



# Dakota County

## Board of Commissioners

### Minutes

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Tuesday, September 6, 2022

9:00 AM

Boardroom, Administration Center,  
Hastings, MN

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

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

Commissioner Slavik was present via Zoom, but was not part of the voting quorum for the meeting.

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

**Excused:** Commissioner Mike Slavik

#### 2. Pledge Of Allegiance

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

#### 3. Audience

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

Dave Bester, Lakeville (Elections-Citizen Advisory Board)  
Heidi Flodin, Burnsville (Public Data Request)

#### 4. Agenda

**4.1** Resolution No: 22-362  
Approval of Agenda (Additions/Corrections/Deletions)

Motion: Mary Hamann-Roland

Second: Joe Atkins

Ayes: 6

Excused: 1

**5. Public Hearing****5.1** Resolution No: 22-364  
Public Hearing To Receive Comments On And Adopt Proposed Amendments  
To Ordinance 50: Shoreland And Floodplain Management

Motion: Joe Atkins

Second: Mary Hamann-Roland

The time being 9:18 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on Dakota County Ordinance 50: Shoreland and Floodplain Management. Environmental Resources Supervisor, Brad Becker briefed this item and the Public Hearing was opened. There were no comments received. The Public Hearing was unanimously closed at 9:19 a.m. (Resolution No. 22-363).

WHEREAS, Dakota County Ordinance 50 regulates the use and orderly development of designated shoreland and floodplain zones within the unincorporated areas of Dakota County; and

WHEREAS, the purpose of the ordinance is to promote public health, safety, and welfare; protect, preserve, and enhance natural resources; and reduce the private and public economic loss caused by flooding; and

WHEREAS, the proposed amendments were prompted by public drainage ditch maintenance activities proposed by private landowners; and

WHEREAS, Dakota County is the Drainage Authority for two public ditch systems under Minnesota Statutes 103E; and

WHEREAS, portions of the public ditches are also regulated public waters by the Minnesota Department of Natural Resources (MNDNR); and

WHEREAS, in order for public ditch maintenance and repair to be exempt from MNDNR public waters permits, the work must be sponsored by the Drainage Authority and consistent with the original ditch establishment plans and records; and

WHEREAS, the proposed ordinance amendments establish a permit program for work within public drainage systems, creating efficiencies for landowner projects that would otherwise require a MNDNR public waters permit; and

WHEREAS, staff is also using this opportunity to propose additional updates to improve the formatting and clarity of some existing ordinance requirements; and

WHEREAS, the full text of the amendments, with the proposed revisions labeled in blue and red, is available on the Dakota County website; and

WHEREAS, notice of the public hearing was published in the *Dakota County Tribune*.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the amendments to Dakota County Ordinance 50: Shoreland and Floodplain Management, as presented on August 9, 2022.

Ayes: 6

Excused: 1

**5.2** Resolution No: 22-366  
Public Hearing To Receive Comments On And Adopt Proposed Amendments  
To Ordinance 128: Water Surface Use Ordinance Regulating Lake Byllesby  
Reservoir And Cannon River

Motion: Liz Workman

Second: Joe Atkins

The time being 9:24 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on Dakota County Ordinance 128: Water Surface Use Ordinance regulating Lake Byllesby Reservoir and the Cannon River. Parks Administrative Manager, Jeff Bransford briefed this item and the Public Hearing was opened. There were no comments received. The Public Hearing was unanimously closed at 9:25 a.m. (Resolution No. 22-365).

WHEREAS, by Resolution No. 03-208 (April 22, 2003), the Dakota County Board of Commissioners adopted Dakota County Ordinance 128 to regulate the surface use of the waters of Lake Byllesby to promote the health, safety, and welfare of all persons using the lake, as well as to protect the lands surrounding the lake from damage during high water conditions; and

WHEREAS, Dakota County has designed and constructed a new recreational river access area below the Byllesby Dam, introducing new use to the site; and

WHEREAS, amendments to Ordinance 128 are required to prohibit surface water access to the Byllesby Dam in the interest of personal safety and homeland security; and

WHEREAS, the proposed amendments clarify the extent of surface water restrictions above and below the dam, and staff are also using this opportunity to make technical corrections and propose additional updates to improve formatting and clarity of the ordinance for ease of understanding, interpretation, and enforcement; and

WHEREAS, Minn. Stat. § 86B.205, subd. 2(b) states that if a body of water is located within more than one county, a water surface use ordinance is not effective until adopted by the county boards of all counties where the body of water lies; and because the waters of Lake Byllesby and the Cannon River are wholly located within the boundaries of both Dakota and Goodhue Counties, the two Counties must enact a single, uniform ordinance; and

WHEREAS, the Goodhue County Board of Commissioners conducted a public

hearing and approved the ordinance on August 11, 2022; and

WHEREAS, Minnesota counties must comply with the Water Surface Management Standards found in Minn. Stat. Chapter 86B and Minn. Rules 6110.3700 when formulating any ordinance which may affect the use of watercraft on surface waters within the State of Minnesota; and

WHEREAS, the Minnesota Department of Natural Resources has reviewed the proposed amendments for compliance with State requirements; and

WHEREAS, notice of the public hearing was published in the newspaper of record for Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the amendments to Dakota County Ordinance 128: Water Surface Use Ordinance Regulating Lake Byllesby Reservoir, as presented on September 6, 2022.

Ayes: 6

Excused: 1

## **6. Presentation**

### **6.1 Minnesota Inter-County Association (MICA)/Association of Minnesota Counties (AMC) Annual Update**

The following agencies and representatives gave brief legislative overviews and responded to questions.

- Minnesota Inter-County Association (MICA) - Matt Massman
- Association of Minnesota Counties (AMC) - Matt Hilgart and Angie Thies

### **6.2 Recognition Of 2022 National Association Of Counties Achievement Award**

The National Association of Counties (NACo) granted Dakota County with a 2022 Achievement Award for the following program:

- Mobile Health Trailer

Staff from Community Services were present to accept the award.

## **CONSENT AGENDA**

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

## **7. County Administration - Approval of Minutes**

### **7.1 Resolution No: 22-367**

Approval of Minutes of Meeting Held on August 23, 2022

Motion: Laurie Halverson

Second: Mary Hamann-Roland

Ayes: 6

Excused: 1

**8. County Board/County Administration**

**8.1 Resolution No: 22-368**

Authorization To Amend 2022 County Board/Committee Of The Whole Meeting Schedule

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, Resolution No. 21-460, was amended by Resolution No. 22-053 (February 1, 2022); and

WHEREAS, Resolution No. 22-053, was amended by Resolution No. 22-213 (May 24, 2022); and

WHEREAS, staff recommends rescheduling the November 15, 2022 Capital Improvement Program Public Hearing to November 29, 2022; and

WHEREAS, staff recommends rescheduling the budget workshop dates to November 14, 2022, November 15, 2022 and November 17, 2022; and

WHEREAS, staff recommends rescheduling the November 1, 2022, Committees of the Whole to meet in Conference Room 3A, Administration Center, Hastings, with Community Services Committee of the Whole starting at 1:00 p.m. and Physical Development Committee of the Whole starting at 2:00 p.m. (or following Community Services).

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby amends Resolution No. 22-213 (May 24, 2022), and reschedules the Capital Improvement Program Public Hearing from November 15, 2022 to November 29, 2022, at 6:00 p.m., in the Boardroom, Administration Center, Hastings, Minnesota; and

BE IT FURTHER RESOLVED, That the budget workshop dates are rescheduled to:

November 14, 2022 9:00 a.m.

November 15, 2022 10:00 a.m. or following County Board/Regional Railroad Authority

November 17, 2022 9:00 a.m.

; and

BE IT FURTHER RESOLVED, That the November 1, 2022, Committees of the Whole meet in Conference Room 3A, Administration Center, Hastings, with Community Services Committee of the Whole starting at 1:00 p.m. and Physical Development Committee of the Whole starting at 2:00 p.m. (or following Community Services).

Ayes: 6

Excused: 1

**8.2** Resolution No: 22-369  
Scheduling Of Dakota County Board Of Commissioners Governance Workshop

Motion: Laurie Halverson

Second: Mary Hamann-Roland

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a Governance Workshop on November 29, 2022, at 10:30 (or following Physical Development Committee of the Whole), in Conference Room L139, Western Service Center, Apple Valley, MN, for the purpose of discussing Board leadership in 2023 and other governance matters.

Ayes: 6

Excused: 1

**8.3** Resolution No: 22-370  
Acceptance Of Resignation From Member Of Dakota-Scott Workforce Development Board

Motion: Laurie Halverson

Second: Mary Hamann-Roland

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

Ayes: 6

Excused: 1

**8.4** Resolution No: 22-371  
Appointments To Dakota-Scott Workforce Development Board

Motion: Laurie Halverson

Second: Mary Hamann-Roland

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individual to the Dakota-Scott Workforce Development Board to fill a term ending June 30, 2023:

Private - Ronnie Bassett

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individuals to the Dakota-Scott Workforce Development Board to fill a two-year term ending June 30, 2024:

Private - Joel Akason

Private - Ashley Halvorson

Ayes: 6

Excused: 1

**8.5** Resolution No: 22-372  
Approval Of Revisions To Policy 3282 Drug And Alcohol-Free Workplace

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, the Employee Relations Department periodically reviews and recommends revisions to policies to maintain and enhance the effective and responsive provision of human resource services in the County; and

WHEREAS, the Employee Relations Director recommends revising to Policy 3282 Drug and Alcohol-Free Workplace to identify tetrahydrocannabinol (THC) as a prohibited drug that employees cannot consume or be under the influence of while scheduled to work and/or actually performing work for the County.

NOW, THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners hereby adopts the proposed revisions to Policy 3282 Drug and Alcohol-Free Workplace.

Ayes: 6

Excused: 1

**9. Physical Development**

**9.1** Resolution No: 22-373  
Approval Of 2022 Public Drainage Systems Inspection Report

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, the Dakota County Board of Commissioners is the Drainage Authority for two public drainage ditch systems; and

WHEREAS, County Ditch #1 was constructed in 1960 and is located in Hampton and Douglas townships, and County Ditch #2 was constructed in approximately 1910 and is located primarily in Waterford and Sciota townships, with a small portion located in Castle Rock Township; and

WHEREAS, the Drainage Authority has appointed an inspector who must inspect the drainage systems at least once every five years as required by Minnesota Statutes Chapter 103E; and

WHEREAS, the 2022 Inspection Report found minimal changes in the condition of the public ditch systems since the previous report in 2016; and

WHEREAS, there were no observations of unauthorized drainage or use; and

WHEREAS, a slight improvement in buffer conditions and no new spoil piles were observed; and

WHEREAS, there were notes of some new tree and shrub growth, and transient instances of new beaver dams, erosion, and sediment, but not enough to change the system's overall function since the previous report; and

WHEREAS, staff recommends the approval of the 2022 Public Drainage Systems Inspection Report.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the 2022 Public Drainage Systems Inspection Report.

Ayes: 6

Excused: 1

**9.2** Resolution No: 22-374  
Authorization To Negotiate With Willing Sellers And Execute Purchase Agreement To Acquire Property For Recycling Zone II Location

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, Dakota County purchases privately owned property from willing sellers to accomplish its long-term strategic goals of providing services to the public; and

WHEREAS, the Maintenance Facility Optimization Study (MFOS) approved by Resolution No. 17-494 (September 26, 2017) included provisions for creating a Recycle Zone II (RZII) as a household hazardous waste and recycling facility; and

WHEREAS, staff has engaged a commercial real estate broker to find parcels in Dakota County or Scott County that would accommodate the needs of the RZII; and

WHEREAS, the current market for industrial sites is fast paced, which has not permitted time to identify a site, obtain an appraisal, or present the property and appraisal to the board prior to beginning negotiations with the property owner; and

WHEREAS, other market participants will have completed a purchase agreement for the properties before County staff can obtain approval from the County Board to begin negotiations on a certain property; and

WHEREAS, the County must operate like other market participants to quickly identify and begin negotiations with sellers to acquire land for RZII; and

WHEREAS, staff recommend to continue to work with Colliers, a commercial real estate broker, to identify a property meeting the criteria described above and begin negotiations based on staff and our broker's knowledge of the



property and real estate market and, if reasonable terms can be reached, enter into a purchase agreement for the property subject to County Board approval prior to obligating the County to proceed to closing the acquisition; and

WHEREAS, if a purchase agreement is executed, staff will return to the Board for final approval prior to closing the purchase of the property.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes staff to identify property meeting the criteria necessary for the Recycling Zone II and negotiate a purchase agreement with willing sellers; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Division Director to execute a purchase agreement including a condition precedent requiring approval of the property acquisition by the County Board of Commissioners prior to closing, subject to approval as to form by the County Attorney's Office.

Ayes: 6

Excused: 1

**9.3** Resolution No: 22-375

Authorization To Execute Contract Amendment With Parkos Construction Company For Big Rivers Regional Trailhead Project

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, the 2019 Parks Capital Improvement Program (CIP) Adopted Budget for the Big Rivers Regional Trailhead (BRRT) is a total of \$2,173,015; and

WHEREAS, by Resolution No. 21-212 (April 20, 2021), the County Board approved the original contract in the sum of \$1,646,865.50 with an award to Parkos Construction Company; and

WHEREAS, with the original contract authorization, staff was also authorized to execute up to \$100,000 worth of post-award changes; and

WHEREAS, \$67,887 in contract amendments have already been formally executed by way of that authorization; and

WHEREAS, an additional \$146,639.58 worth of post-award changes is requested for authorization to complete a final contract amendment to the contract with Parkos Construction Company; and

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

WHEREAS, staff recommends authorizing a final contract amendment with

Parkos Construction Company in the sum of \$146,639.58 for construction improvements made at the BRRT; and

WHEREAS, the total authorized contract amendments to this contract would then be \$214,526.58 for reimbursement of all construction change orders on the project; and

WHEREAS, sufficient funds within the Parks Capital Improvements Plan Adopted Budget for the project (P00085) are available for this amendment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute an amendment with Parkos Construction Company, 1010 Robert St., West St. Paul, MN 55118, in an amount not to exceed \$146,639.58 for a maximum contract total not to exceed \$1,861,392.08, subject to approval by the County Attorney's office as to form.

Ayes: 6

Excused: 1

**9.4 Resolution No: 22-376**

Approval Of Right Of Way Acquisition For Phase One Of Veterans Memorial Greenway In Cities Of Inver Grove Heights And Eagan

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with the Veterans Memorial Greenway County Project (P00147); and

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

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

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

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

WHEREAS, the acquisition of the following four parcels as identified in Dakota County Road Right of Way Map No. 501 by the County is necessary to move forward with the Project:

**Parcel 1**

Property Owner: Flint Hills Resources Pine Bend LLC

Appraised Value: \$152,700

**Parcel 2**

Property Owner: Flint Hills Resources Pine Bend LLC

Appraised Value: \$62,400

**Parcel 3**

Property Owner: Flint Hills Resources Pine Bend LLC

Appraised Value: \$48,300

**Parcel 4**

Property Owner: Flint Hills Resources Pine Bend LLC

Appraised Value: \$18,600

; and

WHEREAS; appraisals have been completed for four parcels by Patchin Messner Valuation Counselors for a total appraised value of \$282,000; and

WHEREAS, the Adopted Parks Capital Improvement Program budget for the Project includes sufficient funds for right of way acquisition.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised value for the acquisition of the identified property interest from the four parcels for the Veterans Memorial Greenway and authorizes County staff, in its discretion, to share the appraisal data with the respective landowners, including all or portions of the completed parcels; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners approves acquisition of the properties associated with the four parcels for the Veterans Memorial Greenway at the approved appraised value and authorizes payment from the Adopted Parks Capital Improvement Program; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the County Attorney's Office to negotiate on the properties identified.

Ayes: 6

Excused: 1

**9.5** Resolution No: 22-377  
Approval Of Final Plats Recommended By Plat Commission

Motion: Laurie Halverson

Second: Mary Hamann-Roland

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:

AMBER FIELDS FOURTH ADDITION          Rosemount

Ayes: 6

Excused: 1

- 9.6** Resolution No: 22-378  
Authorization For Right Of Way Land Exchange Located Along County State Aid Highway 42 In City Of Rosemount

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, County staff has reviewed the survey and parcel information for accuracy and concurs with the property description brought forward by Rads Land Company, LLC for Parcel ID 340260012010; and

WHEREAS, a land exchange between the County and Rads Land Company, LLC would meet and exceed the 75 feet of half right of way needs for CSAH 42 and benefit both parties; and

WHEREAS, a right of way land exchange requires approval of the County Assessor in accordance to Minn. Stat. § 373.01 sub. 1 (d); and

WHEREAS, pursuant to Minn. Stat. § 373.01 sub.1 (d), parcels of real property for county highway right of way can be exchanged if the parcels are “of substantially similar or equal value” with the estimated values determined by the County Assessor; and

WHEREAS, the County Assessor has determined that the estimated values are substantially similar or equal in value; and

WHEREAS, staff recommends deed exchange between the County and Rads Land Company, LLC for property adjacent to CSAH 42; and

WHEREAS, staff recommends transfer of Parcel 1 (Rads Land Company, LLC) to Dakota County; and

WHEREAS, staff recommends transfer of Parcel 2 (Dakota County) to Rads Land Company, LLC.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the deed exchange to Rads Land Company, LLC from the County described as:

All lying north of the south 55 feet of the West Half of the Northeast Quarter of the of Section 26, Township 115 North, Range 19 West, Dakota County, Minnesota.

For the deed exchange to the County from Rads Land Company, LLC described as:

The south 55 feet of the West Half of the Northeast Quarter of the of Section 26, Township 115 North, Range 19 West, Dakota County, Minnesota.

Ayes: 6

Excused: 1

## **10. Public Services and Revenue**

### **10.1 Resolution No: 22-379**

Authorization To Commence Eviction Actions To Recover Tax-Forfeited Property

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, the following property forfeited to the State of Minnesota for nonpayment of delinquent property taxes:

PID: 34-15200-03-080

Tax Legal Description: Government Lot 2, Section 10, Township 115, Range 19  
Former Owner(s): Stanley Littlefield  
; and

WHEREAS, the occupants were served, by a licensed peace officer, two notices indicating the property had forfeited to the State of Minnesota for nonpayment of delinquent property taxes and advised that persistent occupation would warrant the initiation of eviction measures; and

WHEREAS, to date, there has not been an Application to Repurchase with Dakota County staff; and

WHEREAS, the occupants are unlawfully retaining possession of the property.

NOW, THEREFORE, BE IT RESOLVED, In consideration of the foregoing premises, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Property Taxation and Records Department, with assistance from the Dakota County Attorney's Office, to commence eviction actions to remove occupants unlawfully retaining possession the above-mentioned

tax-forfeited land.

Ayes: 6

Excused: 1

**10.2** Resolution No: 22-380

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

Motion: Laurie Halverson

Second: Mary Hamann-Roland

WHEREAS, the Service and License Centers identified the need for voice announcements to improve the customer experience; and

WHEREAS, this enhancement will speed up the customer waiting times; and

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

WHEREAS, staff recommend voice announcements be installed in the Burnsville, Lakeville, and Rosemount License Centers as well as the Administration Center and Western Service Center; and

WHEREAS, the total cost of the amendment to the contract is \$25,431.20.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Service and License Center Director to execute a contract amendment with Qmatic Corporation to implement voice announcement enhancements which will add \$25,431.20 to the existing contract for a total not to exceed \$228,687.20 and whereby the amendment will be funded with Public Services and Revenue Division's Budget Incentive Program.

Ayes: 6

Excused: 1

## **REGULAR AGENDA**

### **11. Physical Development**

**11.1** Resolution No: 22-381

Certification Of Dakota County Portion Of 2023 Vermillion River Watershed Management Tax District Proposed Tax Levy

Motion: Mary Hamann-Roland

Second: Joe Atkins

Vermillion River Watershed Administrator Mark Zabel briefed this item and responded to questions.

WHEREAS, by Resolution No. 02-347 (June 25, 2002), the Dakota County Board of Commissioners approved a joint powers agreement between Dakota County and Scott County to govern the Vermillion River Watershed; and

WHEREAS, the joint powers agreement establishes a Joint Powers Board consisting of two commissioners from Dakota County and one from Scott County; and

WHEREAS, funding is needed for Dakota County's share of costs associated with managing the Vermillion River Watershed; and

WHEREAS, by Resolution No. 02-296 (June 4, 2002), the Dakota County Board of Commissioners established the Vermillion River Watershed Management Tax District, through Ordinance No. 127, to fund Dakota County's share of costs associated with managing the Vermillion River Watershed; and

WHEREAS, approval and adoption of the Watershed Management Plan, as required by Minn. Stat. Ch. 103B, occurred in June 2016; and

WHEREAS, the joint powers agreement states that the Vermillion River Watershed Joint Powers Board will adopt a budget and recommend a levy for the portion of the Watershed Management Tax District in each county by September 1 of each year; and

WHEREAS, on August 25, 2022, the Vermillion River Watershed Joint Powers Board adopted a proposed budget of \$3,387,423, including the use of 2022 fund balance and grant revenues, and recommended that the levy for the Dakota county portion be \$964,900 and the levy for the Scott County portion be \$35,100; and

WHEREAS, Dakota County must certify a levy on the Watershed Management Tax District by September 15, 2022, to be effective for taxes payable in 2023; and

WHEREAS, the final 2023 levy for the Watershed Management Tax District will be presented to the Dakota County Board of Commissioners in December 2022.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby certifies the Dakota County portion of the Vermillion River Watershed Management Tax District proposed levy in the amount of \$964,900 for taxes payable in 2023.

Ayes: 6

Excused: 1

**11.2 Resolution No: 22-383**

Award Of Bid And Authorization To Execute Contract With Donlar Construction Company For South St. Paul Library Project And Authorization To Accept Warranty Deed From South St. Paul And Increase Project Budget And Amend 2022 Buildings Capital Improvement Program And Non-Departmental Budgets

Motion: Joe Atkins

Second: Laurie Halverson

Capital Projects Manager Jay Biedny briefed this item and responded to questions.

After discussion, a motion was made by Commissioner Holberg, seconded by Commissioner Workman, to remove the last resolving clause from the resolution language and correct any grammatical changes (Resolution No. 22-382). That motion failed on a 2-4 vote (Commissioners Atkins, Gaylord, Hamann-Roland and Halverson voted no).

Commissioner Atkins motioned, Halverson seconded to approve the resolution as presented. Motion passed 4-2.

Commissioner Holberg and Commissioner Workman voted no on this item.

WHEREAS, the South St. Paul Library project was included in the 2022-2026 Building Capital Improvement Program (CIP) Adopted Budget; and

WHEREAS, bid document and specifications were prepared by County staff and BKV Group; and

WHEREAS, seven competitive bids were received on August 4, 2022; and

WHEREAS, Donlar Construction Company has the lowest bid of \$8,434,500 that includes Alternates 2, 3 & 4; and

WHEREAS, staff has reviewed the qualifications of the bidder and recommend award to Donlar Construction Company as the lowest responsive and responsible bidder in an amount not to exceed \$8,434,500 for the South St. Paul Library project; and

WHEREAS, the inflationary costs of materials and energy, coupled with a continuing labor shortage in the construction industry, have unprecedentedly escalated the required total project budget to \$11,300,000; and

WHEREAS, the City of South St. Paul will directly reimburse Dakota County for an additional \$147,500 of budgetary funding to complete site remediations as established in the June 2022 joint powers agreement; and

WHEREAS, external revenues to support this project's funding were requested but not received; and

WHEREAS, Final Rule, 31 CFR Part 35, Subp. A, Section 35.6 (b) permits capital expenditures for projects "responding to the public health emergency or its negative impacts"; and

WHEREAS, this new library will respond to critical needs, including the areas of health care, employment, and workforce development, in a community that has



been disproportionately impacted by the pandemic, with cumulative case and hospitalization rates well above the state average; and

WHEREAS, as approved by Resolution No. 22-281 (June 21, 2022), the Dakota County Board of Commissioners is committed to the intentions of a joint powers agreement recently executed with the City of South St. Paul to both construct the County's tenth branch library location and assume the City's library system into the Dakota County Library system; and

WHEREAS, the Purchase Agreement authorized by the joint powers agreement requires the Board to authorize acceptance of the Warranty Deed from the City as a condition precedent for closing the transaction; and

WHEREAS, under the current bid results the Net Zero enhancements are not economically viable for this project and yet the Dakota County Board remains committed to making cost-effective energy conservation investments that will reduce carbon emissions and energy consumption in the future.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract for the South St. Paul Library project to Donlar Construction Company, 550 Shoreview Park Road, Shoreview, MN 55126, in an amount not to exceed \$8,434,500, 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 acceptance of a warranty deed from the City of South St. Paul for the property legally as Lots 4 through 11, Block 24, South St. Paul, Dakota County, Minnesota and authorizes the Physical Development Director to execute closing documents necessary to complete the transfer of title; and

BE IT FURTHER RESOLVED, That the 2022 Buildings CIP Budget is hereby amended as follows:

**Expense**

South St. Paul Library (B30040)	<u>\$6,600,000</u>
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<b>Total Expense</b>	<b>\$6,600,000</b>
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**Revenue**

Dakota County ARP Funding	\$11,300,000
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State Bonding	(\$ 2,350,000)
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County Funding	<u>(\$ 2,350,000)</u>
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<b>Total Revenue</b>	<b>\$ 6,600,000</b>
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; and

BE IT FURTHER RESOLVED, That the 2022 Non-Departmental Budget is hereby amended as follows:

**Expense**

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ARP Expense	<u>(\$11,300,000)</u>
<b>Total Expense</b>	<b><u>(\$11,300,000)</u></b>

**Revenue**

Dakota County ARP Funding	<u>(\$11,300,000)</u>
<b>Total Revenue</b>	<b><u>(\$11,300,000)</u></b>

; and

BE IT FURTHER RESOLVED, That the County Board remains committed to decreasing carbon emissions and increasing energy efficiency of the County's overall building portfolio and it hereby directs the County Manager to commit \$1,000,000 in funds to energy conservation projects in the recommended 2023 Capital Budget.

Ayes: 4

Nay: 2

Excused: 1

**12. Interagency Announcements/Reports**

Interagency announcements and reports were then presented.

**13. County Manager's Report**

County Manager Matt Smith commented on the following:

- The County Manager and Board Chair presented the Residential Survey results to the Dakota County Regional Chamber on August 29, 2022.

**14. Information****14.1 Information**

See Attachment for future Board meetings and other activities.

This item was on the agenda for informational purposes only.

**15. Adjournment****15.1 Resolution No: 22-384  
Adjournment**

Motion: Joe Atkins

Second: Mary Hamann-Roland

On a motion by Commissioner Atkins, seconded by Commissioner Hamann-Roland, the meeting was adjourned at 10:54 a.m.

Ayes: 6

Excused: 1

Kathleen A. Gaylord  
Chair

ATTEST

Matt Smith  
County Manager