fiber optic cable will be installed in conduit owned by Dakota County.

Staff is requesting that the prior authorization for the IRU Agreement be amended to include authorization for the City of South St. Paul to install and maintain fiber optic cable within Dakota County’s conduit.

### RECOMMENDATION

Staff recommends the Board authorize the Enterprise Finance and Information Services Director to amend an IRU Agreement with the City of South St. Paul for use of the jointly build institutional network.

### EXPLANATION OF FISCAL/FTE IMPACTS

The City of South St. Paul will split the overall costs with Dakota County using existing Dakota County owned conduit and vaults. The total cost for each entity is \$42,100.90.

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

### RESOLUTION

WHEREAS, on August 13, 2024, the Dakota County Board of Commissioners adopted Resolution No. 24-407, authorizing the Enterprise Finance and Information Services Director to execute an

Indefeasible Right to Use Agreement with the City of South St. Paul for use of the jointly built institutional network; and

WHEREAS, as part of the project approved by Resolution No. 24-407, The City of South St Paul granted Dakota County the right to own 144 strands in the City's fiber optic cable; and

WHEREAS, this amended authorization is intended to clarify that the Indefeasible Right to Use Agreement shall include authorization for the City of South St. Paul to install and maintain fiber optic cable within the County's conduit.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Enterprise Finance and Information Services Director to execute an amended Indefeasible Right to Use Agreement with the City of South St. Paul for use of the jointly built institutional network through which the City of South St. Paul will grant Dakota County the right to own 144 fibers and Dakota County will grant the City of South St. Paul the right to install and maintain fiber optic cable segments within conduit owned by the County, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

24-407; 8/13/24

**ATTACHMENTS**

Attachment: SSP Concord Ave. Fiber IRU Agreement

**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 |

**CONTACT**

Department Head: Dan Cater  
Author: Dan Ferber



**FIBER OPTIC INDEFEASIBLE RIGHT TO USE**

**AGREEMENT BY AND BETWEEN**

**SOUTH ST PAUL AS GRANTOR**

**AND**

**DAKOTA COUNTY AS GRANTEE**

DRAFT

## **FIBER OPTIC INDEFEASIBLE RIGHT TO USE AGREEMENT**

This Agreement for the indefeasible right to use (or “IRU”) together with Attachments A and B, (collectively the “Agreement” or the “IRU Agreement”) is made by and between, the City of South St Paul, acting by and through its City Council (“IRU Grantor” or “SSP”) and the County of Dakota, a Minnesota County governmental unit acting through its, Board of Commissioners (“IRU Grantee” or “Dakota”). The IRU Grantee and IRU Grantor may be referred to herein individually as a “Party” or collectively as the “Parties.”

### **BACKGROUND**

SSP managed the Concord Avenue Road project and was a “dig once” opportunity. Dakota partnered with SSP for this road project by providing fiber materials for future traffic signal connectivity needs. SSP agreed to lead the project and SSP provided and added 288 strands of fiber for future fiber needs.

- A. Out of the 288 fiber strands that SSP originally provided, Dakota desires to own 144 fibers to connect, as described in this Agreement; and
- B. SSP agrees to grant to Dakota the right to own 144 fibers within certain Fiber Optical Cable segments on the terms and conditions set forth below; and
- C. Dakota agrees to grant to SSP the right to install and maintain the Fiber Optic Cable segments within conduit owned by Dakota on the terms and conditions set forth below.

### **DEFINITIONS**

The following terms are used in this Agreement:

- A. “Right-of-Way” means the real property, including all fee simple, easements, access rights, rights of use and other interests, owned by or operated by a government entity, devoted to road or highway purposes.
- B. “Effective Date” is the date upon which all Parties have executed this Agreement.
- C. “Fiber” means a glass strand or strands which is/are used to transmit a communication signal along the glass strand in the form of pulses of light.
- D. “Fiber Facilities” means a handhole, conduit, splice enclosures, and related equipment owned by Dakota, but excluding any electronic or optronic equipment at termination points located in Dakota facilities.
- E. “Fiber Optic Cable” or “Cable” means a collection of fibers with a protective outer covering.

- F. "IRU Cable" means a Cable containing one or more Fibers, constructed, and owned by SSP in which Dakota has an IRU pursuant to the terms of this Agreement.
- G. "IRU Fibers" means the specific SSP owned Fiber described in Attachment A, for which an IRU is granted to Dakota in the IRU Cable pursuant to the terms of this Agreement.
- H. "Indefeasible Right of Use" or "IRU" means an indefeasible right to use, maintain and manage the IRU Fibers and Fiber Facilities, provided, however, that granting of such IRU does not convey legal title to the IRU Fibers or Fiber Facilities.
- I. "Optical Splice Point" means a point where SSP's Cable is connected to another entity's Cable within a splice enclosure.
- J. "Relocation" means any physical movement of fiber optic cable or conduit required due to reconstruction, modification, change in grade, expansion or relocation of a County road or highway, or a city street or other public improvement.

In consideration of their mutual promises, the Parties expressly agree as follows:

## **ARTICLE I LICENSES**

**Section 1.1** Dakota desires an IRU in SSP's IRU Cable further described in Attachment A to this Agreement. In consideration of the mutual promises in this Agreement, SSP grants an IRU to Dakota in the IRU Cable identified in Attachment A, subject to any interests SSP has in the cost sharing formula more fully described in Attachment B which is attached hereto and incorporated herein by reference, pursuant to IRUs or other contractual arrangements. Dakota shall be entitled to use the IRU Fibers for any lawful government purposes subject to (i) agreeing to be bound by all laws, regulations, and any requirements of the access to rights of way, and (ii) otherwise complying with the terms and conditions of this Agreement.

**Section 1.2** Subject to the terms and conditions of this Agreement, SSP hereby grants to Dakota a license to access and use the IRU Fibers within the IRU Cable as delineated in Attachment A for Dakota use in accord with and during the term of this Agreement. Dakota shall own the use of 144 strands of fiber in Attachment A.

**Section 1.3** The IRU Fibers are provided to the Dakota "as is." If any new Fiber Facilities or any fiber splices are needed to interconnect IRU Fibers to the Dakota network, Dakota shall be responsible for coordinating this work with SSP and shall pay all costs and fees associated with connecting the IRU Fibers to other fibers not owned by SSP for the Dakota network purposes.

**Section 1.4** Subject to the terms and conditions of this Agreement, Dakota hereby grants to SSP a license to access and use the Fiber Facilities as delineated in Attachment A for the IRU Cable in accord with and during the term of this Agreement. The Fiber Facilities are provided to SSP "as is."

**Section 1.5** Notwithstanding anything to the contrary contained in this Agreement, the Parties acknowledge and agree nothing in this Agreement shall operate to limit, interfere with, or otherwise adversely affect either Party's right to manage, control, construct, relocate, maintain, replace, and expand the portion of its fiber optic network equipment and infrastructure that is not subject to this Agreement, and is not included in the description of Fiber and Fiber Facilities in Attachment A.

**Section 1.6** Assignment. No Party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other Party, which shall not be unreasonably delayed or withheld. If assignment of this Agreement is approved, an assignment agreement shall be fully executed and approved by the same Parties, or their successors in office. The Parties shall sign all papers and agreements needed to affect such transfer.

## **ARTICLE II EFFECTIVE DATE AND TERM**

The term of this agreement shall begin on the date of execution of this Agreement by all Parties and shall remain in full force and effect for the useful life of the infrastructure, unless extended or sooner terminated hereunder.

## **ARTICLE III REPRESENTATIONS AND WARRANTIES**

**Section 3.1** Dakota's use of the IRU Fibers shall comply with all applicable governmental codes, ordinances, laws, rules, regulations, and/or restrictions.

**Section 3.2** SSP represents and warrants it has the right to grant an IRU in its IRU Cable.

**Section 3.3** SSP's use of the Fiber Facilities shall comply with all applicable governmental codes, ordinances, laws, rules, regulations, and/or restrictions.

**Section 3.4** Dakota represents and warrants it has the right to grant a license in its Fiber Facilities.

## **ARTICLE IV LIABILITY; INDEMNIFICATION**

**Section 4.1** Neither Dakota nor SSP shall be liable to the other for any indirect, special, punitive, or consequential damages arising under this Agreement or from any breach or partial breach of the provisions of this Agreement or arising out of any act or omission of either Party hereto, its directors, officers, employees, servants, contractors, and/or agents.

**Section 4.2** To the extent permitted by law, Dakota assumes, releases and agrees to indemnify, defend, protect and save SSP (including its officers, agents, representatives and employees) harmless from and against any claim, damage, loss, liability, injury, cost and expense (including reasonable attorney's fees and expenses) in connection with any loss or damage to any person or property arising out of or resulting in any way from the acts or omissions, negligence, or willful misconduct of Dakota, its directors, officers, employees, servants, contractors, and/or

agents in connection with the exercise of its rights and obligations under the terms of this Agreement.

To the extent permitted by law, SSP assumes, releases and agrees to indemnify, defend, protect and save Dakota (including its officers, agents, representatives and employees) harmless from and against any claim, damage, loss, liability, injury, cost and expense (including reasonable attorney's fees and expenses) in connection with any loss or damage to any person or property arising out of or resulting in any way from the acts or omissions, negligence, or willful misconduct of SSP, its directors, officers, employees, servants, contractors, and/or agents in connection with the exercise of its rights and obligations under the terms of this Agreement.

Notwithstanding the foregoing, such indemnity is limited to the amount of available insurance coverage, and nothing herein shall be considered as a waiver of the Dakota's and SSP's statutory tort limits under Minn. Stat. Chap. 466.

**Section 4.3** Nothing contained herein shall operate as a limitation on the right of either Party to bring an action for damages, including consequential damages, against any third party based on any acts or omissions of such third party as such acts or omissions may affect the construction, operation, or use of the Fiber, Cable, or IRU Fibers; provided, (i) neither Party to this Agreement shall have any claim against the other Party for indirect, incidental, special, punitive, or consequential damages (including, but not limited to, any claim from any customer for loss of services), and (ii) each Party shall assign such rights or claims, execute such documents, and do whatever else may be reasonably necessary to enable the injured Party to pursue any action against such third party.

## **ARTICLE V FORCE MAJEURE**

The obligations of the Parties hereto are subject to force majeure and neither Party shall be in default under this Agreement if any failure or delay in performance is caused by strike or other labor dispute; accidents; acts of God; fire; flood; earthquake; lightning; unusually severe weather; material or facility shortages or unavailability not resulting from such Party's failure to timely place orders therefor; lack of transportation; condemnation or the exercise of rights of eminent domain; war or civil disorder; or any other cause beyond the reasonable control of either Party. The excused Party shall use reasonable efforts under the circumstances to avoid or remove such causes of non-performance and shall proceed to perform with reasonable dispatch whenever such causes are removed or ceased.

## **ARTICLE VI MAINTENANCE, REPAIR, FEES RELOCATION OF CABLE**

**Section 6.1** Maintenance. Dakota shall maintain the Fiber Facilities or contract with a third party for maintenance, breaks and fixes. Dakota agrees to be responsible for 100% costs in maintenance, breaks, and fixes in the Fiber Facilities. SSP shall maintain the IRU Cable or contract with a third party for maintenance, locates, breaks and fixes. SSP agrees to be responsible for 100% costs in maintenance, locates, breaks, and fixes in the IRU Cable.

**Section 6.2 Fees.** Neither Party will impose, and neither Party shall pay a fee, maintenance, or repair cost for the use of the Fiber Facilities and IRU Cable during the term of this Agreement except as outlined in Attachment B.

**Section 6.3 Future Splicing.** Costs for future splicing shall be the responsibility of the Party requesting the splicing. Splicing shall be performed by a contracted third party as agreed by the Parties.

**Section 6.4 Relocation.** Dakota will be responsible for relocation of conduit. Relocation costs for the IRU Cable shall be allocated based upon the proportion of fibers owned/licensed as outlined in Attachment A.

## **ARTICLE VII CONFIDENTIALITY**

The Parties agree and recognize this Agreement as well as information and documents the Parties receive from one another during the term of this Agreement may be considered public data under the Minnesota Government Data Practices Act, Minn. Stat. Ch 13, as amended and all associated rules. The Parties agree to comply with the Minnesota Government Data Practices Act as it applies to all data provided by the Parties under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by either Party under this Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either Party. If either Party receives a request to release data arising out of or related to the Fiber Facilities or the use, operation, or maintenance thereof, the Party receiving the request must immediately notify the other Party of the request. The Parties will promptly consult and discuss the best way to respond to the request.

## **ARTICLE VIII ABANDONMENT; TERMINATION; EFFECT OF TERMINATION**

**Section 8.1** Should SSP decide to abandon all or part of the IRU Fibers during the term of this Agreement, it may do so by providing sixty (60) days' notice informing Dakota in writing of its intent to abandon. Such abandonment shall be at no cost to either Party except as set forth in this Article. If SSP provides notice of intent to abandon, Dakota may notify SSP prior to the expiration of the notice period of its intent to take ownership of the IRU Fibers. If the Dakota provides timely notice of its intent to take ownership, the Parties will execute any agreements or documents transferring legal title of the IRU Fibers to Dakota. Each Party to bear their own costs associated with executing any agreements or documents to transfer legal title under this Article.

**Section 8.2** Should Dakota decide it no longer requires use of the IRU Fibers during the term of this Agreement, it may terminate the agreement by providing sixty (60) days' notice informing the SSP in writing of its intent to terminate the IRU Agreement.

**Section 8.3** This Agreement shall terminate upon written notice from either Party to the other if a default occurs that is not cured within the time allowed hereunder.

**Section 8.4** If the Agreement terminates under Article VIII, Section 8.3, the non-defaulting Party shall not have any liability to the defaulting Party, and the defaulting Party shall be liable for such damages to the non-defaulting Party as the non-defaulting Party may establish in a court of

law, except as limited by this Agreement. Upon termination of this Agreement for any reason, the Parties agree to promptly execute any documents reasonably required to affect such termination.

**ARTICLE IX  
DEFAULT**

**Section 9.1** Neither Party shall be in default under this Agreement unless and until the other Party shall have given the defaulting Party written notice of such default and the defaulting Party shall have failed to cure the default within thirty (30) days after receipt of such notice; provided, that where a default cannot reasonably be cured within the thirty (30) day period, if the defaulting Party shall promptly proceed to cure the default with due diligence, the time for curing the default shall be extended for a period of up to ninety (90) days from the date of receipt of the default notice or until the default is cured, whichever is shorter.

**Section 9.2** Upon the failure by the defaulting Party to timely cure any default after notice thereof from the non-defaulting Party, the non-defaulting Party may take any action it determines, in its discretion, to be necessary to correct the default, and/or pursue any legal remedies it may have under applicable law or principles of equity relating to the breach.

**ARTICLE X  
NOTICES**

**Section 10.1** Unless otherwise provided herein, all notices and communications concerning this Agreement shall be in writing and addressed as follows:

If to SSP:                      City of South St Paul  
   Attn: Ryan Garcia  
   City Administrator  
   125 3<sup>rd</sup> Avenue North  
   South St Paul, MN 55075  
   (651) 554-3278  
   [rgarcia@southstpaul.org](mailto:rgarcia@southstpaul.org)

With a copy to:                South St Paul City Attorney  
   Attn: Amanda Johnson  
   Levander, Gillen & Miller P.A.  
   1305 Corporate Center Drive, Suite 300  
   Eagan, MN 55121  
   651-451-1831  
   [ajohnson@levander.com](mailto:ajohnson@levander.com)

If to County:                    Dakota County Board  
   Attn: Enterprise Finance & Information Services Director  
   1560 Highway 55  
   Hastings, MN 55033

With a copy to:                Dakota County Attorney's Office  
   Attn: Civil Division

Dakota County Judicial Center  
1560 Highway 55  
Hastings, MN 55033

**Section 10.2** Unless otherwise provided herein, notices shall be sent by certified U.S. Mail, return receipt requested, or by commercial overnight delivery service which provides acknowledgment of delivery, and shall be deemed delivered: if sent by U.S. Mail, five (5) days after deposit; if sent by commercial overnight delivery service, upon verification of receipt.

**ARTICLE XI  
LIMITATION ON PROPERTY INTEREST**

This Agreement does not grant Dakota any property interest, or estate in, or lien upon SSP's property, SSP's Optical Fiber Network, or any components thereof, or any intellectual property, except for use of the IRU Fibers during the term of this Agreement. All liens, claims, and charges of Dakota shall not attach to any interest of SSP or in any property owned by SSP.

This Agreement does not grant SSP any property interest, or estate, in or lien upon Dakota's property, its Fiber Facilities, Optical Fiber Network or any components thereof, or any intellectual property. All liens, claims, and charges of SSP shall not attach to any interest of Dakota or in any property owned by Dakota.

**ARTICLE XII  
GOVERNING LAW AND VENUE**

This Agreement shall be governed and construed in accordance with the laws of the State of Minnesota without regard to its conflict of laws provision. The Parties agree any action arising out of this Agreement or with respect to the enforcement of this Agreement shall be venued in the Dakota County District Court, State of Minnesota.

**ARTICLE XIII  
INDEPENDENT CONTRACTOR**

The performance by SSP and Dakota of all duties and obligations under this Agreement shall be as independent local government unit and independent commercial operator and not as agents of the other Party, and no person employed or utilized by a Party shall be considered the employee or agent of the other. Neither Party shall have the authority to enter into any agreement purporting to bind the other without its specific written authorization. The Parties agree this Agreement does not create a partnership between, or a joint venture of, SSP and Dakota.

**ARTICLE XIV  
MISCELLANEOUS**

**Section 14.1** The headings of the Articles in this Agreement are strictly for convenience and shall not in any way be construed as amplifying or limiting any of the terms, provisions or conditions of this IRU Agreement.



**Section 14.2** When interpreting this Agreement, words used in the singular shall include the plural and the plural, the singular, and “of” is used in the inclusive sense, in all cases where such meanings would be appropriate.

**Section 14.3** If any provision of this Agreement is found by any court of competent jurisdiction to be invalid or unenforceable, then the Parties hereby waive such provision to the extent that it is found to be invalid or unenforceable and to the extent that to do so would not deprive one of the Parties of the substantial benefit of its bargain. Such provision, to the extent allowable by law and the preceding sentence, shall not be voided or canceled, but instead will be modified by such court so that it becomes enforceable with all of the other terms of this Agreement continuing in full force and effect.

**Section 14.4** This Agreement may be amended only by a written instrument executed by all Parties.

**Section 14.5** No failure to exercise and no delay in exercising, on the part of either Party hereto, any right, power or privilege hereunder shall operate as a waiver hereof, except as expressly provided herein. Any waiver by either Party of a breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of this Agreement unless and until agreed to in writing by both Parties.

**Section 14.6** All actions, activities, consents, approvals and other undertakings of the Parties in this IRU Agreement shall be performed in a reasonable and timely manner.

**Section 14.7** Unless expressly defined herein, words having well known technical or trade meanings shall be so construed.

**Section 14.8** This Agreement is solely for the benefit of the Parties hereto and their permitted successors and assigns.

**ARTICLE XV  
ENTIRE AGREEMENT**

This Agreement and any Attachments referenced and attached, or to be attached through any amendment constitutes the entire agreement between the Parties and supersede all prior negotiations, understandings and agreements, whether oral or written.

**IRU GRANTEE:  
SOUTH ST PAUL**

**IRU GRANTOR:  
DAKOTA**

By: \_\_\_\_\_

By: \_\_\_\_\_

David McKnight  
EFIS Director

By: \_\_\_\_\_

Date: \_\_\_\_\_

Its:

Approved as to Form

Date: \_\_\_\_\_

---

Assistant County Attorney                      Date  
File No KS-24-261  
Brd. Resolution 24-407

**ATTACHMENT A -  
Description of Fiber Details, Ownership, and Use**



**Segment 1**

This segment consists of two empty conduits and vaults installed by Dakota and to be owned and maintained by Dakota. SSP used this infrastructure to install 288 strands in segment 1.

This Segment is located from Annapolis Street East to Interstate 494 along Concord Street, in South St. Paul, MN. Dakota will own strands 1-144 and, SSP will own strands 145-288 of the 288 strands in Segment 1.

**ATTACHMENT B  
COST ALLOCATION AND PAYMENT LOGISTICS**

SSP is to split the overall costs with Dakota using existing Dakota-owned conduit and vaults.

Total labor costs for the installation of fiber are not to exceed \$45,000

SSP's cost obligation= \$22,000

Dakota's cost obligation= \$22,000

Total cost for 288 strand single mode armored= \$40,201.80

SSP's cost obligation (144 fiber strands)= \$20,100.90

Dakota's cost obligation (144 fiber strands)= \$20,100.90

**Total Overall Cost for Each Entity:**

SSP = \$42,100.90

Dakota= \$42,100.90



# Board of Commissioners

## Request for Board Action

Item Number: DC-3895

Agenda #: 8.2

Meeting Date: 11/12/2024

**DEPARTMENT:** Information Technology

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Contract Amendment With DLT Solutions, LLC For Additional Enterprise Resource Planning Software Licenses**

### PURPOSE/ACTION REQUESTED

Authorize the Enterprise Finance and Information Services Director to amend the contract with DLT Solutions, LLC for additional Enterprise Resource Planning software licenses.

### SUMMARY

Dakota County went live with a new Oracle Enterprise Resource Planning, Human Capital Management and Enterprise Performance Management tool in January 2023. The system is referred to as DakotaConnect. The County contracted with Sierra-Cedar, LLC to help implement the new system as well as assist with resolution of several identified issues throughout 2023.

As part of the original December 2020 Board resolution, Dakota County also contracted with DLT Solutions, LLC for Oracle software licenses for the system with an annual amount not to exceed \$511,112 (including 10% contingency), renewing each year for five years. Over the past year, as staff have become more familiar with the system, they have determined that additional licenses beyond the original estimate are needed. In February 2024, the 2024 DLT Solutions, LLC contract was amended to a total amount not to exceed \$590,103. Staff planned to revisit license usage in mid-2024 to re-evaluate needs and return to the Board with any price adjustments.

Dakota County has now re-evaluated this contract and recommends amending the 2024 DLT Solutions, LLC contract a second time, for an additional \$39,100 and a total contract not to exceed amount of \$629,203.

### RECOMMENDATION

Staff recommends that the Board authorize the Enterprise Finance and Information Services Director to execute a contract amendment with DLT Solutions, LLC for an additional \$39,100 and a total 2024 contract amount not to exceed \$629,203 for additional Enterprise Resource Planning software licenses.

### EXPLANATION OF FISCAL/FTE IMPACTS

The contract will be funded from the current Information Technology budget.

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

**RESOLUTION**

WHEREAS, on June 26, 2020 Dakota County staff issued a Request for Proposal (RFP) for an Enterprise Resource Planning (ERP) Solution with implementation services; and

WHEREAS, by July 24, 2020 sixteen proposals were received by the County in response to the RFP; and

WHEREAS, the proposal submitted by Sierra-Cedar, LLC for the Oracle Enterprise Resource Planning, Human Capital Management and Enterprise Performance Management Cloud applications was found to be the best solution to meet or exceed Dakota County's requirements as specified in the RFP and provide the best value to the County; and

WHEREAS, the County entered into a Master Services Agreement and Statement of Work with Sierra-Cedar, LLC to provide the implementation, training and support services required; and

WHEREAS, the County entered into a contract with DLT Solutions, LLC for Oracle software licenses for an annual amount not to exceed \$511,112 (including 10% contingency), renewing each year for five years; and

WHEREAS, the County went live with the new system on January 3, 2023; and

WHEREAS, the County has determined a need for additional licenses beyond what was originally estimated; and

WHEREAS, the County has worked with DLT Solutions, LLC to provide an estimate for the new licenses; and

WHEREAS, the County amended the DLT Solutions, LLC contract in February 2024 to a not to exceed amount of \$590,103; and

WHEREAS, upon further review of licenses with DLT Solutions, LLC, the County has determined an additional amendment is needed.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Enterprise Finance and Information Services Director to execute a contract amendment with DLT Solutions, LLC for an additional \$39,100 and 2024 total contract amount not to exceed \$629,203 for additional Enterprise Resource Planning software licenses, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

20-603; 12/1/20

24-104; 02/27/24

**ATTACHMENTS**

Attachment: None.

**BOARD GOALS**

A Great Place to Live

A Healthy Environment

A Successful Place for Business and Jobs

Excellence in Public Service

**CONTACT**

Department Head: Dan Cater

Author: Dan Cater



# Board of Commissioners

## Request for Board Action

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**Item Number:** DC-3924

**Agenda #:** 8.3

**Meeting Date:** 11/12/2024

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**DEPARTMENT:** Office Of Risk Management

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Contract With Minnesota Department Of Public Safety For 2024-2026 Allied Radio Matrix For Emergency Response (ARMER) Grant Program And Authorization To Amend 2024 Risk Management Budget**

### PURPOSE/ACTION REQUESTED

Authorize the Enterprise Finance and Information Services Director to execute a contract with the Minnesota Department of Public Safety for \$40,000 in 2024-2026 Allied Radio Matrix for Emergency Response (ARMER) Grant Program funding and authorization to amend the 2024 Risk Management Budget.

### SUMMARY

The Minnesota Department of Public Safety, Division of Emergency Communication Networks (DPS-ECN) has awarded \$40,000 of 2024 - 2026 Allied Radio Matrix for Emergency Response (ARMER) Grant Program funding to Dakota County. This grant includes a 5 percent local match equaling \$2,105.26. The tentative grant period for this grant is November 1, 2024 through June 30, 2026, pending the execution date of the grant contract with DPS-ECN.

The matching funds for this project would be allocated from Dakota County Radio Services Capital Improvement budget, contingency line item. The Capital Improvement budget is reviewed and adopted by the Dakota County Board of Commissioners on an annual basis.

This DPS-ECN grant program provides funding to support the purchase and upgrade of radio equipment for local, Tribal, and state agencies participating in the ARMER radio system. DPS-ECN consults with the Statewide Emergency Communications Board (SECB) to administer this grant.

The spending plan and goal for this grant includes the purchase of eight portable 800 MHz radios for replacement of county radios that have reached their end-of-life use. The new radios will support interoperable communication between first responders countywide. The new radios will also include encryption technology to meet current and future Criminal Justice Information Services (CJIS) requirements.

### RECOMMENDATION

Staff recommends that the Dakota County Board of Commissioners authorize the Enterprise Finance and Information Services Director to execute a grant contract with the Minnesota Department of Public Safety for \$40,000 in Allied Radio Matrix for Emergency Response (ARMER) Grant Program



and amend the 2024 Risk Management budget.

**EXPLANATION OF FISCAL/FTE IMPACTS**

There is a \$0 net County cost as a result of this action. A budget amendment is requested in the amount of \$40,000 for capital equipment being funded by the ARMER grant. At the end of 2024, all remaining funds, will be carried over to the 2025 budget.

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

**RESOLUTION**

WHEREAS, the Minnesota Department of Public Safety, Division of Emergency Communication Networks (DPS-ECN), has been provided funding from the Minnesota state government. Authority for this grant program is provided to DPS-ECN in the 2023 Minnesota Session Laws, Chapter 52, Article 2, Section 3, Subdivision 9(e), titled Statewide Public Safety Radio Communication System Equipment Grants; and

WHEREAS, Dakota County desires to improve communications, interoperability, and situational awareness between first responders during incidents and emergencies in Dakota County; and

WHEREAS, the State of Minnesota, acting through the Minnesota Department of Public Safety, Division of Emergency Communication Networks, has awarded a 2024 - 2026 Allied Radio Matrix for Emergency Response (ARMER) Grant in the amount of \$40,000 to Dakota County for the period of November 1, 2024, through June 30, 2026.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Enterprise Finance and Information Services Director to execute a contract with the Minnesota Department of Public Safety, Division of Emergency Communication Networks, for the 2024 - 2026 Allied Radio Matrix for Emergency Response (ARMER) Grant in the amount of \$40,000 for the period of November 1, 2024, through June 30, 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 amends the Office of Risk Management 2024 budget as follows:

<b>Expense</b>	
Capital Expenditure	<u>\$40,000</u>
<b>Total Expense</b>	<b>\$40,000</b>
<b>Revenue</b>	
224 ARMER Grant	<u>\$40,000</u>
<b>Total Revenue</b>	<b>\$40,000</b>

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: ARMER Grant Award Letter

**BOARD GOALS**

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

**CONTACT**

Department Head: Jenny Groskopf  
Author: Kelly Miller



Alcohol  
and Gambling  
Enforcement

Bureau of  
Criminal  
Apprehension

Driver  
and Vehicle  
Services

Emergency  
Communication  
Networks

Homeland  
Security and  
Emergency  
Management

Minnesota  
State Patrol

Office of  
Communications

Office of  
Justice Programs

Office of  
Traffic Safety

State Fire  
Marshal

## Emergency Communication Networks

445 Minnesota Street • Suite 1725 • Saint Paul, Minnesota 55101-5137  
Phone: 651.201.7547 • Fax: 651.296.2665 • TTY: 651.282.6555  
[www.ecn.state.mn.us](http://www.ecn.state.mn.us)

September 24, 2024

Ronald Jansen, Radio Systems Coordinator

Dakota County

2860 160<sup>th</sup> St W

Rosemount, MN 55068

### RE: State Fiscal Year 2024-2026 ARMER Equipment Grant Program

Congratulations! The Department of Public Safety, division of Emergency Communication Networks (DPS-ECN) has selected your application submitted in response to the State Fiscal Year (SFY) 2024-2026 Allied Radio Matrix for Emergency Response (ARMER) Grant Program.

DPS-ECN received a strong response to the ARMER Grant Program request for proposals, far exceeding the \$4 million in funds available. Over 170 entities applied to this grant, with projects totaling over \$23 million in requested grant funds. The average grant funding request was \$130,000, more than our initial estimate of \$40,000 per applicant. DPS-ECN in collaboration with stakeholders and ARMER subject matter experts have scored and awarded this grant based on highest overall scores and funding available and have determined the final grant offer for awardees.

**The total grant offer for Dakota County is \$40,000.00 with a 5% local match requirement of \$2,105.26.**

Records of all applicants will be retained in the event funds are returned or reallocated through the life of the grant. DPS-ECN reserves the right to offer grant amounts that differ from the applicant's request. The award decisions of DPS-ECN are final and not subject to appeal.

The tentative grant period is November 1, 2024 through June 30, 2026, pending the execution date of your grant contract with DPS-ECN. **Please do not incur any expenditures until the grant contract agreement is fully executed. Any expenditures you make prior to the full execution of the grant contract agreement will be your sole responsibility to pay.**

To begin contracting for this grant, please review and complete the following administrative steps.

1. Register as a vendor in the Minnesota Statewide Integrated Financial Tool System (SWIFT): [SWIFT Vendor Resources](#).
2. Register in the [E-Grants Grants Management Platform](#). E-Grants user instructions have been provided alongside this letter. In order to register in E-Grants, grantees will need to provide their legal organization name, federal employer identification number (FEIN), SWIFT vendor number, and legal address.
3. Complete the 2024 DECN (ARMER) Equipment Grant application in E-Grants. Note that the E-Grants application forms may not be immediately available for all grantees at the time of receiving this letter. DPS-ECN will notify grantees directly if this is the case. To complete the E-Grants application, be prepared to provide the following information using your application submitted to DPS-ECN:
  - Grantee, authorized representative, program and other contact information.
  - Financial information about your organization, including your fiscal year beginning and end dates, financial reports or audits (as applicable), administrative system information, and grant management information.
  - Grant application narrative responses (copied from your grant application).
  - Budget line item information (copied from your grant application).
  - Sub-award information, if applicable.

Once these steps are complete and your organization information has been reviewed and approved by DPS-ECN, the contract will be made available for execution in E-Grants.

**Applicants recommended for an award must wait until they receive the fully-executed grant contract before procuring any services and incurring expenditures.** DPS-ECN reserves the right to cancel the solicitation or withdraw this recommendation for award if it is considered to be in the entity's best interest due to a lack of funding, agency priorities, or other considerations.

If you have any questions about this award notification or the E-Grants application process, please contact Rebecca Roberts, ECN Grants Coordinator, [rebecca.m.roberts@state.mn.us](mailto:rebecca.m.roberts@state.mn.us). This will be your administrative contact for the duration of the grant. You may also request to schedule a discussion of the feedback from your grant application materials.

On behalf of DPS-ECN, we look forward to working with you.

Sincerely,

Rebecca Roberts, ECN Grants Coordinator

[rebecca.m.roberts@state.mn.us](mailto:rebecca.m.roberts@state.mn.us)

612-280-2456



# Board of Commissioners

## Request for Board Action

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**Item Number:** DC-3841

**Agenda #:** 9.1

**Meeting Date:** 11/12/2024

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

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Professional Design Service Contract With HKGI For Site Improvements In Miesville Ravine Park Reserve**

### PURPOSE/ACTION REQUESTED

Authorize execution of a professional service contract with HKGI for design and construction consulting services for Site Improvements in Miesville Ravine Park Reserve, County Project (CP) 2000236.

### SUMMARY

By Resolution No. 24-091 (February 27, 2024), the Dakota County Board of Commissioners authorized the Miesville Ravine Park Reserve (MRPR) masterplan which outlines the site improvement plans. By Resolution No. 23-309 (July 18, 2023), the Park's Capital Improvement Program (Parks 2024-2028 CIP) Adopted Budget includes a project to design and construct site developments making MRPR a better place to serve the adjacent communities.

Following the five-year plan from the MRPR masterplan, this project will complete site improvements, including at the Cannon River, Trout Brook Valley, and Bluff Prairie. The scope includes providing a new gravel entry road and turnaround with parking; adding a kayak launch, a trout brook touch point, and fishing platforms; restoring the existing picnic area; upgrading the existing trail to an Americans with Disabilities Act- accessible trail; creating new trails; exploring possibilities to provide running water; replacing the footbridge; and adding a maintenance road at Bluff Prairie. In addition to the site improvements, interpretation elements will be provided as part of the project.

The Park has many stakeholders including individual and group that use it for private and commercial purpose. Additionally, the site has rich natural and cultural resources that would need to be carefully considered during site improvement. So, there will be extensive public engagement with all these groups including the Tribal Partners.

Capital Projects Management staff developed a Request for Proposals (RFP) for design services. The RFP was issued to the public via the Internet on September 27, 2024. Four proposals were received on October 17, 2024. The proposers are listed in the chart below. After reviewing and evaluating the proposals, staff invited HKGI, SRF and WSB to interview on October 31, 2024. Following the interview and discussion, staff reached a unanimous decision to recommend HKGI to provide the specified services. See the attached Consultant Selection Summary for details.

Four consultants submitted proposals as follows:

	Total Fee	Hours	Average Hourly Rates
HKGI	\$173,945	1113 H	\$156/H
Kimley Horn	\$216,900	1186 H	\$183/H
SRF	\$125,016	701 H	\$178/H
WSB	\$124,069	759 H	\$163/H

The fees for the firms interviewed were all below the budget for design on the project.

Staff unanimously recommends the selection of HKGI to be awarded a contract for professional services for this project. Their proposal narrative response outlined how they could provide the professional services for the scope as described in the RFP. The HKGI’s interview demonstrate the strongest understanding of the specific of the project. Also, they committed more hours with lowest hourly rate. HKGI’s experience, fee and project approach fit best with the needs of the County in this project. The interview process allowed the firm to deeply explore the specifics of this project. The selection committee agreed that HKGI could provide the best professional services as described in the RFP, for a reasonable cost. A consultant evaluation summary detailing the proposal process, review team, evaluation criteria and results, and best value cost evaluation is included in the attachment.

**RECOMMENDATION**

Capital Projects Management staff recommends execution of a contract with HKGI for the professional design services for the Site Improvement at MRPR for actual costs not to exceed \$173,945.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The 2024 Parks CIP includes \$1,704,889 in total funding for this project which will be sufficient funding for this design contract. All funding comes from the 2024 Parks and Trails Legacy Funding.

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

**RESOLUTION**

WHEREAS, the 2024-2028 Parks Capital Improvement Program (CIP) Adopted Budget includes a project to design and construct site developments making MRPR a better place to serve the adjacent communities; and

WHEREAS, the scope of the work includes professional services for design through construction administration; and

WHEREAS, a Request for Proposals was prepared and issued to the public via the internet on September 27, 2024; and

WHEREAS, four Proposals were received on October 17, 2024; and

WHEREAS, following the Proposal evaluations, staff invited three consultant firms to interview for this

project on October 31, 2024; and

WHEREAS, following the interviews, staff reached a unanimous decision to recommend HKGI as the consultant firm to provide the specified professional design services for this project; and

WHEREAS, HKGI has submitted a total fee proposal of \$ 173,945 for professional design services; and

WHEREAS, the Park Capital Improvement Program (CIP) budget includes \$250,000 for soft cost for professional services as well as other consultant services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Facilities Director to execute a contract with HKGI to perform professional services for the Site Improvement project in Miesville Ravine Park Reserve in an amount not to exceed \$ 173,945, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: Consultant Evaluation Summary

**BOARD GOALS**

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

**CONTACT**

Department Head: Michael Lexvold

Author: Yao Xiao, Jay Biedny

## **Consultant Evaluation Summary for Professional Services for the Site Improvements Project at Miesville Ravine Park Reserve**

### **Consultant Services Description**

Professional services required for the Site Improvements Project at Miesville Ravine Park Reserve.

### **Scope of Consultant Services**

Following the five-year plan from the MRPR masterplan, this project will complete site improvements in these three areas: the Cannon River Trailhead, Trout Brook Valley, and Bluff Prairie. The scope includes providing a new gravel entry road and turnaround with parking; adding a kayak launch, a trout brook touch point, and fishing platforms; restoring the existing picnic area; upgrading the existing trail to an Americans with Disabilities Act-accessible trail; creating new trails; exploring possibilities to provide running water; replacing the footbridge; and adding a maintenance road at Bluff Prairie.

### **Deliverables**

Deliverable expectations are outlined within Part D of the RFP issued on Sep 27th, 2024. Deliverables are outlined for Schematic Design, Design Development, Construction Documents, Bid & Award Phase, Construction Administration Services, and Closeout Phase.

### **Public Engagement**

One public open house is required during Schematic Design. Two informal meetings with Indigenous Communities are required, one during schematic design phase and the other one during design documentation phase. In addition, specific stake holder meetings will be held as needed.

### **Schedule**

The RFP schedule was issued within Part A.3. In general, the project proceeds from December 2024 through April 2026. The project substantial completion is scheduled for December 2025. However, that is contingent on timely reception of all permits, the timing of which is often outside of the team's control.

### **Consultant Selection Summary**

The RFP for the professional services was issued on September 27, 2024 via a public posting on the Dakota County website. It was also directly emailed to three local firms that provide these types of professional services to Dakota County in the recent past. HKGI, Kimley Horns, SRF and WSB were the four firms that responded to the RFP on Oct 17, 2024.

### **Review Team agencies and process**

The proposal responses were reviewed by a selection committee comprised of Parks, Facilities Management and Capital Projects Management staff. The Evaluation Criterion listed below was used to rank the firms' written responses and select forms for interviews.

### **Evaluation Criteria**

The proposals were evaluated and ranked based on the following criteria detailed in the RFP:

- 1) Firm History and Information
- 2) Project Team and Team Member Experience
- 3) Project Approach and Schedule
- 4) Firm Experience, References and Examples of Other Previous Similar Successful Projects.
- 5) Contract and Conditions
- 6) Fee Proposal



**Evaluation Results:**

The selection committee met on October 24 to shortlist the RFP responses forward to be interviewed. HKGI, SRF and WSB were shortlisted and invited to in person interview on October 31. All three firms presented solid teams with relevant previous experience. However, HKGI’s interview demonstrated the strongest understanding of the site, the complexity of the schedule, the interplay of the public engagement. They provided clear approach, and committed more hours with lowest hourly rate. HKGI’s experience, fee and project approach fit best with the needs of the County in this project. These details lead to the unanimous selection of HKGI being awarded the professional services contract. A summary of the fees presented is below.

<b>Fee Evaluation Summary</b>					
<b>RFP - Professional Services for MRPR Site Improvement</b>					
			<b>Funding</b>		<b>CIP Budget</b>
	<b>2024 CIP</b>	<b>Total</b>	\$ 1,704,889.00	soft cost	\$ 250,000.00
	<b>Labor</b>	<b>Reimbursibles</b>	<b>Total Fee</b>	<b>Hours</b>	<b>Blended Rate</b>
<b>HKGI</b>	\$172,945	\$ 1,000.00	\$ 173,945.00	1113	\$ 155.39
<b>Kimley Horn</b>	\$214,100	\$ 2,800.00	\$ 216,900.00	1186	\$ 180.52
<b>SRF</b>	\$123,677	\$ 1,339.00	\$ 125,016.00	701	\$ 176.43
<b>WSB</b>	\$123,569	\$ 500.00	\$ 124,069.00	759	\$ 162.81

**Recommendation:**

Staff unanimously recommends the firm of HKGI to be awarded a contract for the Professional Services of the “Site Improvements in Miesville Ravine Park Reserve”. Their proposal narrative response outlined that they could provide the professional services for the scope as described in the RFP, as well as expertise in several similar projects. Then their in-person interview demonstrated a unique and far-reaching insight into the most challenging parts of the project. These included permitting and public engagement, the interplay of limits on construction that may push some construction into the spring of 2026, budget constraints, and sensitivity to the nature of the park. Their hours committed to the project shows they understand the design process will be complex even for this relatively small scope. Their team cost per hour was the lowest of all firms. In summary, HKGI’s experience, fee and project approach fit best with the needs of the County in this project. Following this process, the selection committee agreed that HKGI would be the best fit for this project.



# Board of Commissioners

## Request for Board Action

Item Number: DC-3782

Agenda #: 9.2

Meeting Date: 11/12/2024

**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:

DEER CREEK  
EMERALD ISLE 4<sup>TH</sup> ADDITION  
WEST PUBLISHING COMPANY 8<sup>TH</sup> ADDITION  
PUMPKIN CREEK

Empire  
Rosemount  
Eagan  
Lakeville

**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

**CONTACT**

Department Head: Erin Laberee

Author: Todd Tollefson

**DAKOTA COUNTY PLAT COMMISSION**  
**MEETING SUMMARY**  
September 25, 2024

The Plat Commission meeting began at 1:30 pm via Teams. Members present included: Scott Peters, Kurt Chatfield, and Jake Chapek. Others present: Todd Bentley.

<b>Plat Name:</b>	<b>DEER CREEK</b>
<b>PID:</b>	<b>220150026031</b>
<b>City:</b>	<b>City of Empire</b>
County Road:	Future County Road (Biscayne Ave.)
Current ADT (2017):	tbd
Projected ADT (2040):	tbd
Current Type:	4-lane divided
Proposed Type:	4-lane divided
R/W Guideline:	75 ft ½ R/W
Spacing Guideline:	tbd
Posted Speed Limit:	tbd
Proposed Use:	Residential
Status:	Preliminary
Location:	SE ¼; Sec 20-114-19
In attendance (12/07/22):	Anthony Nemcek (city)
In attendance (9/26/24):	Jenni Faulkner (Bolton & Menk)

REVIEW 12/07/22:

The proposed site includes a residential development along Future County Road (Biscayne Avenue). The right-of-way needs for a future 4-lane roadway along Future CR (Biscayne Ave) are 75 feet of half right of way. The plat includes dedication of 75 feet of half right of way to meet the future needs. Access guidelines along Future CR (Biscayne) are ¼ mile full access and 1/8-mile restricted access. Access to the site will be from 197<sup>th</sup> Street West. Restricted access should be shown along all of Future CR (Biscayne Ave). A quit claim deed to Dakota County for restricted access is required with recording of the plat mylars. As noted, development in the area should plan for a future north-south collector road.

RECOMMENDATION 12/07/22:

The Plat Commission has approved the preliminary and final plat and will recommend approval to the County Board of Commissioners.

REVIEW 9/25/2024

The preliminary plat from 2022 was modified slightly to include more single family residential lots. The ROW dedication for Biscayne (future County Road) remained at 75' ½ RW. The internal road network and access locations remained unchanged from when the plat received preliminary approval in 2022. *The restricted access symbol should be shown along the entirety of Biscayne including across the outlots, with the exception for the opening at 197<sup>th</sup> Street.*

RECOMMENDATION 9/25/2024

The Plat Commission has approved the preliminary and final plat (with the above conditions in italics) and will recommend approval to the County Board of Commissioners.

**DAKOTA COUNTY PLAT COMMISSION  
MEETING SUMMARY**

October 23, 2024

The Plat Commission meeting began at 1:30 pm via Teams. Members present included: Scott Peters, Kurt Chatfield, and Jake Chapek. Others present: Todd Bentley.

<b>Plat Name:</b>	<b>EMERALD ISLE 4<sup>TH</sup> ADDITION</b>
<b>PID:</b>	<b>342300100020</b>
<b>City:</b>	<b>Rosemount</b>
County Road:	CSAH 42 (145 <sup>th</sup> St. E.)
Current ADT (2021):	18,317
Projected ADT (2040):	23,000
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:	55 mph
Proposed Use:	Multi-Use
Status:	Preliminary
Location:	NE ¼ ; Sec. 27-115-19
In attendance (10/23/24):	Anthony Nemcek (city)

REVIEW 10/23/24:

The development is a replat of Outlot B, EMERALD ISLE 4<sup>TH</sup> ADDITION to include two 4-story apartment buildings with 192 total units. The future right of way needs have been met along CSAH 42 from the dedication of the underlying plat. There will be no direct access to CSAH 42. Restricted access along CSAH 42 should be shown per document no. 3404069.

There is an existing trail along Connemara Trail. As noted, a trail was also recommended to be constructed along CSAH 42.

RECOMMENDATION 10/23/24:

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

<b>Plat Name:</b>	<b>WEST PUBLISHING COMPANY 8<sup>TH</sup> ADDITION</b>
<b>PID:</b>	<b>108380300030, 108380300020, 108380601010, 108380301010</b>
<b>City:</b>	<b>Eagan</b>
County Road:	CSAH 28 (Yankee Doodle Rd.)
Current ADT (2021):	17,700
Projected ADT (2040):	22,000
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:	NW ¼ ; Sec. 13-27-23
In attendance (09/25/24):	Aaron Nelson (city); Pam Dudziak (city), Jared Olson (Ryan Companies), Brent Clark (Ryan Companies), Matt Welinski (Westwood Engineering/Survey)
In attendance (10/23/24):	Aaron Nelson (city); Pam Dudziak (city)

REVIEW 09/25/24:

The future right-of-way needs along CSAH 28 as a 4-lane divided roadway are 75 feet of half right of way, which have been met. Access to the site will be to STH 149 and CSAH 28 (future access) via Opperman Drive internal connection. A private driveway easement to access CSAH 28 in the future is planned over the Gopher Smelting site.

Restricted access is shown along all of CSAH 28 except for the existing water tower driveway access (as dedicated per the underlying plat of WEST PUBLISHING COMPANY 4TH ADDITION). The Plat Commission does not have any concerns about the existing maintenance driveway leading to the City water tower, and the water tower driveway may remain indefinitely

as a utility access. As a practical matter it is Dakota County's practice to close utility access openings on newly recorded plats using the access restriction symbol. In these circumstances the County grants an access permit for the driveway that allows utility access but restricts general use. *Restricted access should be shown along all of CSAH 28. A quit claim deed to Dakota County for restricted access is required with the recording of the plat mylars. Dakota County will provide a utility access permit for the existing driveway to the water tower.*

#### West-bound left turn lane

Modifications may or may not be needed to the existing CSAH 28 west-bound left turn lane to address the need for large commercial vehicle cueing. *The developer's engineer will provide detailed traffic movement data to the County's Traffic Engineer to determine if modifications to the existing turn lane will be needed.*

East-bound vehicles on CSAH 28 may or may not back up through the proposed west-bound turn lane depending on how MNDOT operates the signal at State Highway 149. *Follow-up is needed with MNDOT staff to understand whether signal timing modifications will be needed to prevent east-bound vehicles on CSAH 28 from blocking west bound CSAH 28 turning movements at the proposed west bound left turn lane. The developer's engineer will provide detailed traffic movement data to the County Traffic engineer as the basis for these discussions with MNDOT.*

#### East-bound right turn lane

A large retaining wall appears to be needed in order to construct the east-bound right turn lane on CSAH 28 at the proposed access location. *The design of the retaining wall, right turn lane, boulevard, pedestrian crossing, and multi-purpose trail, needs to meet County standards. Dakota County and the City of Eagan need to discuss the retaining wall and agree to the location of the retaining wall and long-term maintenance responsibilities. It is the County's preference that a retaining wall be avoided but understands the adjacent property constraints may necessitate the use. The developer's engineer will provide County and City staff with detailed design information for the intersection modification needs.*

#### RECOMMENDATION 09/25/24:

The Plat Commission has approved the preliminary plat provided that the described conditions are met. The Ordinance requires submittal of a final plat for review by the Plat Commission before a recommendation is made to the County Board of Commissioners.

#### REVIEW 10/23/24:

The future right-of-way needs along CSAH 28 as a 4-lane divided roadway are 75 feet of half right of way, which have been met. Access to the site will be to STH 149 and CSAH 28 (future access) via Opperman Drive internal connection. A private driveway easement to access CSAH 28 in the future is planned over the Gopher Smelting site.

Restricted access is shown along all of CSAH 28 except for the existing water tower driveway access (as dedicated per the underlying plat of WEST PUBLISHING COMPANY 4TH ADDITION). The Plat Commission does not have any concerns about the existing maintenance driveway leading to the City water tower, and the water tower driveway may remain indefinitely as a utility access. As a practical matter it is Dakota County's practice to close utility access openings on newly recorded plats using the access restriction symbol. In these circumstances the County grants an access permit for the driveway that allows utility access but restricts general use. *Restricted access should be shown along all of CSAH 28. A quit claim deed to Dakota County for restricted access is required with the recording of the plat mylars. Dakota County will provide a utility access permit for the existing driveway to the water tower.*

#### West-bound left turn lane

Modifications may or may not be needed to the existing CSAH 28 west-bound left turn lane to address the need for large commercial vehicle cueing. *The developer's engineer will provide detailed traffic movement data to the County's Traffic Engineer to determine if modifications to the existing turn lane will be needed.*

East-bound vehicles on CSAH 28 may or may not back up through the proposed west-bound turn lane depending on how MNDOT operates the signal at State Highway 149. *Follow-up is needed with MNDOT staff to understand whether signal timing modifications will be needed to prevent east-bound vehicles on CSAH 28 from blocking west bound CSAH 28 turning movements at the proposed west bound left turn lane. The developer's engineer will provide detailed traffic movement data to the County Traffic engineer as the basis for these discussions with MNDOT.*

#### East-bound right turn lane

A large retaining wall appears to be needed in order to construct the east-bound right turn lane on CSAH 28 at the proposed access location. *The design of the retaining wall, right turn lane, boulevard, pedestrian crossing, and multi-purpose trail, needs to meet County standards. Dakota County and the City of Eagan need to discuss the retaining wall and agree to the location of the retaining wall and long-term maintenance responsibilities. It is the County's preference that a retaining wall be avoided but understands the adjacent property constraints may necessitate the use. The developer's engineer will provide County and City staff with detailed design information for the intersection modification needs.*

The Dakota County Transportation staff received and reviewed the design of the ¾-interesection at CSAH 28. The final design has not been approved at this time; however, County staff will continue to work with the engineer to finalize for approval. As noted by the city, the developer has been working with Gopher Smelting on finalizing the cross access easement agreement.

RECOMMENDATION 10/23/24:

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

<b>Plat Name:</b>	<b>PUMPKIN CREEK</b>
<b>PID:</b>	<b>220180081011, 220180081012</b>
<b>City:</b>	<b>Lakeville</b>
County Road:	CSAH 60 (185 <sup>th</sup> St. W.)
Current ADT (2021):	12,500
Projected ADT (2040):	31,000
Current Type:	2-lane
Proposed Type:	4-lane divided
R/W Guideline:	75ft (½ R/W)
Spacing Guideline:	¼ mile full access
Posted Speed Limit:	45 mph
Proposed Use:	Residential
Status:	Preliminary
Location:	SE ¼ ; Sec. 18-114-20
In attendance (10/23/24):	Frank Dempsey (city); Kris Jensen (city); Jonathan Nelson (city); Tina Goodroad (city); David Knaeble (engineer)

REVIEW 10/23/24:

The development includes 29 residential lots with one access opening at Ixonia Avenue. The future right-of-way needs of 75 feet have been met. Restricted access should be shown along all of CSAH 60 except for one opening at Ixonia Avenue. A quit claim deed to Dakota County for restricted access is required with the recording of the plat mylars.

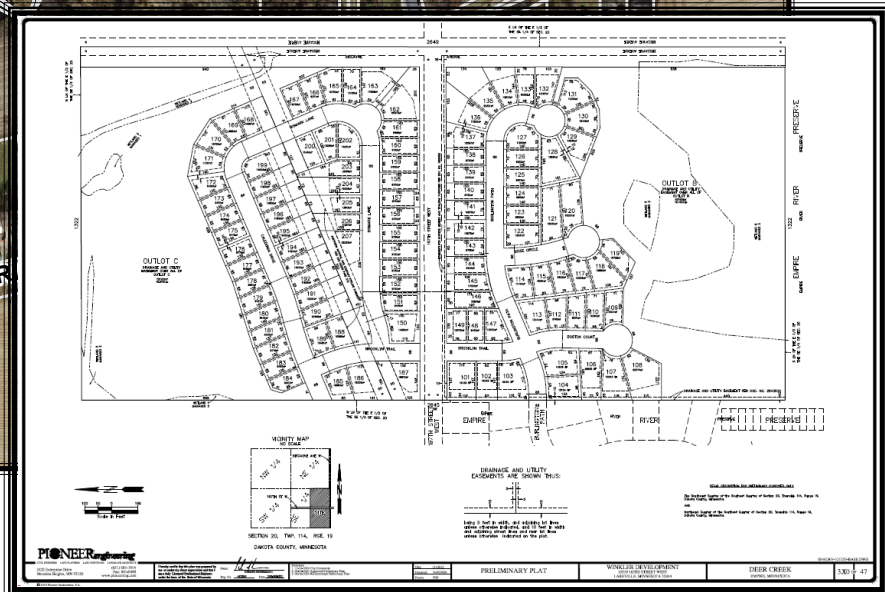
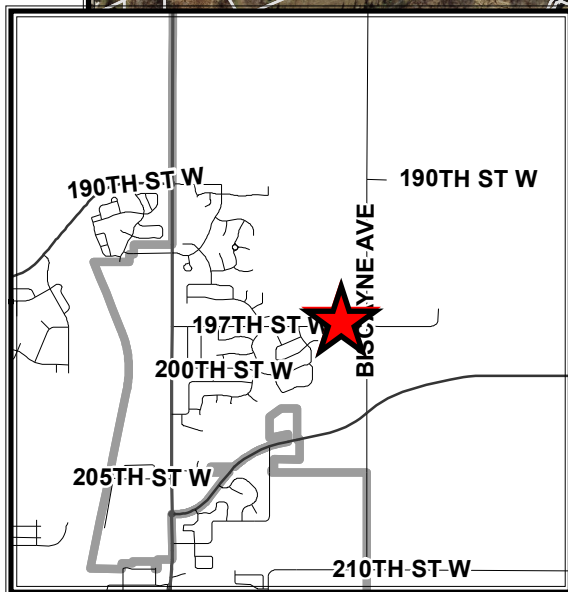
RECOMMENDATION 10/23/24:

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.



# DEER CREEK

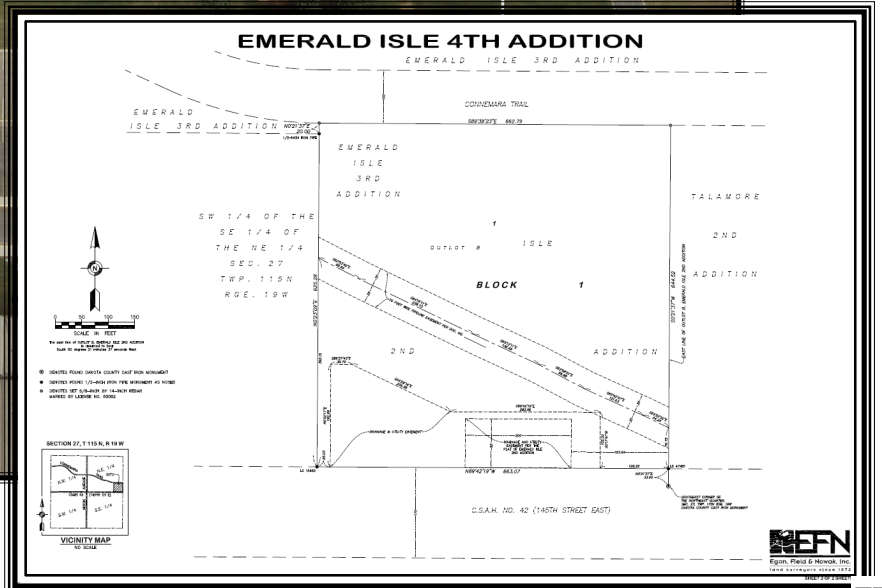
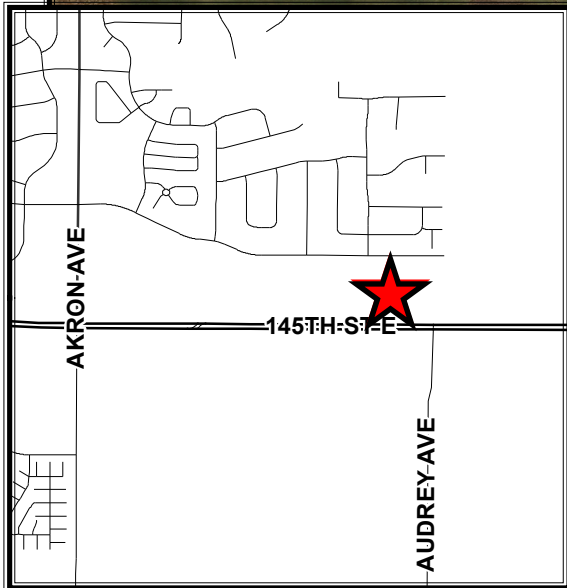
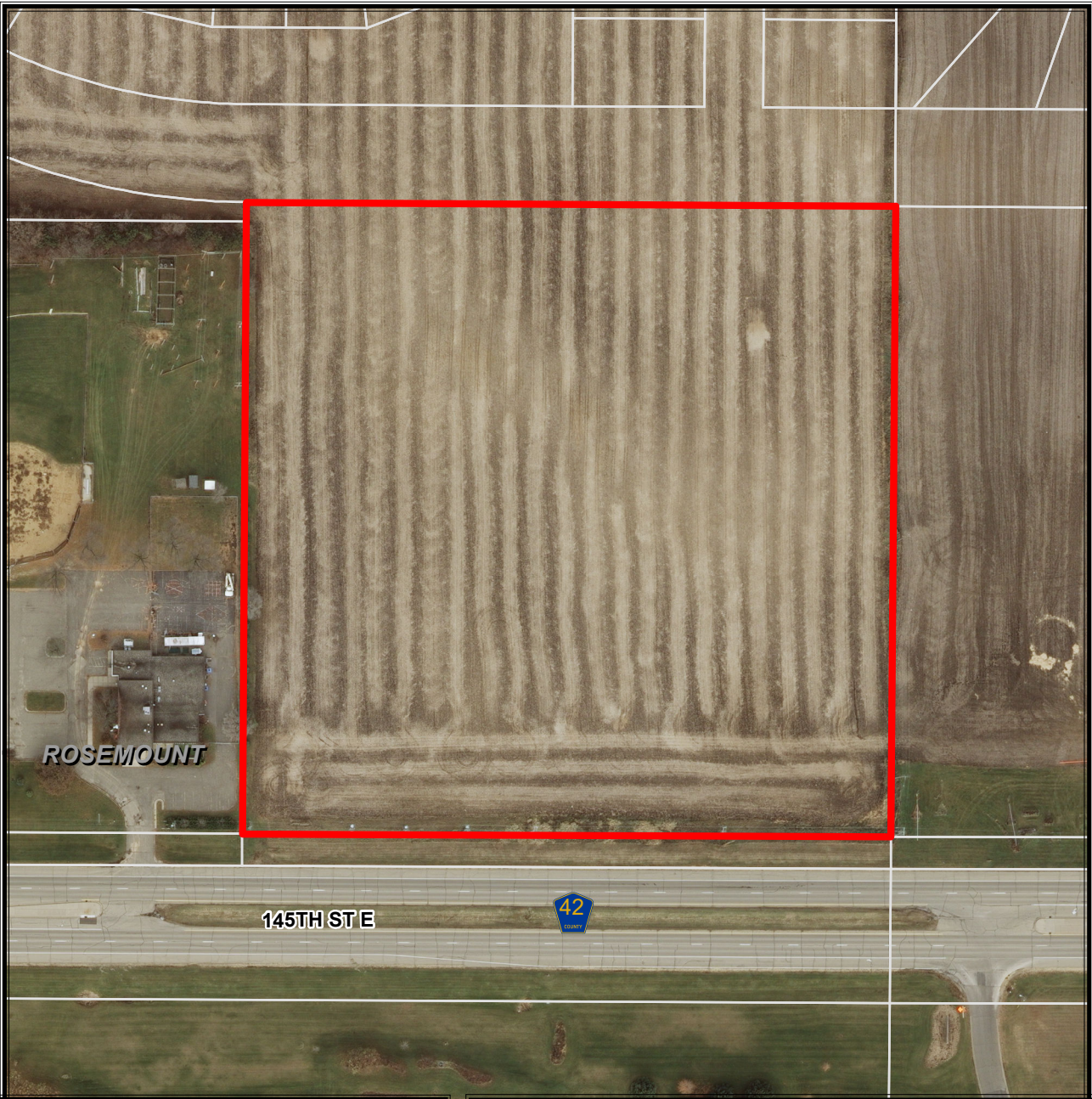
Prepared by Dakota County Physical Development Division





# EMERALD ISLE 4TH ADDITION

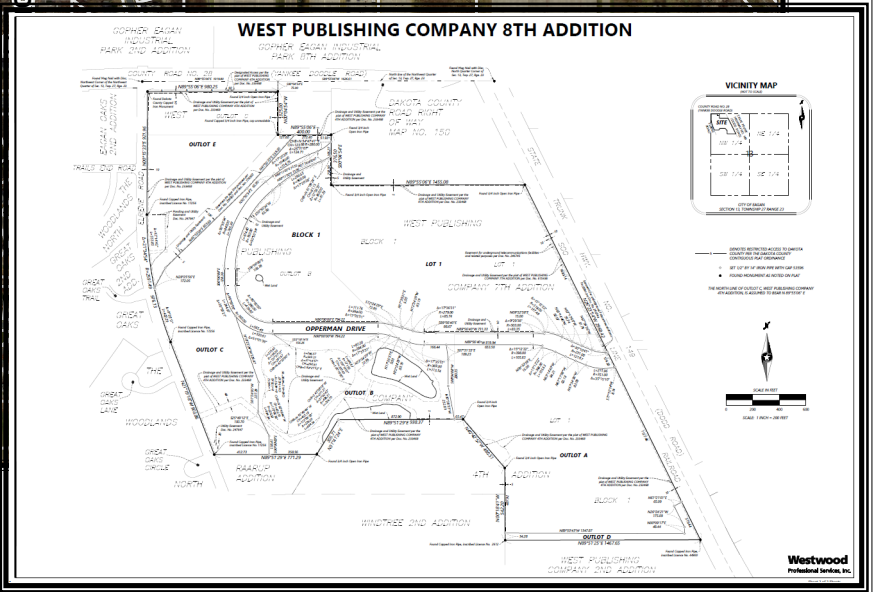
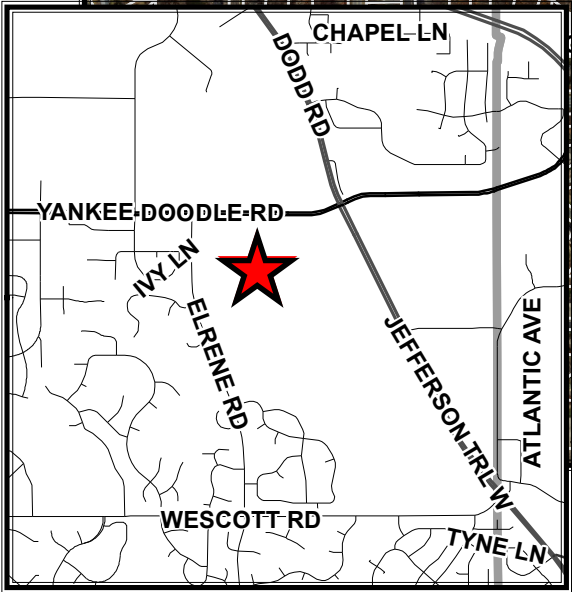
Prepared by Dakota County Physical Development Division





# WEST PUBLISHING COMPANY 8TH ADDITION

Prepared by Dakota County Physical Development Division

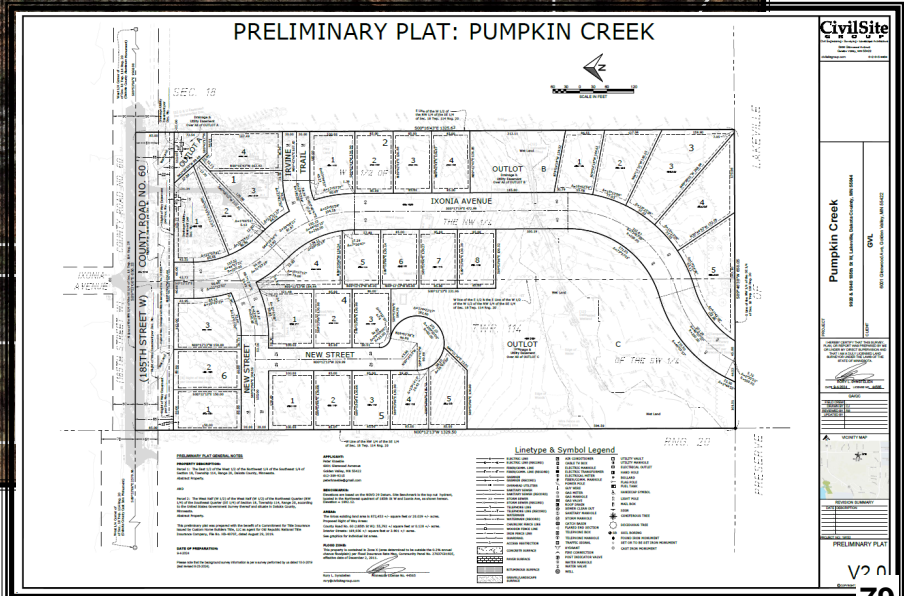
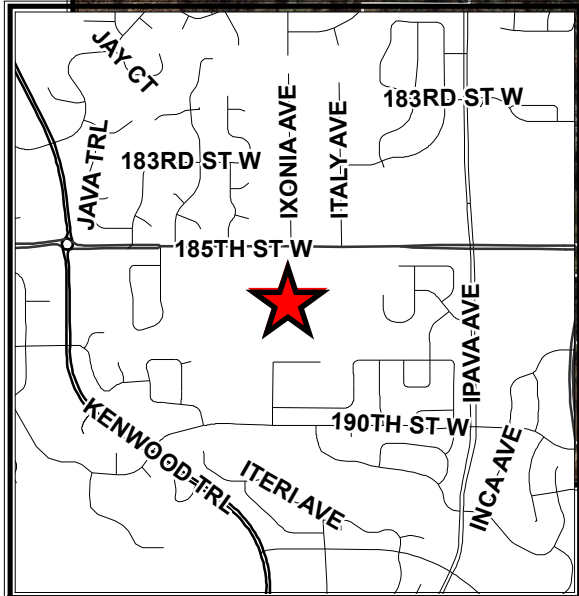
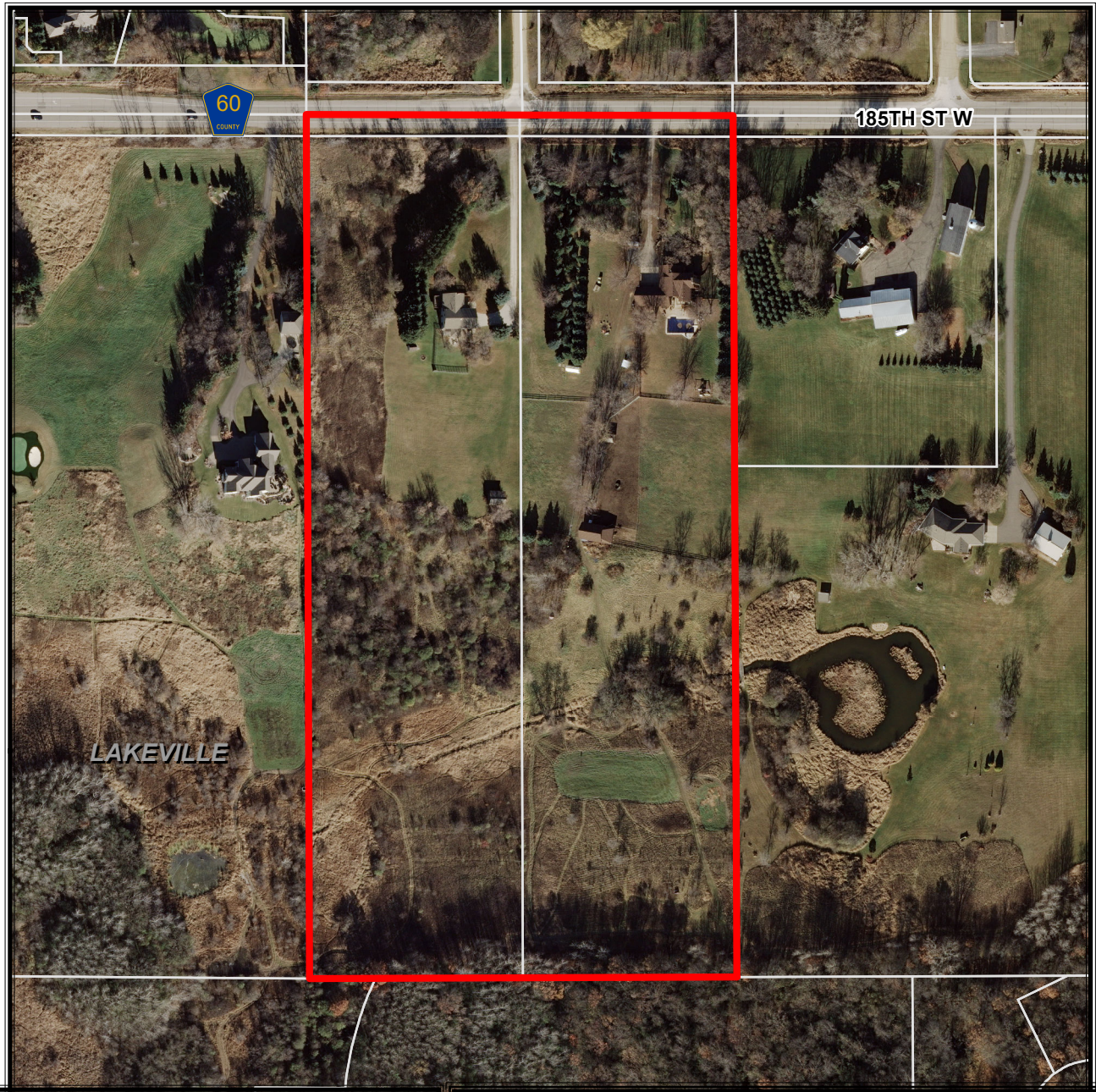


Westwood  
Professional Services, Inc.



# PUMPKIN CREEK

Prepared by Dakota County Physical Development Division



**CivilSite**  
 Pumpkin Creek  
 PRELIMINARY PLAT  
 V2 n1  
 79





# Board of Commissioners

## Request for Board Action

Item Number: DC-3864

Agenda #: 9.3

Meeting Date: 11/12/2024

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Joint Powers Agreement With City Of Eagan For Design And Construction Of Trails Along County Highways, County Projects 31-112 And 43-057**

### PURPOSE/ACTION REQUESTED

Authorize staff to execute a joint powers agreement (JPA) with the City of Eagan for preliminary engineering, design, right of way, and construction of trail gaps along County State Aid Highways (CSAH) 31 (Pilot Knob Road) and 43 (Lexington Avenue), County Projects (CP) 31-112 and 43-057.

### SUMMARY

To provide a safe and efficient multi-modal transportation system, Dakota County plans and constructs trails along County Highways in partnership with cities. The 2040 Transportation Plan identified a goal of providing a sidewalk or trail along at least one side of urban and suburban county highways by 2040.

Two trail gaps along County highways in Eagan were identified by County and City staff as priorities to advance for design and potential construction (Attachment: Project Map). County Project 31-112 is a trail gap along the west side of CSAH 31 between the I-35E south ramps and CSAH 28 (Yankee Doodle Road). County Project 43-057 is a double-sided trail gap along CSAH 43 between Trunk Highway 55 and approximately one-quarter mile north of CSAH 26 (Lone Oak Road).

A JPA with the City of Eagan is needed to identify roles, responsibilities, and cost share for the City and County. The County Cost Share Policy F1 Roadway identifies the cost share for multi-use trails as 85 percent County funds and 15 percent City funds. Dakota County has available funding in the trail gap set-aside for the County's share of design for both projects. The Draft Dakota County 2025-2029 Capital Improvement Program (CIP) and Budget identifies funding for right of way and construction for CP 43-057 in 2026 and 2027.

### RECOMMENDATION

Staff recommends the County Board authorize the execution of a JPA with the City of Eagan for CP 31-112 and CP 43-057.

### EXPLANATION OF FISCAL/FTE IMPACTS

Funds from the County Transportation trail gap set-aside are dedicated to CP 31-112 and CP 43-057 for design. Funds for future phases of 43-057 are identified in the Draft 2025-2029 CIP and budget.

None       Current budget       Other

Amendment Requested

New FTE(s) requested

**RESOLUTION**

WHEREAS, to promote a safe and efficient multi-modal transportation system, the County is partnering with the City of Eagan to design and construct multi-use trails along County State Aid Highway (CSAH) 31 (Pilot Knob Road) and CSAH 43 (Lexington Avenue), County Projects 31-112 and 43-057; and

WHEREAS, the City of Eagan is the lead agency for the preliminary engineering of the Projects; and

WHEREAS, Dakota County is the lead agency for design, right of way, and construction; and

WHEREAS, costs for preliminary engineering, design, right of way and construction will be shared 85 percent County funds and 15 percent City funds for trail segments along County Highways in accordance with adopted County Cost Share Policy F1 Roadway; and

WHEREAS, a joint powers agreement with the City of Eagan is needed to define project responsibilities and cost share for County Projects 31-112 and 43-057.

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 Eagan to identify costs and responsibilities in accordance with County policy for preliminary engineering, design, right of way, and construction of multi-use trails along County State Aid Highway 31 and County State Aid Highway 43 in the City of Eagan, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: Project Map

**BOARD GOALS**

A Great Place to Live

A Healthy Environment

A Successful Place for Business and Jobs

Excellence in Public Service

**CONTACT**

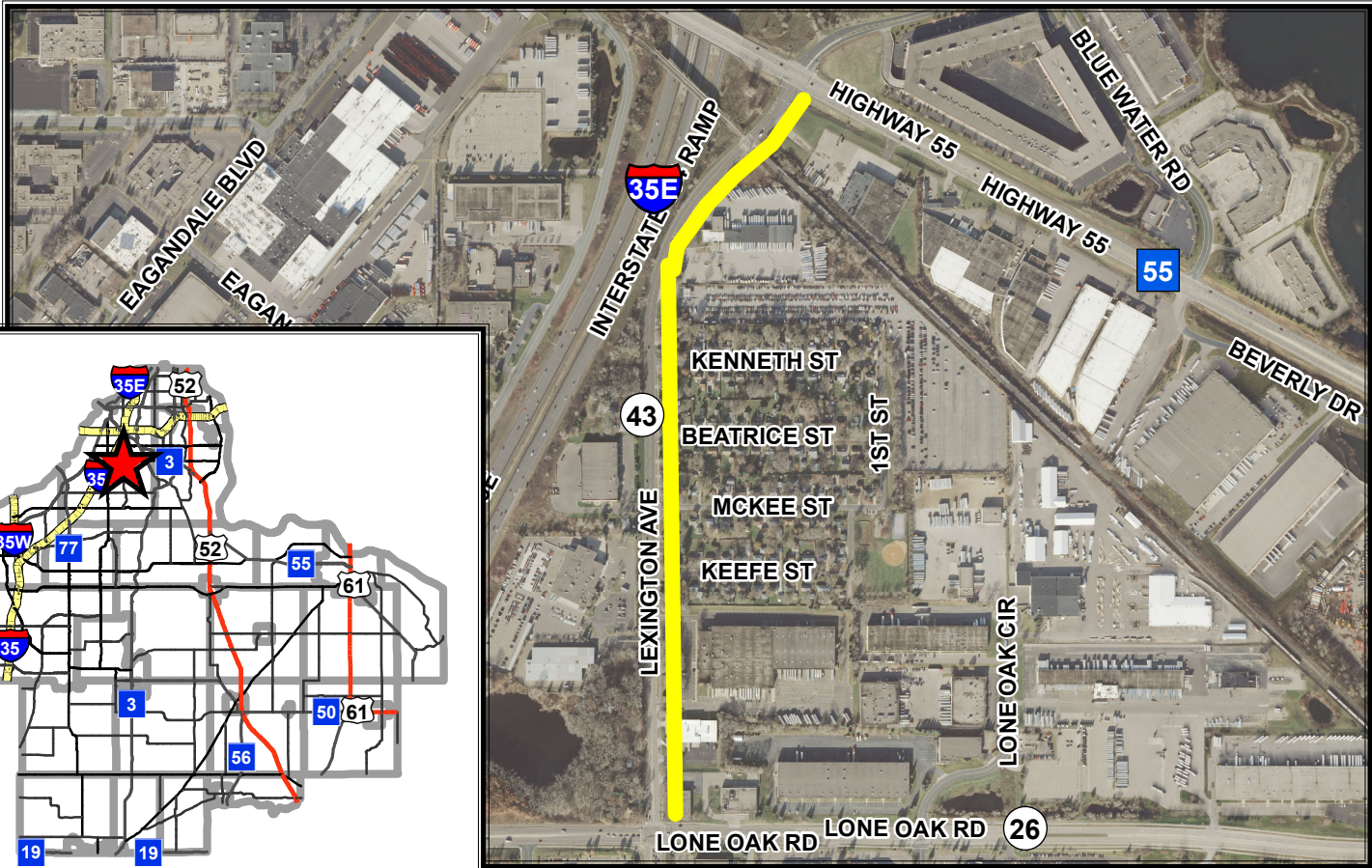
Department Head: Erin Laberee

Author: Gina Mitteco

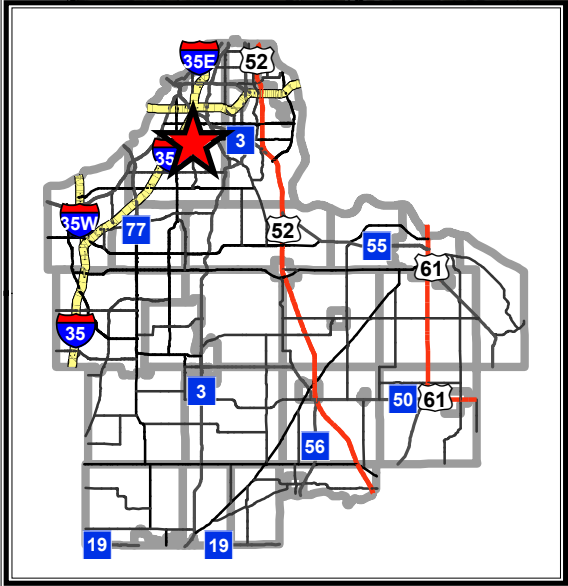




CP 31-112 Trail Gap



CP 43-57 Trail Gap



Prepared by Dakota County Physical Development Division





# Board of Commissioners

## Request for Board Action

Item Number: DC-3869

Agenda #: 9.4

Meeting Date: 11/12/2024

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Railroad Flaggers Contract Second Amendment With National Railroad Safety Services On Railroad Bridge In Castle Rock Township, County Project 86-34**

### PURPOSE/ACTION REQUESTED

Authorize execution of the second amendment to the contract with National Railroad Safety Services Inc. (NRSS) for additional flagger costs on County Project 86-34 (Attachment: Location Map).

### SUMMARY

To promote a safe and efficient transportation system throughout the County, Dakota County is reconstructing County State Aid Highway (CSAH) 86 from Galaxie Avenue to Trunk Highway 3, including replacing the existing timber railroad bridge.

Working in the railroad right of way requires flaggers from an agency approved by the Union Pacific Railroad (UPRR). NRSS is the flagging company under contract with the County.

Flaggers are required to be present whenever the contractor is doing any work in the railroad right of way. This includes constructing the shoofly bridge, removing the existing bridge, and removing the shoofly bridge.

NRSS invoices the County weekly based on the hours and associated costs for each flagger. The increase in cost is due to the Contractor working longer hours and the UPRR requirement to monitor the deflection of the train tracks three times a day, seven days a week. It is anticipated the shoofly will remain in place until December 6, 2024.

### RECOMMENDATION

Staff recommends authorizing a contract amendment with NRSS in the amount of \$190,000 for costs associated with flaggers while working in the railroad right of way. The total contract amount will be \$465,000.

### EXPLANATION OF FISCAL/FTE IMPACTS

The 2020 Capital Improvement Program adopted budget included \$14.2 million for the reconstruction of CSAH 86 and the replacement of the railroad bridge. Sufficient funds are available for the recommended contract amendment.

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

## RESOLUTION

WHEREAS, to promote a safe and efficient transportation system throughout the county, Dakota County is reconstructing the segment of County State Aid Highway (CSAH) 86 from CSAH 23 (Galaxie Avenue) to Trunk Highway 3; and

WHEREAS, this project includes the replacement of the existing timber railroad bridge; and

WHEREAS, by Resolution No. 24-271 (June 11, 2024), the County Board approved a contract with National Railroad Safety Services (NRSS) to provide the job of flagging (monitoring trains on the active track) while working in the railroad right of way; and

WHEREAS, work on the bridge began in March 2024 and is ongoing; and

WHEREAS, while the bridge is under construction, Union Pacific Railroad-approved flaggers are required; and

WHEREAS, staff recommends authorizing execution of an amendment to the contract with NRSS in the amount of \$190,000 for additional flagging needs; and

WHEREAS, the amended contract amount is \$465,000; and

WHEREAS, sufficient funds are available in the 2020 Transportation Capital Improvement Program Adopted Budget for the recommended contract amendment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a second amendment to the contract with National Railroad Safety Services Inc. in the amount of \$190,000 for additional anticipated flagging costs, subject to approval by the County Attorney's Office as to form.

## PREVIOUS BOARD ACTION

24-274; 06/11/24

24-394; 07/30/24

## ATTACHMENTS

Attachment: Location Map

## BOARD GOALS

A Great Place to Live

A Healthy Environment

A Successful Place for Business and Jobs

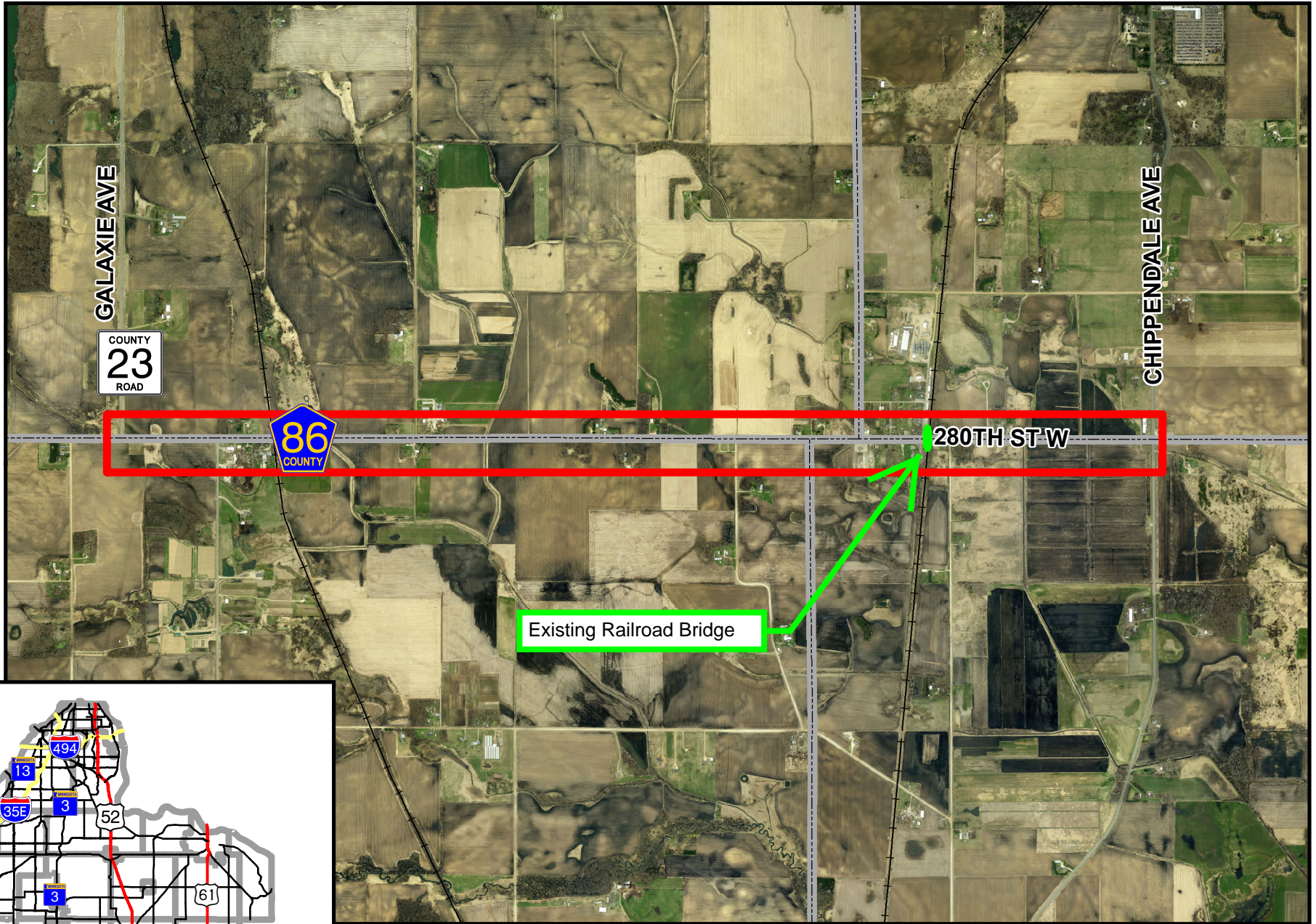
Excellence in Public Service

## CONTACT

Department Head: Erin Laberee

Author: Jeannine Briol





GALAXIE AVE

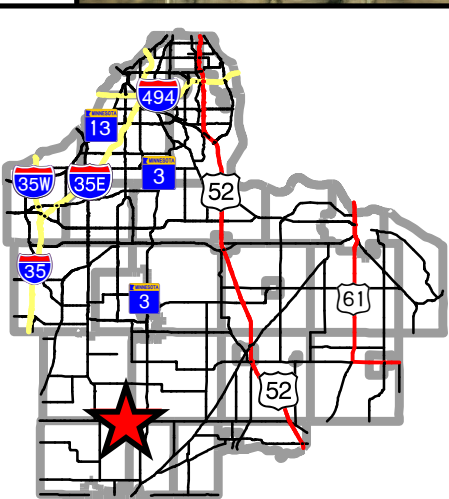
COUNTY  
23  
ROAD

86  
COUNTY

CHIPPENDALE AVE

280TH ST W

Existing Railroad Bridge



## County Project 86-34





# Board of Commissioners

## Request for Board Action

Item Number: DC-3877

Agenda #: 9.5

Meeting Date: 11/12/2024

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Authorization to Enter Into Cooperative Agreement For Cost Participation To Replace I-35W Bridge Over County State Aid Highway 32 And I-35W Interchange Improvements At County State Aid Highway 42, County Projects 32-115 And 42-164 In Burnsville**

### PURPOSE/ACTION REQUESTED

Authorize staff to enter into a cooperative agreement with the Minnesota Department of Transportation (MnDOT) and the City of Burnsville to address cost participation for the construction of County Project (CP) 32-115, replacement of an existing I-35W bridge over County State Aid Highway (CSAH) 32 in Burnsville, and for construction of CP 42-164, improvements to the I-35W interchange with CSAH 42 in Burnsville.

### SUMMARY

To promote a safe and efficient transportation system, staff participated in planning and design collaborations with MnDOT and the City of Burnsville, including design details and estimated construction costs at Dakota County roadways, which cross I-35W in Burnsville. MnDOT has now completed detailed engineering design for the I-35W Burnsville project, which will include resurfacing, bridge replacements, and other improvements between CSAH 32 (Cliff Road) and I-35E. Construction is scheduled for 2025-2026. The MnDOT project will include improvements at CSAH 32 and CSAH 42 that will require Dakota County cost-sharing for construction in a three-party Cooperative Agreement with MnDOT and the City of Burnsville (Attachment: Location Map). Specifically, the cost-sharing in the Agreement will apply to:

- New replacement bridge on I-35W northbound and southbound, spanning across CSAH 32 (Cliff Road), CP 32-115
- Interchange improvements at CSAH 42, CP 42-164

Staff coordinated with MnDOT and the City of Burnsville in 2023 to negotiate the estimated local cost participation for the replacement of the I-35W bridge over CSAH 32 (Cliff Road), CP 32-115. The MnDOT local cost participation policy for trunk highway bridges requires 100 percent of the I-35W structural replacement cost to be funded by MnDOT, with local cost shares calculated only if local governments prefer an increased bridge cost based on enhanced function. Additionally, the MnDOT policy covers up to 80 percent of a locally preferred functional cost increase, leaving 20 percent of the additional cost to the local governments. Based on this policy and the long-term traffic and design vision for CSAH 32, Dakota County and City of Burnsville staff worked with MnDOT to identify the preference for a functional bridge span length of 100 feet over CSAH 32. This locally preferred span

will allow for long-term CSAH 32 expansion and for multi-use trails on both sides, compared to a 58-foot span for structural replacement without the flexibility for long-term expansion. The MnDOT cost-participation policy resulted in an estimated total bridge replacement cost of approximately \$8,500,000 with the locally preferred 100-foot span, of which \$306,000 was determined to be the estimated total for local share. MnDOT will also bill the County and City an estimated \$56,100 to reconstruct and add multiuse trail segments under the I-35W bridge for a local project share total of \$362,100. Finally, a cost share of 85 percent for Dakota County, or \$307,800, will be applied to the local share based on Dakota County's cost participation policy F.1. This leaves 15 percent of the local share for the City of Burnsville, or \$54,300.

The interchange improvements at CSAH 42 were identified in the CSAH 42 Visioning Study, CP 42-144, adopted by Resolution No. 22-120 (March 22, 2022). The project's design will improve the southbound exit ramp from I-35W to CSAH 42 in Burnsville, including a new loop to reduce CSAH 42 conflicts and to provide direct connections to Buck Hill Road and to the Burnsville Center redevelopment site. The City of Burnsville applied for project funding support under the 2021 Transportation Economic Development (TED) funding program, with Dakota County's support authorized by Resolution No. 21-400 (August 10, 2021). MnDOT then awarded \$3,100,000 for the interchange project under the TED program, which will be applied to construction costs.

Resolution No. 24-312 (June 25, 2024) authorized a joint powers agreement with the City of Burnsville with the cost shares of 70 percent County/30 percent City, based on project traffic served, for final engineering design and right of way. The local government shares for interchange project construction will be based on the same 70 percent County/30 percent City cost share after subtraction of the \$3,100,000 TED funding award and any other grant funds. The currently estimated construction cost for the interchange project is \$6,393,700, or \$3,293,700, after subtraction of the \$3,100,000 TED grant administered by MnDOT. This net amount for interchange project construction will be shared by Dakota County at 70 percent, or \$2,305,600, and the City of Burnsville at 30 percent, or \$988,100, without any more grant funds. Estimated costs for the new signal and additional trail total \$491,300 and are not within the interchange project area; these costs will be subject to three-party cost shares or two-party (MnDOT and County) cost shares based on MnDOT and Dakota County cost participation policies.

## **RECOMMENDATION**

Staff recommends entering into a cooperative agreement with MnDOT and the City of Burnsville to address cost participation for CP 32-115, construction of a new I-35W bridge over CSAH 32 (Cliff Road) in Burnsville, and for construction of CP 42-164, improvements to the I-35W interchange with CSAH 42 in Burnsville. Dakota County costs for CP 32-115 will be based on the MnDOT cost participation policy for trunk highway bridge replacement with locally preferred enhancement. Dakota County and Burnsville shared costs for CP 42-164 will be based on project traffic served as in prior agreements (70% County/30% City), with other design elements east of CP 42-164 to be based on MnDOT and Dakota County cost participation policies.

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

The 2025 Transportation Capital Improvement Program (CIP) includes \$300,000 for CP 32-115, sufficient to cover the anticipated Dakota County cost share. The 2024 Transportation CIP includes an approved budget of \$484,500 for CP 42-164, of which \$289,500 remains. The 2025 CIP includes an additional \$2,450,000 for construction of CP 42-164, and the project budget will be adjusted based on additional information on right of way costs, design estimates, and all applicable grants and

cost participation policies and agreements.

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

**RESOLUTION**

WHEREAS, to promote a safe and efficient transportation system throughout Dakota County, the County is a participant with the City of Burnsville and the Minnesota Department of Transportation (MnDOT) to implement County Project (CP) 32-115 and CP 42-164; and

WHEREAS, MnDOT will be leading construction in 2025-2026 of CP 32-115, the I-35W bridge replacement over County State Aid Highway (CSAH) 32 or Cliff Road, and CP 42-164, improvements to the I-35W interchange with CSAH 42, as parts of the I-35W Burnsville project extending from CSAH 32 (Cliff Road) to I-35E; and

WHEREAS, MnDOT and the City of Burnsville are cooperating with the County on all stages of CP 32-115 and CP 42-164; and

WHEREAS, the MnDOT cost participation policy for trunk highway bridges covers up to 80 percent of a locally preferred functional cost increase, and Dakota County and Burnsville prefer a functional enhancement to the new I-35W bridge span length over CSAH 32 (CP 32-115) resulting in a net estimated local cost for bridge enhancement of \$306,000, plus \$56,100 estimated for multiuse trail improvements, total of \$362,100 to be shared at 85 percent by Dakota County and 15 percent by the City of Burnsville; and

WHEREAS, MnDOT awarded \$3,100,000 to CP 42-164 under the Transportation Economic Development grant program; and

WHEREAS, Dakota County Board Resolutions No. 23-429 (September 26, 2023) and No. 24-312 (June 25, 2024) approved a local cost share of Dakota County funds for 70 percent of the estimated net local construction cost of \$2,305,600 after the grant award to complete construction of CP 42-164, with City of Burnsville funds for 30 percent of that same net local cost, in accordance with adopted County Policy; and

WHEREAS, Dakota County has coordinated other CSAH 42 design elements with MnDOT and the City of Burnsville, which are not part of CP 42-164, including trail replacement and a new signal to the east (at the I-35W northbound entrance ramp) totaling \$491,300, to be subject to three-party cost shares or two-party (MnDOT and County) cost shares based on MnDOT and Dakota County cost participation policies; and

WHEREAS, Dakota County staff is working with MnDOT and City of Burnsville staff to finalize a three-party Cooperative Agreement addressing all details and payment terms for estimated cost participation as described above, with actual costs for project construction to ultimately apply.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes entering into a cooperative agreement with the Minnesota Department of Transportation and the City of Burnsville to address cost participation for County Project 32-115 and County Project 42-164, with Dakota County costs for County Project 32-115 based on the Minnesota Department of

Transportation cost participation policy for trunk highway bridge replacement with locally preferred enhancement, Dakota County and Burnsville costs for County Project 42-164 to be based on project traffic served as in prior agreements (70% County/30% City after grant award), and costs for other County State Aid Highway 42 design elements east of County Project 42-164 to be based on Minnesota Department of Transportation and Dakota County cost participation policies, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

21-400; 8/10/21

22-120; 3/22/22

23-429; 9/26/23

24-312; 8/25/24

**ATTACHMENTS**

Attachment: Map of I-35W Burnsville Cost-Share Locations

**BOARD GOALS**

A Great Place to Live

A Healthy Environment

A Successful Place for Business and Jobs

Excellence in Public Service

**CONTACT**

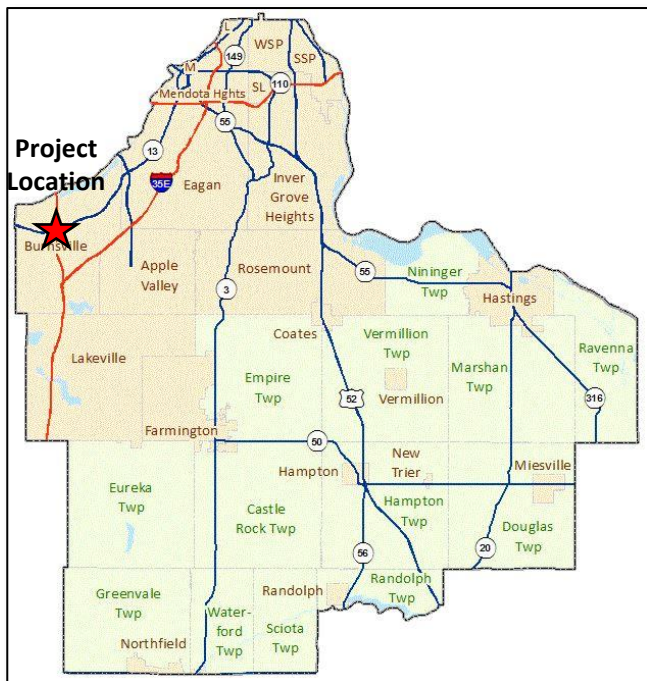
Department Head: Erin Laberee

Author: Doug Abere

# Minnesota Department of Transportation I-35W Burnsville Project Area (2025-2026) and Dakota County Cost-Share Locations

New I-35W bridge over County State Aid Highway (CSAH) 32, County Project (CP) 32-115; I-35W interchange improvements at CSAH 42, CP 42-164

(corridor map source: MnDOT)





# Board of Commissioners

## Request for Board Action

Item Number: DC-3880

Agenda #: 9.6

Meeting Date: 11/12/2024

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Approval Of Right Of Way Acquisition And Quick-Take Condemnation And Authorization To Amend 2024 Budget For County State Aid Highway 42 Federal Mill And Overlay In City Of Apple Valley, County Project 42-172**

### PURPOSE/ACTION REQUESTED

- Approve acquisition of right of way and authorize initiation of quick-take condemnation for the County State Aid Highway (CSAH) 42 federal mill and overlay in Apple Valley, County Project (CP) 42-172 (Attachment: Project Location Map),
- Authorize an amendment of the 2024 Transportation Capital Improvement Program (CIP) Budget for CP 42-172.

### SUMMARY

To provide a safe and efficient transportation system Dakota County is proceeding with CP 42-172, the CSAH 42 federal mill and overlay, and Americans with Disabilities Act (ADA) improvements in the city of Apple Valley (see Attachment: Location Map). Construction of CP 42-172 is scheduled for 2025.

Dakota County is the lead agency for CP 42-172 design and right of way acquisition. A total of 15 parcels have been identified from which right of way will be acquired by the County. Appraisals were completed by Valbridge Property Advisors, Inc., with a total appraised value \$107,250 for the 15 parcels. Appraisal data has been provided to the County Board in separate confidential spreadsheet, as the appraisals are confidential, non-public data pursuant to Minn. Stat. § 13.44, subd. 3.

If 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 quick-take condemnation of the remaining parcels. Efforts will be made to negotiate agreeable settlements before and after the start of the condemnation process.

An amendment to the approved 2024 CIP budget is necessary. The 2024 Transportation CIP Approved Budget does not have sufficient funds for the right of way acquisition required to complete the project. The total shortage is \$78,115 and being funded by Transportation right of way set-aside funds.

### RECOMMENDATION

Staff recommends the approval of right of way acquisition and authorization for potential

condemnation for the right of way necessary for CP 42-172 and amendment of the 2024 Transportation CIP Adopted Budget.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The 2024 Transportation CIP Adopted Budget for CP 42-172 includes a total of \$491,200 for consultant services and land acquisition. Due to existing contract commitments, there is a budget shortage of \$58,115. A budget amendment totaling \$78,115 is needed to complete the acquisition of all easements. The funding breakdown is as follows: \$58,115 for right-of-way offers and an additional \$20,000 for negotiations, property owner appraisals reimbursement, permit fees, printing charges, attorney fees and documentation. The right of way acquisition cost for ADA improvements and pavement preservation is funded 100 percent by the County. The total shortage of \$78,115 is being funded by Transportation right of way set-aside funds.

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

**RESOLUTION**

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

WHEREAS, Dakota County is the lead agency for design, right of way acquisition, and construction for CP 42-172; and

WHEREAS, construction is scheduled to occur in 2025; and

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

WHEREAS, the following acquisitions are necessary to proceed with CP 42-172:

**Parcel 2 - Grace Lutheran Church - PID 01-03300-03-010**

Highway easement 125 square feet

A permanent easement for highway purposes over the south 5.00 feet of the north 85.00 feet of the west 25.00 feet of the east 101.86 feet of the Northwest Quarter of the Northeast Quarter of Section 33, Township 115 North, Range 20 West, Dakota County, Minnesota.

**Parcel 3 - Centro Bradley Southport - PID 01-71050-01-020**

Highway easement 210 square feet

A permanent easement for highway purposes over the north 10.00 feet of the east 21.00 feet of Lot 2, Block 1, Southport Centre, according to the recorded plat thereof, Dakota County, Minnesota.

Temporary easement 410 square feet



A temporary easement for highway purposes over the north 20.00 feet of the east 31.00 feet of Lot 2, Block 1, Southport Centre, according to the recorded plat thereof, Dakota County, Minnesota EXCEPTING from said easement the north 10.00 feet of the east 21.00 feet of said Lot 2.

**Parcel 7 SCP 2006 C23 178 LLC PID 01-71000-01-010**

Temporary easement 72 square feet

A temporary easement for highway purposes over the north 10.00 feet of the west 7.19 feet of the east 34.19 feet of Lot 1, Block 1, Southport First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

**Parcel 8 Dakota Electric Assoc PID 01-03400-03-011**

Highway easement 215 square feet

A permanent easement for highway purposes over the south 28.00 feet of the north 103.00 feet of the east 24.00 feet of the west 74.00 feet of the Northwest Quarter of the Northeast Quarter of Section 34, Township 115 North, Range 20 West, Dakota County, Minnesota together with that part of said Northwest Quarter of the Northeast Quarter described as follows: Beginning at the northeast corner of the previous described easement thence east along the south line of the north 75.00 feet of said Northwest Quarter of the Northeast Quarter a distance of 13.07 feet; thence southwesterly a distance 17.95 feet to a point on the east line of said west 74.00 feet of the Northwest Quarter of the Northeast Quarter, said point being 12.21 feet south of the point of beginning; thence north along said east line a distance of 12.21 to the point of beginning.

Except that part lying within City of Apple Valley right of way easements recorded as Document Numbers 937108 and 1528615.

**Parcel 9 USPP Fischer Mkt Place LLC PID 01-26906-01-010**

Highway easement 150 square feet

A permanent easement for highway purposes over that part of Lot 1, Block 1, Fischer Market Place 7th Addition, according to the recorded plat thereof, Dakota County, Minnesota described as follows:

Beginning at the southwest corner of said Lot 1; thence north along the west line of said Lot 1 a distance of 15.00 feet; thence southeasterly a distance 24.96 feet to a point on the south line of said Lot 1 said point being 20.00 east of the point of beginning; thence west on said south line a distance of 20.00 feet to the point of beginning.

Temporary easement 100 square feet

A temporary easement for highway purposes over the south 10.00 feet of the east 10.00 feet Lot 1, Block 1, Fischer Market Place 7th Addition, according to the recorded plat thereof, Dakota County,

Minnesota.

**Parcel 10 USPP Fischer Mkt Place LLC PID 01-26904-01-010**

Temporary easement 340 square feet

A temporary easement for highway purposes over the south 10.00 feet of the west 10.00 feet Lot 1, Block 1, Fischer Market Place 5th Addition, according to the recorded plat thereof, Dakota County, Minnesota together with a temporary easement for highway purposes over the south 10.00 feet of the east 24.00 feet of said Lot 1.

**Parcel 11 Storage Equities Inc. PID 01-03400-01-032**

Highway easement 312 square feet

A permanent easement for highway purposes over the north 16.00 feet of the east 17.00 feet and the north 5.00 of the west 8.00 feet of the east 25.00 feet of the following described property:

The north 500.00 feet of the east 645.00 feet of the Northwest Quarter of the Northeast Quarter, and the west 40.00 feet of the south 425.00 feet of the north 500.00 feet of the Northwest Quarter of the Northeast Quarter in Section 34, Township 115 North, Range 20 West, Dakota County, Minnesota.

Temporary easement 88 square feet

A temporary easement for highway purposes over the south 11.00 feet of the north 16.00 feet of the west 8.00 feet of the east 25.00 feet of the following described property:

The north 500.00 feet of the east 645.00 feet of the Northwest Quarter of the Northeast Quarter, and the west 40.00 feet of the south 425.00 feet of the north 500.00 feet of the Northwest Quarter of the Northeast Quarter in Section 34, Township 115 North, Range 20 West, Dakota County, Minnesota.

**Parcel 12 Pinnacle Ridge LLC PID 01-33302-01-010**

Temporary easement 230 square feet

A temporary easement for highway purposes over the north 10.00 feet of the east 23.00 feet of Lot 1, Block 1, Hillcrest Acres 3rd Addition, according to the recorded plat thereof, Dakota County, Minnesota.

**Parcel 13 Rockport LLC PID 01-03400-05-050**

Highway easement 537 square feet

A permanent easement for highway purposes over the south 10.00 feet of the north 75.00 feet of that part of the Northeast Quarter of the Northeast Quarter of Section 34, Township 115 North, Range 20 West, Dakota County, Minnesota, lying easterly of the easterly right of way of Flagstaff Avenue.

Temporary easement 690 square feet

A temporary easement for highway purposes over that part of the south 46.00 feet of the north 121.00 feet of the Northeast Quarter of the Northeast Quarter of Section 34, Township 115 North, Range 20 West, Dakota County, Minnesota, lying westerly of the east 38.71 feet thereof and lying easterly of the easterly right of way of Flagstaff Avenue.

**Parcel 14 Valley Way Village - TH Assoc Common Area (NO PID)**

Highway easement 100 square feet

A permanent easement for highway purposes over the south 10.00 feet of the east 10.00 feet of Lot 1, Block 1, Valley Way Village, according to the recorded plat thereof, Dakota County, Minnesota.

P15 Valley Pines Townhomes - TH Assoc

Temporary easement 100 square feet

A temporary easement for highway purposes over the south 10.00 feet of the west 10.00 feet of Lot 13, Block 1, Valley Pines, according to the recorded plat thereof, Dakota County, Minnesota.

**Parcel 15 CIC NO. 230 - Valley Pines Townhome Association Common Area (NO PID)**

Temporary easement 100 square feet

A temporary easement for highway purposes over the south 10.00 feet of the west 10.00 feet of Lot 13, Block 1, Valley Pines, according to the recorded plat thereof, Dakota County, Minnesota.

**Parcel 16 Echo Way Townhomes - TH Assoc (NO PID)**

Temporary easement 100 square feet

A temporary easement for highway purposes over the south 10.00 feet of the west 10.00 feet of Lot 1, Block 1, Diamond Path Tenth Addition, according to the recorded plat thereof, Dakota County, Minnesota.

**Parcel 17 Anna & Boi Tran PID 01-03600-03-011**

Temporary easement 660 square feet

A temporary easement for highway purposes over the south 10.00 feet of the north 75.00 feet of the east 66.00 feet of the west 168.82 feet of the Northwest Quarter of the Northeast Quarter of Section 36, Township 115 North, Range 20 West, Dakota County, Minnesota.

**Parcel 18 Daniel Walter Welch II PID 01-03600-05-020**

Highway easement 280 square feet

A permanent easement for highway purposes over the south 10.00 feet of the north 75.00 feet of the west 28.00 feet of the east 65.50 feet of the Northwest Quarter of the Northeast Quarter of Section 36, Township 115 North, Range 20 West, Dakota County, Minnesota.

**Parcel 19 Village of Prairie Crossing - TH Assoc (NO PID)**

Highway easement 1163 square feet

A permanent easement for highway purposes over that part of Lot 1, Block 1, Southport Second Addition, according to the recorded plat thereof, Dakota County, Minnesota described as follows: Beginning at the northeast corner of said Lot 1; thence south along the east line of said Lot 1 a distance of 25.00 feet; thence northwesterly to a point on the north line of said Lot 1 said point being 25.00 feet west of said northeast corner; thence east along said north line of Lot 1 a distance of 25.00 feet to the point of beginning together with the north 10.00 feet of the east 105.00 feet of said Lot 1.

Temporary easement 558 square feet

A temporary easement for highway purposes over that part of Lot 1, Block 1, Southport Second Addition, according to the recorded plat thereof, Dakota County, Minnesota described as follows: Beginning at the northeast corner of said Lot 1; thence south along the east line of said Lot 1 a distance of 32.00 feet; thence northwesterly to a point on the north line of said Lot 1 said point being 32.00 feet west of said northeast corner; thence east along said north line a distance of 32.00 feet to the point of beginning together with the north 15.00 feet of the east 105.00 feet of Lot 1 EXCEPTING from said temporary easement any part of said Lot 1 taken for permanent highway easement as part of this same project.

; and

WHEREAS, appraisals have been completed for 15 total parcels by Valbridge Property Advisors, Inc.; and

WHEREAS, the total appraised value for CP 42-172 is \$78,115; and

WHEREAS, the cost for right of way acquisition is funded 100 percent by the County for pavement preservation activity per the 2040 Transportation Plan Cost Participation Policy; and

WHEREAS, the 2024 Transportation Capital Improvement Program (CIP) Adopted Budget requires an amendment to proceed with the first right of way offers for CP 42-172; and

WHEREAS, the County Engineer recommends approval of right of way acquisition for CP 42-172; and

WHEREAS, the County Engineer recommends amending the 2024 Transportation CIP budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised value prepared by Valbridge Property Advisors for the right of way acquisition for County Project (CP) 42-172 and authorizes County staff, in its discretion, to share the appraisal data with the respective landowners, including all or portions of the completed appraisals as part of the negotiation process; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of right of way for CP 42-172 at the approved appraised values and, in accordance with County policy, authorizes payment from the 2024 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; and

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

**Expense**

Right of way acquisition, CP 42-172 \$78,115

**Total Expense** **\$78,115**

**Revenue**

Transportation Right of Way Set-Aside, CP 42-172 \$78,115

**Total Revenue** **\$78,115**

**PREVIOUS BOARD ACTION**

24-429; 8/27/24

**ATTACHMENTS**

Attachment: Location Map

Attachment: Confidential Spreadsheet

**BOARD GOALS**

A Great Place to Live

A Healthy Environment

A Successful Place for Business and Jobs

Excellence in Public Service

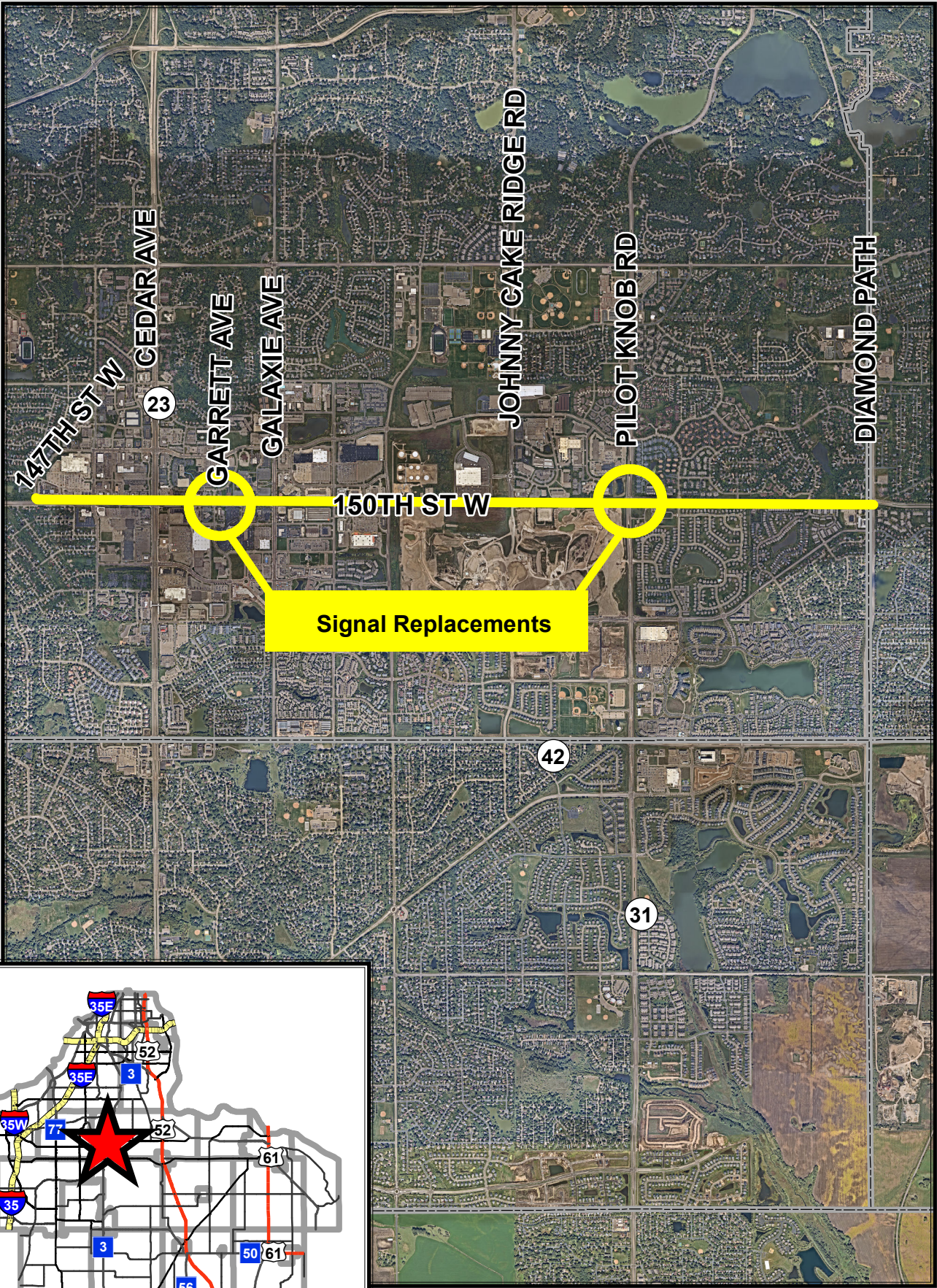
**CONTACT**

Department Head: Erin Laberee

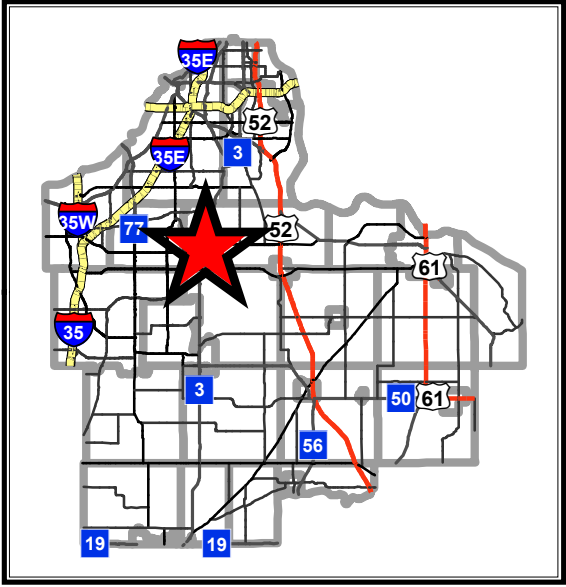
Author: Saeed Kanwar



Prepared by Dakota County Physical Development Division



Signal Replacements



# County Project 42-172





# Board of Commissioners

## Request for Board Action

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Item Number: DC-3894

Agenda #: 9.7

Meeting Date: 11/12/2024

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**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Approval Of Right Of Way Acquisition And Quick-Take Condemnation For Roundabout At Intersection Of County State Aid Highway 50 (202nd Street West) And Hamburg Avenue In City Of Lakeville, County Project 50-37**

### PURPOSE/ACTION REQUESTED

Approve right of way acquisition and quick-take condemnation for County Project (CP) 50-37, (Attachment: Project Location Map) Roundabout at the Intersection of County State Aid Highway (CSAH) 50 (202nd Street West) and Hamburg Avenue in City of Lakeville.

### SUMMARY

To provide a safe and efficient transportation system, Dakota County staff continuously monitors intersections within the county for deficient characteristics and provides recommendations for action if necessary. The intersection of CSAH 50 (202nd Street West) and Hamburg Avenue in Lakeville has seen significant development within the immediate surrounding area. This has led to crash patterns and frequencies exceeding statewide averages, which warranted an evaluation of intersection control changes to address these safety issues. The County completed an intersection evaluation in December 2023. The evaluation recommended to reconstruct the existing intersection into a single-lane roundabout. County staff coordinated internally and with the City of Lakeville to determine that a project was necessary to address these issues and increase safety. To pursue corrective action, the 2024 Transportation Capital Improvement Program Budget was amended by Resolution No. 24-071 (February 6, 2024) to add CP 50-37 to install a roundabout at the CSAH 50 and Hamburg Avenue intersection. Construction for CP 50-37 is planned to occur in the summer of 2025.

By Resolution No. 24-298 (June 4, 2024), the County Board authorized the execution of a contract with Stonebrooke Engineering Inc. for design services for CP 50-37. During the design phase, professional engineering services by Stonebrooke Engineering Inc. have identified right of way acquisition needs, including a permanent easement along the corridor (Attachment: Parcel Sketch). A single parcel has been identified from which right of way will be acquired by the County. Acquisition of right of way from the identified parcel is recommended to advance CP 50-37. Staff is proposing the acquisition of the necessary permanent easement from the identified parcel.

A minimum damage acquisition report was completed by Day Group LLC for the parcel. The total appraised value of the parcel is \$5,200. Appraisal data has been provided to the County Board in a confidential spreadsheet since the appraisal is classified as confidential data pursuant to Minn. § Stat.13.44, subd. 3.

If timely acquisition by direct negotiation of the parcel does not appear possible, staff recommends that the County Board 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.

**RECOMMENDATION**

Staff recommends approval of right of way acquisition for the single parcel and authorization for potential condemnation of the right of way necessary for CP 50-37.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The 2024 Transportation Capital Improvement Program Adopted Budget includes a total of \$500,000 for County Project 50-37. Sufficient funding exists for the right of way acquisition costs for CP 50-37.

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

**RESOLUTION**

WHEREAS, to provide a safe and efficient transportation system, Dakota County monitors intersections for safety or operational issues; and

WHEREAS, the intersection of County State Aid Highway (CSAH) 50 and Hamburg Avenue in Lakeville began exhibiting safety issues with crash trends that are above the statewide average; and

WHEREAS, County staff conducted a traffic analysis for the intersection, and the recommendation from the Intersection Control Evaluation is that a single-lane roundabout be implemented; and

WHEREAS, by Resolution No. 24-071 (February 6, 2024), the County Board authorized an amendment to the 2024 Transportation Capital Improvement Program Budget to include County Project (CP) 50-37 to construct a single-lane roundabout at the intersection of CSAH 50 and Hamburg Avenue in Lakeville; and

WHEREAS, by Resolution No. 24-298 (June 4, 2024), the County Board authorized the execution of a contract with Stonebrooke Engineering Inc. for design services for CP 50-37; and

WHEREAS, engineering design for CP 50-37 has identified right of way needs, including a permanent easement along the corridor; and

WHEREAS, right of way acquisition is needed in order for construction to begin in the summer of 2025 as scheduled; and

WHEREAS, to move forward with CP 50-37, the acquisition of the following parcel as identified in the legal description by the County is necessary to move forward with the Project:

Parcel 1; ANTHONY & BRIANNA LEMPELIUS; PID 22-13714-08-010

A permanent easement for highway purposes over, under, and across that part of Lot 1, Block 8, Berres Ridge 5<sup>th</sup> Addition, according to the recorded plat thereof, Dakota County,



Minnesota, lying southeasterly of the following described line:

Beginning at a point on the east line of said Lot 1 25.00 feet northerly of the southeast corner of said Lot 1; thence southwesterly to a point on the south line of said Lot 1 30.00 feet westerly from said southeast corner and said line there terminating.

Said permanent easement area contains approximately 375 square feet.

; and

WHEREAS, a minimum damage acquisition report has been completed for the parcel by Day Group LLC and offers are being prepared for a total appraised value of \$5,200; and

WHEREAS, values of the appraised parcel have been presented to the County Board in a confidential spreadsheet; and

WHEREAS, the 2024-2028 Transportation Capital Improvement Program Adopted Budget includes sufficient funding for right of way acquisition.

WHEREAS, in the event that 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 construction to be completed.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minimum damage acquisition value for the acquisition of the identified property interest from the parcel for County Project 50-37 and authorizes County staff, in its discretion, to share minimum damage acquisition data with the respective landowners, including all or portions of the completed parcel as part of the negotiation process; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners approves acquisition of the property associated with the parcel for County Project 50-37 at the approved minimum damage acquisition value and authorizes payment from the 2024 Transportation Capital Improvement Program Adopted Budget; and

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

### **PREVIOUS BOARD ACTION**

24-071; 2/6/24

24-298; 6/4/24

### **ATTACHMENTS**

Attachment: Project Location Map

Attachment: Parcel Sketch

### **BOARD GOALS**

A Great Place to Live

A Healthy Environment

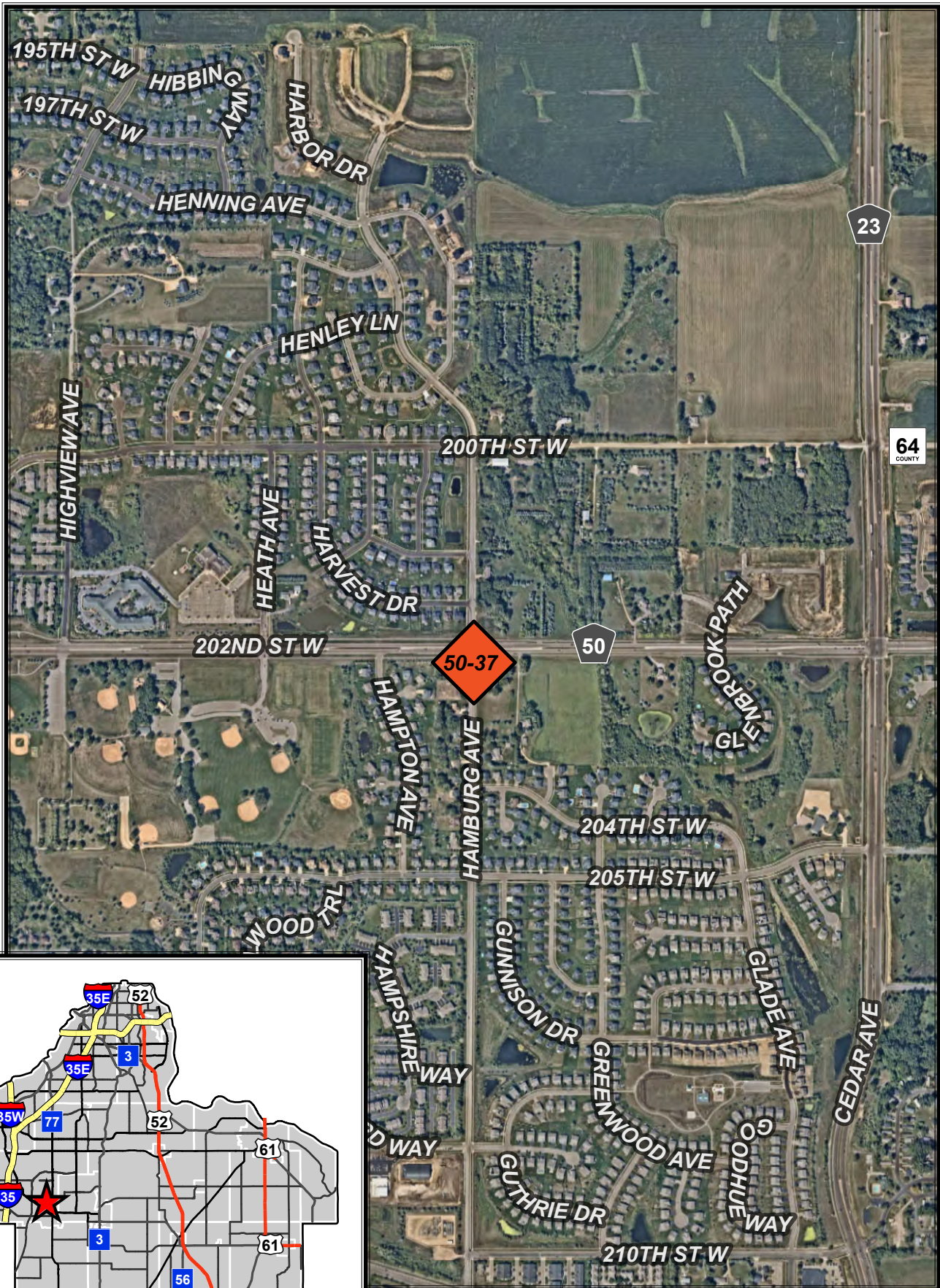
A Successful Place for Business and Jobs

Excellence in Public Service

**CONTACT**

Department Head: Erin Laberee

Author: Hassan Hussein

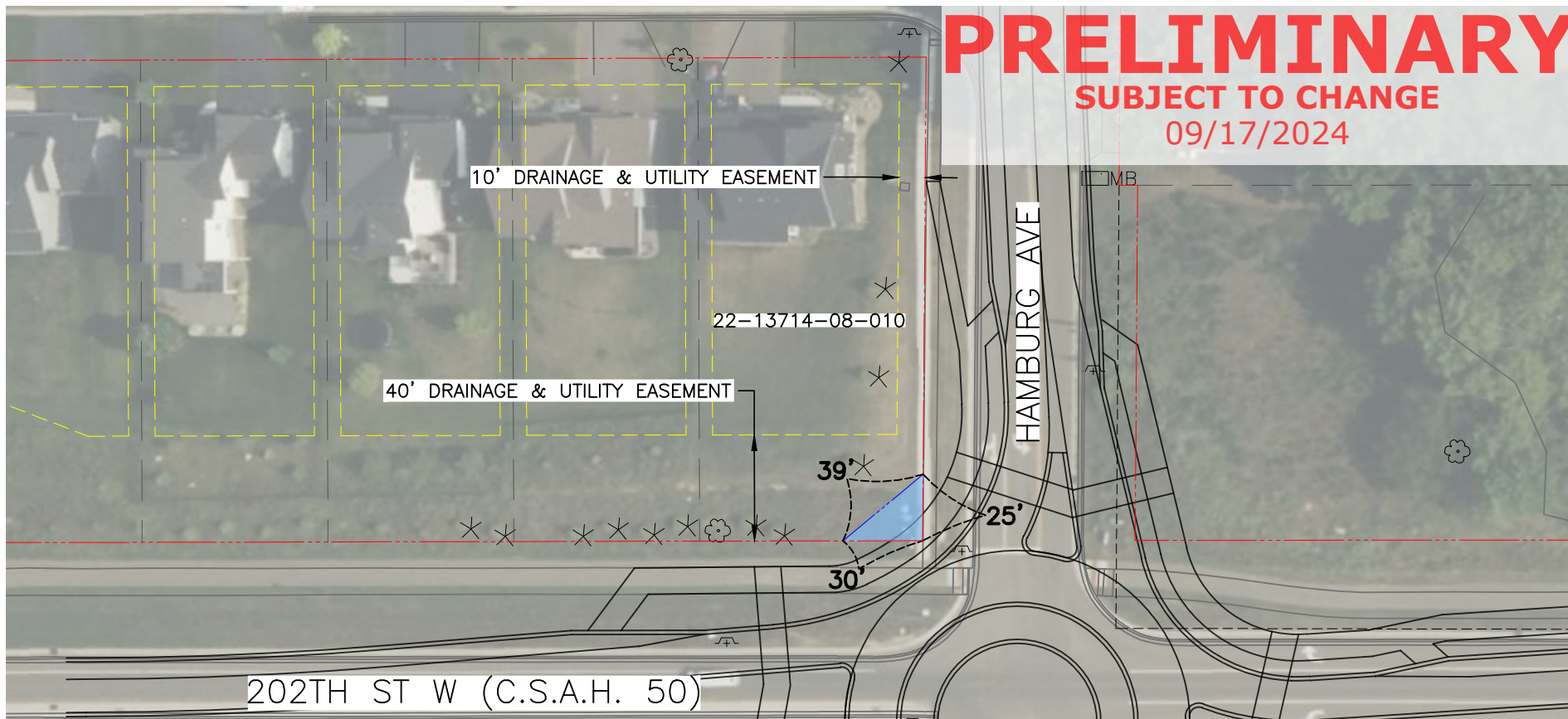


CSAH 50 & Hamburg Avenue, Lakeville



# 202TH ST W & HAMBURG AVE ROUNDABOUT PROPERTY EXHIBIT LAKEVILLE, MN

**PRELIMINARY**  
SUBJECT TO CHANGE  
09/17/2024



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

**OWNER: ANTHONY & BRIANNA LEMPELIUS**

**PARCEL 1  
PROJECT NO. CP50-37  
PID 22-13714-08-010**

**NEW RIGHT OF WAY (SQ. FT.)**  **375**



### LEGEND

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



SHEET  
1  
OF  
1



# Board of Commissioners

## Request for Board Action

Item Number: DC-3914

Agenda #: 10.1

Meeting Date: 11/12/2024

**DEPARTMENT:** Public Services and Revenue Administration

**FILE TYPE:** Consent Action

### TITLE

**Scheduling Of Public Hearing To Receive Comments On 2025 Off Sale Intoxicating Liquor License Applications**

### PURPOSE/ACTION REQUESTED

Schedule a Public Hearing at 9:00 a.m. on December 3, 2024, to receive comments on 2025 off sale intoxicating liquor license applications.

### SUMMARY

County Ordinance 101 and state law require a public hearing to be held for all off sale intoxicating liquor license applications. Two applicants are applying for a 2025 off sale intoxicating liquor license:

- Simman LLC (dba Castle Rock Bar and Grill)
- Woody's Liquor Box Inc.

Notice of the public hearing will be given to all interested parties, Castle Rock Township Clerk, Randolph Township Clerk, and published in the County's Official Newspaper on November 21, 2024.

### RECOMMENDATION

Staff recommends the Dakota County Board of Commissioners schedule a public hearing to receive comments on 2025 off sale intoxicating liquor license applications at 9:00 a.m. on December 3, 2024, in the Boardroom of the Administration Center, 1590 Highway 55, Hastings, Minnesota.

### EXPLANATION OF FISCAL/FTE IMPACTS

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

### RESOLUTION

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

WHEREAS, a Notice of the public hearing will be given to all interested parties, Castle Rock Township Clerk, Randolph Township Clerk, and published in the County's Official Newspaper on November 21, 2024.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing at 9:00 a.m. on December 3, 2024, in the Boardroom of the

Administration Center, 1590 Highway 55, Hastings, Minnesota, to receive comments on all 2025 off sale intoxicating liquor license applications; and

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

### **PREVIOUS BOARD ACTION**

None.

### **ATTACHMENTS**

None.

### **BOARD GOALS**

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

### **CONTACT**

Department Head: Teresa Mitchell

Author: Sarah Kidwell



# Board of Commissioners

## Request for Board Action

Item Number: DC-3921

Agenda #: 11.1

Meeting Date: 11/12/2024

**DEPARTMENT:** Office of the County Manager

**FILE TYPE:** Regular Action

### TITLE

**Closed Executive Session: Legal Strategy For Acquisition Of Property From Kristin Ann Klein In City Of Eagan For County Project 26-67 (Lone Oak Road/County State Aid Highway 26)**

### PURPOSE/ACTION REQUESTED

Hold a closed executive session.

### SUMMARY

The Dakota County Attorney has advised that prior to closing a County Board meeting, pursuant to the Open Meeting Law, Minn. Stat. Ch. 13D, the County Board must resolve by majority vote to close the meeting.

### RECOMMENDATION

The County Manager has recommended that a closed executive session be held pursuant to attorney-client privilege during the Dakota County Board meeting of November 12, 2024, to discuss the following:

- the legal strategy of accomplishing Dakota County’s acquisition of certain property rights from Kristin Ann Klein, as identified by Dakota County Right of Way Map No. 506 as TE 9 for the Project.

### EXPLANATION OF FISCAL/FTE IMPACTS

Fiscal impact will be discussed in closed session.

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

### RESOLUTION

WHEREAS, to provide a safe and efficient transportation system, Dakota County is partnering with the City of Eagan on County Project (CP) 26-67 (Project) to reconstruct and realign County State Aid Highway (CSAH) 26 (Lone Oak Road); and

WHEREAS, the purpose of the Project is to accommodate increased traffic volume, address existing operational deficiencies, and implement current safety and design standards; and

WHEREAS, to construct the Project, the County had to acquire certain property rights from Kristin Ann Klein, identified as TE 9 according to Dakota County Right-of-Way Map No. 506, as recorded in

the Office of the Dakota County Recorder; and

WHEREAS, the County commenced a condemnation proceeding in 2024 to acquire those easements necessary to complete the Project, including a temporary construction easement upon, over and across TE 9 (Dakota County Court File No. 19HA-CV-24-1116); and

WHEREAS, Dakota County District Court granted the County title and possession of the easement areas for purposes of completing the Project and appointed commissioners to ascertain and report to the Court the amount of damages sustained by the owner of said lands on account of said taking; and

WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to the strategy of accomplishing the acquisition of the property rights relating to TE 9 for the Project, the public disclosure of which would benefit the landowners to the detriment of Dakota County’s position in this matter; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners hereby closes the County Board meeting on November 12, 2024, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, to discuss with the County Attorney the legal strategy of accomplishing Dakota County’s acquisition of certain property rights from Kristin Ann Klein, as identified by Dakota County Right of Way Map No. 506 as TE 9 for the Project.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: None.

**BOARD GOALS**

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

**PUBLIC ENGAGEMENT LEVEL**

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

**CONTACT**

Department Head: Heidi Welsch  
Author: Jeni Reynolds





# Board of Commissioners

## Request for Board Action

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**Item Number:** DC-3935

**Agenda #:** 14.1

**Meeting Date:** 11/12/2024

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### Information

See Attachment for future Board meetings and other activities.

**November 11, 2024**

Monday

All Day

County Offices Closed - Veteran's Day Observed

**November 12, 2024**

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, Hastings, Conference Room 3A

9:30 AM - 9:30 AM

Regional Railroad Authority - Canceled

1:00 PM - 1:00 PM

Dakota County Board Transit Workshop -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings

**November 13, 2024**

Wednesday

10:00 AM - 10:00 AM

Metropolitan Emergency Services Board Committee Meeting -- Metro Counties Government Center, 2099 University Ave, St. Paul

4:00 PM - 4:00 PM

Vermillion River Watershed Planning Commission Meeting -- Dakota County Extension & Conservation Center, 4100 220th St. W, Farmington

**November 14, 2024**

Thursday

7:30 AM - 7:30 AM

I-35W Solutions Alliance Board Meeting -- Richfield City Hall, 6700 Portland Avenue South, Bartholomew Room, Richfield

**November 15, 2024**

Friday

8:30 AM - 8:30 AM

Dakota-Scott Workforce Development Board Meeting -- Northern Service Center, 1 Mendota Road West, Room 520, West St. Paul

**November 19, 2024**

Tuesday

9:00 AM - 9:00 AM

Dakota County Physical Development Committee of the Whole -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings

**November 19, 2024 Continued**

Tuesday

1:00 PM - 1:00 PM

Dakota County Community Services Committee of the Whole -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings

**November 21, 2024**

Thursday

9:15 AM - 9:15 AM

Metropolitan Mosquito Control District Executive Committee Meeting -- Metropolitan Mosquito Control District 2099 University Ave. W, St. Paul

7:00 PM - 7:00 PM

Dakota County Planning Commission Meeting -- Western Service Center, 14955 Galaxie Ave, Apple Valley, Conference Room 106

**November 28, 2024**

Thursday

All Day

County Offices Closed - Thanksgiving Day Holiday

**November 29, 2024**

Friday

All Day

County Offices Closed - Thanksgiving Friday Holiday

**December 3, 2024**

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

6:00 PM - 6:00 PM

Budget/Levy Public Hearing -- Administration Center, 1590 Highway 55, Boardroom, Hastings

**December 4, 2024**

Wednesday

1:00 PM - 1:00 PM

Dakota County Community Development Agency Meeting -- CDA, 1228 Town Centre Drive, Eagan, Boardroom

**December 5, 2024**

Thursday

1:00 PM - 1:00 PM

**Vermillion River Watershed Joint Powers Board Meeting -- Dakota County Extension & Conservation Center, 4100 220th St. W, Farmington**

**December 6, 2024**

Friday

8:30 AM - 8:30 AM

**Governance/Strategic Planning Workshop -- Schaar's Bluff Gathering Center, 8395 127th St E, Hastings**



# Board of Commissioners

## Request for Board Action

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**Item Number:** DC-3936

**Agenda #:** 15.1

**Meeting Date:** 11/12/2024

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Adjournment