



Dakota County

Board of Commissioners

Minutes

Tuesday, February 7, 2023

9:00 AM

Boardroom, Administration Center,
Hastings, MN

1. Call To Order And Roll Call

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

Also in attendance were Matt Smith, 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 Liz Workman who welcomed everyone and opened the meeting with the Pledge of Allegiance.

3. Audience

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

4. Agenda

4.1 Resolution No: 23-054
Approval of Agenda (Additions/Corrections/Deletions)

Motion: Mary Hamann-Roland

Second: Laurie Halverson

Ayes: 7

CONSENT AGENDA

On a motion by Commissioner Atkins, seconded by Commissioner Halverson, the Consent agenda was approved as follows:

5. County Administration - Approval of Minutes**5.1** Resolution No: 23-055

Approval of Minutes of Meeting Held on January 24, 2023

Motion: Joe Atkins

Second: Laurie Halverson

Ayes: 7

6. Items Recommended By Board Committee***6.1** Resolution No: 23-056

Adoption Of 2023 Legislative Priorities

Motion: Joe Atkins

Second: Laurie Halverson

WHEREAS, the Minnesota Legislature convened its 2023 session on January 3, 2023; and

WHEREAS, the interests of Dakota County and its citizens will be directly affected by the decisions of the 2023 Legislature; and

WHEREAS, on January 10, 2023, and January 24, 2023, the General Government and Policy Committee of the Whole reviewed items for inclusion in Dakota County's 2023 Legislative Priorities.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the following legislative priorities:

Policy Priorities:

- Bus Rapid Transit Funding Equity
- Closure of the Freeway Landfill
- Full Funding of Local Costs for or Relaxation of State Mandates
- Protection of Current Motor Vehicle Lease Sales Tax Distribution
- Support of Mental Health Services

Capital Priorities:

- Behavioral Health Crisis and Recovery Center
- County Facilities Energy Efficiency Upgrades and On-Site Renewable Energy Initiative
- County Road (CR) 46 Reconstruction
- County State Aid Highway (CSAH) 9/179th Street Reconstruction
- CSAH 54/68 Mississippi River Trail Extension
- CSAH 66/62 Interchange at Trunk Highway (TH) 52
- Future CR 32 from CR 71 to TH 52
- Household Hazardous Waste Collection and Recycling Facility
- Interstate-35/CSAH 50 Interchange
- Law Enforcement Center Integrated Health Care Unit

- Mendota to Lebanon Greenway TH 55 Crossing
- Minnesota River Greenway Pedestrian/Railroad Separation
- Mississippi River Greenway Completion of the Connecting People to the Mississippi River Plan
- North Creek Greenway Pedestrian Crossings
- River to River Greenway Dodd Road Crossing
- Thompson County Park Master Plan Improvements Design
- Veterans Memorial Greenway Highway Crossings

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby adopts the amended 2023 Legislative Platform.

Ayes: 5

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

Nay: 2

Liz Workman, and Mary Liz Holberg

7. County Board/County Administration

**7.1 Resolution No: 23-057
Adoption Of 2023 Board Priorities**

Motion: Joe Atkins

Second: Laurie Halverson

WHEREAS, each year the County Board adopts a set of annual Board Priorities; and

WHEREAS, Board priorities are tactical initiatives or distinct projects that advance the Board's overall mission and can be tied to its long-term goals, and are items that the Board identifies as worthy of particular attention each year; and

WHEREAS, the purpose of Board Priorities is to ensure the Board remains apprised of progress, and provides active policy direction, on key projects in the County.

NOW, THEREFORE, BE IT RESOLVED, that the Dakota County Board of Commissioners hereby adopts the following 2023 Board Priorities:

Action Items:

1. Library Self-Service Hours
2. Board Strategic Planning
3. Crisis and Recovery Center
4. Emergency Shelter Development
5. Opioid Settlement and Response
6. State Required Solid Waste Plan Updates
7. Public Safety Staffing

Monitoring Items:

- 8. South St. Paul Library Integration and Opening Preparation
- 9. Support 2023 Legislative Priorities
- 10. Broadband
- 11. Transportation Project Updates
- 12. County Building Project Updates
- 13. Park and Greenway Project Updates
- 14. Freeway Landfill

Ayes: 7

7.2 Resolution No: 23-058
 Appointments To Dakota-Scott Workforce Development Board

Motion: Joe Atkins Second: Laurie Halverson

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 - Erin Woodward

; 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:

Public-Economic Development - Jo Foust

Ayes: 7

8. Physical Development

8.1 Resolution No: 23-059
 Authorization To Execute Agreement With Great River Energy On County State Aid Highway 91 Reconstruction In Marshan Township, CP 91-29

Motion: Joe Atkins Second: Laurie Halverson

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

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

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

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

WHEREAS, Great River Energy (GRE) operates a transmission line within its own easement along CSAH 91 and CSAH 62 (190th Street); and

WHEREAS, CP 91-29's alignment was shifted to minimize impacts on GRE's transmission line; and

WHEREAS, Despite alignment shift, the project is encroaching on GRE's easement and facilities including the transmission poles along CSAH 62 at its intersection with CSAH 91; and

WHEREAS, Dakota County and GRE entered into an engineering review agreement for the review of the CP 91-29's impact on GRE's easement and facilities; and

WHEREAS, GRE has completed their review and requires reinforcement at 19 poles along the project corridor; and

WHEREAS, GRE estimates that the cost to complete the reinforcement and relocation work is \$171,974.00; and

WHEREAS, to proceed with CP 91-29, Dakota County must enter into a modification/relocation agreement with GRE to complete the necessary work on GRE's facilities for the project; and

WHEREAS, the 2023 Transportation Capital Improvement Budget has sufficient funding for the necessary GRE work; and

WHEREAS, staff recommends execution of a modification/relocation agreement with GRE for the estimated amount of \$171,974.00.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a modification/relocation agreement with Great River Energy for the necessary work on Great River Energy's facilities within their existing transmission line easement for County Project 91-29 in the amount of the actual costs currently estimated at \$171,974.00, subject to approval by the County Attorney's Office as to form.

Ayes: 7

8.2 Resolution No: 23-060
Approval Of Amendments To Dakota County Consortium HOME Program And Dakota County Community Development Block Grant Program

Motion: Joe Atkins

Second: Laurie Halverson

WHEREAS, Dakota County is an Entitlement County for funds through the Community Development Block Grant (CDBG) Program and a Participating

Jurisdiction for the HOME Investment Partnerships (HOME) Program; and

WHEREAS, the Counties of Anoka, Dakota, Ramsey, and Washington and the City of Woodbury (referred to together as the “Dakota County HOME Consortium”) created a consortium under Title I of the Cranston-Gonzalez National Affordable Housing Act (Act) for purposes of acting as a participating jurisdiction under the Act and HOME Investment Partnerships Program Final Rule 24 CFR Part 92, which, as amended, sets forth regulations governing the applicability and use of funds under Title II; and

WHEREAS, Dakota County is designated as the “Lead Agency” for the Dakota County HOME Consortium, responsible for certain administrative and reporting functions of the HOME Program; and

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

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

WHEREAS, Twin Cities Habitat for Humanity (Habitat), a non-profit developer, requests available HOME and CDBG funds to assist with the acquisition and rehabilitation of 10 homes located in Eagan, Hastings, Burnsville, Rosemount and West St. Paul; and

WHEREAS, the CDA requests approximately \$1.3 million of available HOME funds including program income to assist with the construction Denmark Trail Townhomes, a 40-unit affordable rental housing development to be located in Farmington; and

WHEREAS, CDA staff recommends substantial amendments to the Dakota County HOME Consortium 2021 and 2022 Action Plans to create the Twin Cities Habitat for Humanity Acquisition and Rehabilitation homeowner activities in those years and fund the activities with a total budget of \$400,000; and

WHEREAS, CDA staff recommends substantial amendments to the Dakota County HOME Consortium 2020, 2021 and 2022 Action Plans to create the Denmark Trail Townhomes affordable rental housing activity in those years and fund the activity with a HOME budget of \$1,279,574;

WHEREAS, CDA staff recommends substantial amendments to the Dakota County 2020 and 2021 CDBG Programs to create the Twin Cities Habitat for Humanity Acquisition activity in those years and fund the activity with a total budget of \$100,000; and

WHEREAS, CDA staff recommends substantial amendments to the Dakota County HOME Consortium Program to cancel the Nicols Pointe affordable rental housing activity in the 2020 Action Plan and transfer \$575,000 to the Denmark Trail Townhomes affordable rental housing activity, and to cancel the Ramsey County FirstHOME homeowner activity in the 2019 and 2021 Action Plans; and

WHEREAS, public notice of the substantial amendments was placed in the Star Tribune on January 2, 2023, and also on the CDA and Dakota County websites, in accordance with the approved Citizen Participation Plan process, and no public comments were received on the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the substantial amendments to the 2019, 2020, 2021 and 2022 Dakota County Consortium HOME Investment Partnerships Program, and the 2020 and 2021 Dakota County Community Development Block Grant Programs.

Ayes: 7

8.3 Resolution No: 23-061

Authorization To Amend Agreement With Sprint Communications Company L.P. For Relocation Of Fiber On County State Aid Highway 86 In Castle Rock, Eureka, Greenvale And Waterford Townships, County Project 86-34

Motion: Joe Atkins

Second: Laurie Halverson

WHEREAS, Dakota County is the lead agency for County Project (CP) 86-34, which is the reconstruction of County State Aid Highway (CSAH) 86 from CSAH 23 (Galaxie Ave) to Trunk Highway (TH) 3 in Castle Rock, Eureka, Greenvale, and Waterford Townships; and

WHEREAS, Sprint Communications Company L.P. is operating a fiber optic line adjacent to the Canadian Pacific (CP) owned railroad within their own easement from CP that crosses CSAH 86; and

WHEREAS, County Project 86-34 includes the replacement of Canadian Pacific's Albert Lea Subdivision MP 319.57 railroad bridge and subsequent lowering and widening of CSAH 86 at that location which requires the relocation of Sprint Communications Company L.P. fiber optic facility; and

WHEREAS, by Resolution No. 21-278 (May 18, 2021), the Dakota County Board of Commissioners authorized staff to enter into a reimbursement agreement (C0033615) with Sprint Communications Company L.P. for an amount of \$80,591.96; and

WHEREAS, during the relocation of Sprint Communications Company L.P. fiber optic line, Union Pacific Railroad halted Sprint's work as it didn't conform with Union Pacific Railroad standards for excavations within existing track embankment; and

WHEREAS, Sprint Communications Company L.P. was responsible for all approvals from Union Pacific Railroad for their work associated with the relocation of their existing fiber optic line; and

WHEREAS, Sprint Communications Company L.P. worked with Union Pacific and Dakota County to prepare an updated plan that includes installing approximately 2600 feet of new fiber optic cable; and

WHEREAS, Sprint Communications Company L.P. estimates that the cost of installing approximately 2600 feet of fiber optic cable, including engineering, materials, and construction to be \$236,089.97; and

WHEREAS, the work completed by Sprint Communications Company L.P. associated with the original contract amount of \$80,591.96 will not be billed to Dakota County as the work stoppage required by Union Pacific was the responsibility of Sprint; and

WHEREAS, in order to proceed with construction, Dakota County must amend the agreement with Sprint Communications Company L.P. to identify costs and responsibilities associated with the relocation of the fiber optic facility; and

WHEREAS, staff recommends execution of an amendment to the reimbursement agreement with Sprint Communications Company L.P. for the relocation of their fiber optic facility under CSAH 86 and within their easement acquired from Canadian Pacific to proceed in an estimated amount of \$236,089.97.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to amend Contract C0033615, reimbursement agreement with Sprint Communications Company L.P. for the final design, materials, and construction of the relocation of the fiber optic facility, to increase the amount of the actual costs currently estimated to \$236,089.97, subject to approval by the County Attorney's Office as to form.

Ayes: 7

- 8.4** Resolution No: 23-062
Award Of Bid And Authorization To Execute Contract With Castle Rock Contracting And Tree Service, LLC For Tree Clearing Services For Minnesota River Greenway Fort Snelling Segment (P00127) In Eagan

Motion: Joe Atkins

Second: Laurie Halverson

WHEREAS, the Minnesota River Greenway runs along the south side of the Minnesota River in Eagan and Burnsville, extending from I35-W 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 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, site preparation activities for construction are planned to begin in the near term to maintain project schedule and comply with species protection requirements; and

WHEREAS, on December 22, 2022, a request for bids for tree-clearing services was released; and

WHEREAS, two competitive bids were received by the January 23, 2023 deadline; and

WHEREAS, Castle Rock Contracting and Tree Service, LLC has submitted the low bid of \$374,311.50; and

WHEREAS, staff has reviewed the qualifications of the bidder and recommends award to Castle Rock Contracting and Tree Service, LLC as the lowest responsive and responsible bidder in an amount not to exceed \$374,311.50 for tree clearing services for the Minnesota River Greenway; and

WHEREAS, sufficient funds are available within the amended 2023 Parks Capital Improvement Program Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract for tree clearing services for the Minnesota River Greenway, in an amount not to exceed \$374,311.50, subject to approval by the County Attorney's office as to form.

Ayes: 7

- 8.5** Resolution No: 23-063
Authorization To Accept Donation Of Easements From Flint Hills Resources Pine Bend LLC For The Mississippi River Greenway Rosemount East In City Of Rosemount, County Project P00109

Motion: Joe Atkins

Second: Laurie Halverson

A note of thanks to Flint Hills was expressed from Chair Workman on the behalf of the Board for the donation of easements.

WHEREAS, the Mississippi River Greenway (MRG): Rosemount East segment is the last remaining segment of regional trail to be secured, designed, and constructed in order to connect the national MRG from Hastings to South St. Paul; and

WHEREAS, the MRG: Rosemount East includes construction of 2.4 miles of trail from its connection with MRG West to Spring Lake Park Reserve; and

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

WHEREAS, right of way acquisition is needed to allow for construction to begin in 2024; and

WHEREAS, Flint Hills Resources Pine Bend LLC owns three parcels adjacent to Pine Bend Trail road in which the Mississippi River Greenway Rosemount East trail alignment requires right of way from; and

WHEREAS, appraisals for County Project P00109 Mississippi River Greenway Rosemount East were completed by Patchin Messner Valuation Counselors; and

WHEREAS, a total appraised value of \$49,100 was determined for the three parcels owned by Flint Hills Resources Pine Bend LLC; and

WHEREAS, By Resolution No. 21-370 (July 20, 2021), the Dakota County Board of Commissioners authorized first right of way offers; and

WHEREAS, County staff issued first right of way offers to property owners, including Flint Hills Resources Pine Bend LLC, in August 2021; and

WHEREAS, Flint Hills Resources Pine Bend LLC negotiated with County staff to donate the required easements for the Project; and

WHEREAS, the acquisition of parcels 1, 2 and 2A as identified in Dakota County Right of Way Map No. 360B by the County is necessary to move forward with the Project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves acceptance of the donation of the land associated with the three parcels for the Mississippi River Greenway Rosemount East at the approved appraised value; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners accepts the donation of right of way identified from Flint Hills Resources Pine Bend LLC.

Ayes: 7

- 8.6** Resolution No: 23-064
Authorization To Award And Execute Contract With Fitzgerald Excavating & Trucking Incorporated For County State Aid Highway 88 Reconstruction In Randolph Township, County Project 88-20

Motion: Joe Atkins

Second: Laurie Halverson

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 88-20; and

WHEREAS, the County is the lead agency for the Project, with construction scheduled for summer 2023; and

WHEREAS, the remaining 2022 Transportation Capital Improvement Program (CIP) Budget and carryovers from previous CIP budgets include a total budget of \$8,245,200 for CP 88-20 project design, right of way acquisition, construction, and construction administration; and

WHEREAS, the bid of Fitzgerald Excavating & Trucking Incorporated in the amount of \$6,029,131.21 was the lowest responsive and responsible bid received; and

WHEREAS, in accordance with the contract documents, the contractor will be eligible for up to a \$100,000 incentive for constructing quality pavements that maximize pavement life; and

WHEREAS, the estimated total construction cost is \$6,129,131.21, including pavement incentives, testing, and potential contract changes; and

WHEREAS, staff recommends awarding the bid to Fitzgerald Excavating & Trucking, Incorporated.

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, Incorporated for County Project 88-20 in the amount of \$6,029,131.21 based on their low bid, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the contract amount may be increased by up to \$100,000 for additional cost of pavement incentives met by Fitzgerald Excavating & Trucking Incorporated as specified in the contract documents.

Ayes: 6

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

Nay: 1

Mike Slavik

8.7 Resolution No: 23-065

Authorization To Execute Joint Powers Agreement With Vermillion Township For Intersection Improvement At County State Aid Highway 47 And 85, County Project 47-45

Motion: Joe Atkins

Second: Laurie Halverson

WHEREAS, Dakota County is proceeding with County Project (CP) 47-45; and

WHEREAS, CP 47-45 is the reconstruction of the intersection of County State Aid Highway (CSAH) 47 (Northfield Boulevard) and CSAH 85 (Goodwin Avenue) in Vermillion Township; and

WHEREAS, CP 47-45 is scheduled for construction in 2023; and

WHEREAS, CP 47-45 also includes the removal and turf reestablishment of 205th Street between CSAH 85 and 47; and

WHEREAS, this section of 205th Street is under the jurisdiction of Vermillion Township; and

WHEREAS, a joint powers agreement with Vermillion Township is necessary to outline the project cost responsibilities, use of the Township's right of way, and future maintenance responsibilities of each agency.

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 Vermillion Township for the construction and maintenance of 205th Street in County Project 47-45, subject to approval by the County Attorney's Office as to form.

Ayes: 7

REGULAR AGENDA

9. Physical Development

9.1 Resolution No: 23-066

Approval Of Grant Application Submittals For 2023 Rebuilding American Infrastructure With Sustainability And Equity Grant Program

Motion: Mary Liz Holberg

Second: Mike Slavik

Principal Planner John Mertens briefed this item and responded to questions. A review of grant application submittals for 2023 rebuilding American infrastructure with sustainability and equity grant program were reviewed.

WHEREAS, the U.S. Department of Transportation is requesting project submittals for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program; and

WHEREAS, the RAISE federal grant program in rural areas funds up to 100 percent of project costs; and

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

WHEREAS, safety, mobility and connectivity issues in the area along the Mississippi River Greenway corridor between South St. Paul and Hastings will be addressed by constructing the 2.4-mile trail gap along Pine Bend Trail roadway; and

WHEREAS, planning and preliminary design work will identify safety and modern design improvements for County State Aid Highway (CSAH) 54 and integrate pedestrian facilities between Hastings and Red Wing; and

WHEREAS, safety, environmental and community impacts need to be further evaluated through engineering design to select an interchange location and design details for US 52 at County Road (CR) 62 and or CR 66; and

WHEREAS, the proposed interchange at Trunk Highway 13 and Nicollet Avenue in Burnsville thus improves safety and the overall operations for commuters, freight, transit, pedestrians, and cyclists throughout the transportation network; and

WHEREAS, elements of all projects proposed are included in the 2023-2027 Capital Improvement Program or previously adopted Capital Improvement Programs; and

WHEREAS, project submittals are due on February 28, 2023; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following County-led projects for submittal to U.S. Department of Transportation for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program:

- Construction for the Mississippi River Greenway trail gap along Pine Bend Trail roadway and safety, connectivity, and user support features between St. Paul and Hastings.
- Planning and preliminary design for the County State Aid Highway 54 corridor and Mississippi River Greenway Master Plan update between Hastings and Red Wing.
- Planning and engineering design work for the proposed US 52 and County Road 62 or County Road 66 interchange.

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves requesting letters of support from cities the projects are located in, the Prairie Island Indian Community and the Dakota County congressional

delegation; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby supports the city-led Trunk Highway 13 and Nicollet Avenue grade-separated intersection project in Burnsville for submittal to the U.S. Department of Transportation for the RAISE urban capital grant program.

Ayes: 7

10. Closed Executive Session

10.1 Resolution No: 23-067

Authorization Of County Staff To Execute All Necessary Documents To Ensure County Participation In Multistate Settlements Relating To Opioid Manufactures And Pharmacies, And Amendment Of Minnesota Opioids State-Subdivision Memorandum Of Agreement

Motion: Laurie Halverson

Second: Mary Hamann-Roland

This item did not go into closed session. The item was approved per the resolution presented in the Confidential Memo to the Board.

WHEREAS, the State of Minnesota and numerous Minnesota cities and counties, including Dakota County, are engaged in nationwide civil litigation against manufacturers and distributors of prescription opioids related to the opioid crisis; and

WHEREAS, the Minnesota Attorney General has signed on to multistate settlement agreements with opioid manufacturers Teva Pharmaceutical Industries Ltd, Allergan Finance, LLC and Allergan Limited and several pharmacies, CVS Health Corporation and CVS Pharmacy, Inc., Walgreen Co., and Walmart Inc. ("Settling Defendants"), but those settlement agreements are still subject to sign-on by local governments and final agreement by the companies and approval by the courts; and

WHEREAS, there is a deadline of April 18, 2023, for a sufficient threshold of Minnesota cities and counties to sign on to the above-referenced multistate settlement agreements, and failure to timely sign on may diminish the amount of funds received by not only that Dakota County but by all Minnesota cities and counties from the settlement funds; and

WHEREAS, certain Minnesota local governments, including Dakota County, and the State of Minnesota execute the Minnesota Opioids State-Subdivision Memorandum of Agreement for the intrastate allocation of certain settlement and bankruptcy funds between the State and the counties and cities, as well as the permissible uses of these funds (the "State-Subdivision Agreement"); and

WHEREAS, the State-Subdivision Agreement needs to be amended to include the proposed settlements with the Settling Defendants.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby supports and agrees to amend the State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby supports and opts into the multistate settlements with Teva Pharmaceutical Industries Ltd, Allergan Finance, LLC and Allergan Limited, CVS Health Corporation and CVS Pharmacy, Inc., Walgreen Co., and Walmart Inc.; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes County staff to execute all necessary documents to ensure County participation in the proposed multistate settlements, including Participation Agreements and accompanying Releases, and in the amendment of the State-Subdivision Agreement, subject to approval by the County Attorney's Office as to form.

Ayes: 7

11. Interagency Announcements/Reports

Interagency announcements and reports were then presented.

12. County Manager's Report

County Manager Matt Smith gave an update on the following:

- Update on Integrated Health Unit
- Update regarding the Private Auditing Firm Clifton, Larson, Allen
- Update on upcoming Trails By Candlelight Event at Lebanon Hills Park (February 17)
- Thank you to the snow and ice removal team for the great work over this past winter season. The work you do creates added safety measures in the winter months.

13. Information

13.1 Information

See Attachment for future Board meetings and other activities.

Information only; no action requested.

14. Adjournment

14.1 Resolution No: 23-068 Adjournment

Motion: Mary Hamann-Roland

Second: Laurie Halverson

On a motion by Commissioner Hamann-Roland, seconded by Commissioner Halverson, the meeting was adjourned at 9:31 a.m.

Ayes: 7

Liz Workman
Chair

ATTEST

Matt Smith
County Manager