



# Dakota County

## Board of Commissioners

### Minutes

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Tuesday, January 24, 2023

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 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: 23-034  
Approval of Agenda (Additions/Corrections/Deletions)

Motion: Mary Hamann-Roland

Second: Laurie Halverson

Ayes: 7

#### CONSENT AGENDA

Item 8.5 Authorization For Contract Amendment With Short-Elliot-Hendrickson, Inc. To Provide Additional Design For Veterans Memorial Greenway In Cities Of Inver Grove Heights And Eagan was recommended to be pulled from the Consent agenda and brought back to a future Physical Development Committee of the Whole meeting.

On a motion by Commissioner Slavik, seconded by Commissioner Droste, the amended

Consent agenda was approved as follows:

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

**5.1** Resolution No: 23-035

Approval of Minutes of Meeting Held on January 3, 2023

Motion: Mike Slavik

Second: William Droste

Ayes: 7

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

**6.1** Resolution No: 23-036

Authorization To Use Hennepin County Agreement With Bridging, Inc. As A Lead County Contract For Providing Household Goods And Furniture To Eligible Client(s)

Motion: Mike Slavik

Second: William Droste

WHEREAS, Dakota County has a population of people that are transitioning out of homelessness that have typically lost all of their household goods; and

WHEREAS, the County decided it needed to contract directly with Bridging, Inc.; and

WHEREAS, the County learned that Hennepin County has an Agreement with Bridging, Inc. that began on January 1, 2007; and

WHEREAS, the County started using Hennepin County's Agreement with Bridging, Inc. under its lead county contract provision on January 1, 2017; and

WHEREAS, by Resolution No. 19-068 (February 26, 2019), the Dakota County Board of Commissioners authorized the use of Hennepin County's Agreement with Bridging, Inc. as a lead county contract for the purpose of providing household goods and furniture to eligible clients for the period of January 1, 2019 through December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to approve the use of the Hennepin County Agreement with Bridging, Inc. as a lead county contract for the purpose of providing household goods and furniture to eligible clients for the period of January 1, 2023 through December 31, 2025, 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 modify the amount budgeted, to alter the number and types of clients served, types of services provided, service expectations and rates and the contract term, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form.

Ayes: 7

**6.2** Resolution No: 23-037

Authorization To Accept Minnesota Department Of Human Services Children's Mental Health Screenings Grant Funds And Execute Grant Agreement

Motion: Mike Slavik

Second: William Droste

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

WHEREAS, by Resolution No. 20-622 (December 15, 2020), the Dakota County Board of Commissioners authorized execution of Minnesota Department of Human Services Children's Mental Health Screenings Grant in the amount of \$234,054 for the period of January 1, 2021 through December 31, 2021; and

WHEREAS, the Children Mental Health Screening grant awarded by the Minnesota Department of Human Services is in the amount of \$212,395 based on an allocation of \$106,507 for Child Welfare and \$105,888 for Juvenile Justice for the period of January 1, 2023 through December 31, 2023; and

WHEREAS, staff recommends the County Board authorizes acceptance of the Children's Mental Health Screening grant in the amount of \$212,395 and execution of the grant agreement for the period of January 1, 2023 through December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to accept the grant award of \$212,395 for the period of January 1, 2023 through December 31, 2023; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a grant agreement for the period of January 1, 2023 through December 31, 2023, subject to approval by the County Attorney's Office as to form; and

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

Ayes: 7

**6.3** Resolution No: 23-038  
Authorization To Extend Existing Contract With Dynamic Lifecycle Innovations  
And Increase Contract Maximum For Residential And Business Electronics  
Collection And Recycling

Motion: Mike Slavik

Second: William Droste

WHEREAS, by Resolution No. 18-493 (September 18, 2018), the Dakota County Board of Commissioners approved the 2018-2038 Dakota County Solid Waste Master Plan (Master Plan); and

WHEREAS, as part of the Master Plan, the Dakota County Board of Commissioners encourages residents and businesses to properly manage hazardous waste and recyclables; and

WHEREAS, electronics, which can contain lead, cadmium, mercury, and lithium, continue to be the largest hazardous waste stream collected at The Recycling Zone; and

WHEREAS, televisions and monitors are collected for a fee while other electronics are collected from residents at no charge at The Recycling Zone and at one-day household hazardous waste collection events; and

WHEREAS, electronics are collected from businesses at The Recycling Zone for a fee; and

WHEREAS, by Resolution No. 20-627 (December 15, 2020), the Dakota County Board of Commissioners authorized the current Dynamic Lifecycle Innovations contract for the term from January 1, 2021, to December 31, 2022, with a two-year term extension option, in an amount not to exceed \$250,000; and

WHEREAS, Dynamic Lifecycle Innovations currently services Dakota County and other county electronics collection sites in Minnesota and Wisconsin; has a demonstrated tracking and reporting system; has strict data and facility security practices; and identified the ability to recycle all electronic materials and the capability to manage increasing amounts of electronics.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Environmental Resources Director to

extend the existing contract with Dynamic Lifecycle Innovations for a term from January 1, 2021, to December 31, 2024, in an amount not to exceed \$600,000, subject to the approval of the County Attorney's Office as to form and subject to approval by the County's Risk and Homeland Security Manager.

Ayes: 7

**6.4** Resolution No: 23-039

Approval Of Schematic Design For Crisis And Recovery Center And Authorization To Amend 2023 Buildings Capital Improvement Program And Non-Departmental Budgets

Motion: Mike Slavik

Second: William Droste

WHEREAS, Dakota County Community Services, in partnership with Guild Inc., submitted a grant to the Minnesota Department of Human Services (DHS) to build a Regional Behavioral Health Crisis Services Center; and

WHEREAS, the grant submission was authorized by the Dakota County Board in Resolution No. 21-389 (July 20, 2021); and

WHEREAS, the grant was successful, and by Resolution No. 22-095 (March 8, 2022), the Board accepted the \$3,459,928 in state funds for the project; and

WHEREAS, site selection, project predesign, and revised budgets were presented to the Board, and the project was authorized to proceed into design by Resolution No. 22-254 (June 21, 2021); and

WHEREAS, the design team of Wold Architects and Engineers was selected and approved to lead the design efforts for the project by Resolution No. 22-306 (July 19, 2021); and

WHEREAS, the design team worked with the Core Planning Group to develop the schematic design to meet identified project needs; and

WHEREAS, the City of West St. Paul City Council approved the projects applications for rezoning, including additional conditions on the Conditional Use Permit; and

WHEREAS, the cost estimates prepared for the schematic design developed to date exceed the project budget; and

WHEREAS, additional funds are being requested to meet the identified project funding needs in the amount of \$5,371,000; and

WHEREAS, the project qualifies under the expenditure category 1.12 - Mental Health Services in the Compliance and Reporting Guidance for ARPA pursuant to Final Rule, 31 CFR Part 35, Subp. A, Section 35.6 (b)(3)(C) for provision of behavior health care; and

WHEREAS, this facility will maintain locally available mental health care services, increase residential capacity and fill a gap in the continuum of care for accessible crisis assessment, stabilization and treatment in the community.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the recommended schematic design for the Crisis and Recovery Center as presented; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2023 Building Capital Improvement Program Budget as follows:

**Expense**

Crisis and Recovery Center	<u>\$ 5,371,000</u>
<b>Total Expense</b>	<b>\$ 5,371,000</b>

**Revenue**

Dakota County ARP Funding	(\$ 1,750,000)
MN State Bond Funding	\$ 6,371,000
Partner Contributions	<u>\$ 750,000</u>
<b>Total Revenue</b>	<b>\$ 5,371,000</b>

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby amends the 2023 Non-Departmental Budget as follows:

**Expense**

ARP Program Expense	<u>(\$ 2,919,072)</u>
<b>Total Expense</b>	<b>(\$ 2,919,072)</b>

**Revenue**

Dakota County ARP Funding	<u>(\$ 2,919,072)</u>
<b>Total Revenue</b>	<b>(\$ 2,919,072)</b>

Ayes: 7

**7. Enterprise Finance and Information Services**

**7.1 Report On Invoices Paid In December 2022**

Information only; no action requested.

**7.2 Resolution No: 23-040**

Authorization To Execute Amended Cooperative Agreement With Metropolitan Emergency Services Board And Minnesota Department Of Transportation For 800 MHz Radio System

Motion: Mike Slavik

Second: William Droste

WHEREAS, the County, local and regional users of the 800 MHz radio system

will mutually benefit from access and use of the system to provide interoperable public safety communications; and

WHEREAS, by Resolution No. 04-213 (May 18, 2004), the Dakota County Board of Commissioners authorized the County to join the Metropolitan Regional 800 MHz System; and

WHEREAS, by Resolution No. 05-247 (May 17, 2005), the Dakota County Board of Commissioners authorized that the County 800 MHz Radio Plan (Plan) be submitted to the Metropolitan Radio Board (succeeded by the Metropolitan Emergency Services Board); and

WHEREAS, by Resolution No. 06-327 (August 22, 2006), the Dakota County Board of Commissioners approved the execution a Cooperative Agreement with the Metropolitan Emergency Services Board (MESB) and the Minnesota Department of Transportation (MNDOT) for the design, procurement, construction and operation of an 800 MHz County/Regional integrated subsystem.

WHEREAS, the execution of a cooperative agreement with the Metropolitan Emergency Services Board (MESB) and the Minnesota Department of Transportation (MNDOT) is necessary for Dakota County to participate in the regional 800 MHz system.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Manager to execute a Cooperative Agreement with the Metropolitan Emergency Services Board (MESB) and the Minnesota Department of Transportation (MNDOT) for the purpose of defining the rights and obligations of each party with respect to the design, procurement, construction, ownership, operations, funding, and maintenance of a County/Regional Integrated Subsystem, subject to approval by the County Attorney's Office as to form and substantially as presented in the attached agreement.

Ayes: 7

**7.3** Resolution No: 23-041  
Authorization To Amend Contract With NetSPI, LLC To Perform Security Audit On Dakota County's Internal, External And Cloud Environments

Motion: Mike Slavik

Second: William Droste

WHEREAS, Dakota County Information Technology rescheduled the security audit to after the ERP implementation to ensure smooth data conversions; and

WHEREAS, sufficient funding is available.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chief Information Officer to amend a contract with NetSPI, LLC in the amount of \$12,000, plus a 10 percent

contingency, for a total amount not to exceed \$123,066 for security audit testing, subject to approval by the County Attorney’s Office as to form.

Ayes: 7

**7.4** Resolution No: 23-042  
Authorization To Execute Contract Amendment For Business Analyst Services

Motion: Mike Slavik

Second: William Droste

WHEREAS, professional services are required to ensure the continuation of projects freeing up County Information Technology (IT) staff to work on larger projects; and

WHEREAS, IT had contracted with a Business Analyst consultant to assist staff in ensuring that projects are properly scoped, and all business requirements are well documented; and

WHEREAS, the original contract in the amount of \$75,000 needs to be extended to continue to allow staff to work on Enterprise Resource Planning (ERP) post-Implementation project, other larger projects and pent-up demand of projects; and

WHEREAS, the amendment extends the contract term by 6 months, ending August 31, 2023, and increases the cost for services by \$75,000 for a total contract amount of \$150,000; and

WHEREAS, the IT Department has a consulting budget available in 2023 to fund the 2023 portion of the professional services contract amendment from March 1, 2023 to August 31, 2023, totaling \$75,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Information Technology Chief Information Officer to execute a contract amendment with On-Demand Group for additional technology and business analyst services from March 1, 2023 to August 31, 2023, at a cost of \$75,000, for a total contract amount of \$150,000, subject to approval by the County Attorney’s as to form.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: None.

**BOARD GOALS**

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

**PUBLIC ENGAGEMENT LEVEL**

Inform and Listen

Discuss

Involve

N/A

**CONTACT**

Department Head: Dan Cater

Author: Sherry Falb-Joslin

Ayes: 7

**8. Physical Development**

**8.1** Resolution No: 23-043  
Approval Of Final Plats Recommended By Plat Commission

Motion: Mike Slavik

Second: William Droste

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:

APPLE VALLEY SQUARE 7TH ADDITION Apple Valley  
TIMBERCREST AT LAKEVILLE 10TH ADDITION Lakeville

Ayes: 7

**8.2** Resolution No: 23-044  
Authorization To Execute Agreement With Northern States Power Company dba Xcel Energy For Engineering Of Relocation Of Utilities Along Future CSAH 32, CP 32-65, In City Of Inver Grove Heights

Motion: Mike Slavik

Second: William Droste

WHEREAS, to provide a safe and efficient transportation system, the Dakota County and the City of Inver Grove Heights are proceeding with County Projects (CP) 32-65; and

WHEREAS, the purpose of the project is to improve safety, provide pedestrian and bicycle facilities, meet 10-ton design standards, enhance transportation system efficiency and mobility, reduce access points, improve pavement

condition, and facilitate the phased development of an essential east-west transportation corridor within the region; and

WHEREAS, the preferred alternative consists of modernizing future County State Aid Highway 32 (117th Street) to a two-lane divided highway with turn lanes, pedestrian accommodations, sufficient shoulders, and access management between County State Aid Highway 71 (Rich Valley Boulevard) and the Flint Hills Resources Refinery access, just west of the TH 52/117th Street Interchange; and

WHEREAS, County Projects 32-65 includes construction that requires relocation of Xcel Energy's (Xcel) electric transmission line; and

WHEREAS, Xcel transmission lines and poles are located within its own easement; and

WHEREAS, in order to proceed with project development, Xcel is requesting that Dakota County execute a scoping agreement to reimburse Xcel \$179,000 for actual costs incurred for the cost of the preliminary engineering and design; and

WHEREAS, Xcel will send the County a relocation agreement for authorization with a revised detailed cost estimate for materials and construction of the transmission line relocation; and

WHEREAS, County Projects 32-65 is included in the 2023 Transportation Capital Improvement Program (CIP) Adopted Budget for CP 32-65, which includes \$4,560,000 carried over from previous years; and

WHEREAS, the Staff recommends execution of a scoping agreement with Xcel for preliminary engineering of relocation of utilities for CP 32-65 in a total amount of \$179,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a scoping agreement with Northern States Power Company dba Xcel Energy to reimburse Xcel Energy for \$179,000 for the cost of the preliminary engineering and design for the relocation of transmission lines and poles in the amount of the actual cost, subject to approval by the County Attorney's Office as to form.

Ayes: 7

- 8.3** Resolution No: 23-045  
Authorization To Execute Contract With SRF Consulting Group, Inc. For Construction Services For CP 09-56, Reconstruction Of CSAH 9 (Dodd Boulevard) And 179th Street (New Alignment) In City Of Lakeville

Motion: Mike Slavik

Second: William Droste

WHEREAS, to provide a safe and efficient transportation system, Dakota

County and the City of Lakeville are proceeding with County Project (CP) 09-56; and

WHEREAS, CP 09-56 is the reconstruction of County Road (CR) 9 from Highview Avenue to Glasgow Avenue and the construction of 179th Street from Dodd Boulevard to Cedar Avenue; and

WHEREAS, the County is the lead agency for CP 09-56 with construction scheduled to begin in spring 2023; and

WHEREAS, the 2023 construction workload exceeds available County staff; and

WHEREAS, an engineering firm with this specialty will provide construction management, inspection, surveying, and material testing services in 2023; and

WHEREAS, the two proposals were evaluated by Transportation and City of Lakeville staff; and

WHEREAS, the proposal from SRF Consulting Group, Inc. highlights their strong technical expertise, staff, and experience with complex transportation projects and meets the requirements of this project; and

WHEREAS, the requested construction management was estimated to cost 7.7 percent of the estimated construction cost, but the revised proposal submitted by SRF Consulting Group, Inc. came in under the estimate at 7.3 percent; and

WHEREAS, the Transportation Capital Improvement Program budget includes sufficient funding in 2023 for CP 09-56; and

WHEREAS, the County Engineer recommends execution of a contract with SFR Consulting Group, Inc. for construction management, inspection, surveying, and material testing services for CP 09-56 for actual costs.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with SRF Consulting Group, Inc. for construction management, inspection, surveying, and material testing services for County Project 09-56 for \$816,254, subject to approval by the County Attorney's Office as to form.

Ayes: 7

- 8.4** Resolution No: 23-046  
Authorization To Execute Fourth Contract Amendment With  
Short-Elliott-Hendrickson, Inc. For Professional Services For Minnesota River  
Greenway Fort Snelling Segment

Motion: Mike Slavik

Second: William Droste

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, by Resolution No. 18-487 (October 11, 2018), the Dakota County Board of Commissioners authorized staff to proceed with consultant selection for the project to include 30 percent design for the river bottom trail (Project Component 1) and 100 percent design and engineering for the Union Pacific Railroad Bridge (Project Component 2); and

WHEREAS, by Resolution No. 20-163 (March 24, 2020), the Dakota County Board of Commissioners authorized staff to enter into a contract with Short-Elliott-Hendrickson, Inc. for design services for the river bottom trail for a not-to-exceed amount of \$279,988; and

WHEREAS, on August 12, 2020, the contract not-to-exceed amount was amended by \$27,500 to \$307,488 to complete required environmental documentation for the project; and

WHEREAS, by Resolution No. 21-441 (September 7, 2021), the contract not-to-exceed amount was amended by \$62,000 to \$369,488 to complete final design and construction planning tasks; and

WHEREAS, site preparation activities for construction of the trail are in need of beginning in the near term to maintain project schedule and comply with species protection requirements; and

WHEREAS, by Resolution No. 22-056 (February 1, 2022), a contract amendment to expand the scope to cover site staking and administration duties for tree clearing in advance of trail construction for the Minnesota River Greenway was executed, and the contract was further amended to the not-to-exceed amount of \$31,500, totaling \$400,988.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Director to amend a contract amendment with Short-Elliott-Hendrickson, Inc. to complete staking and construction administration for tree clearing work related to the trail portion of the Minnesota River Greenway Fort Snelling Segment (P00127) to extend its effective date to March 31, 2024.

Ayes: 7

**8.5** Authorization For Contract Amendment With Short-Elliot-Hendrickson, Inc. To Provide Additional Design For Veterans Memorial Greenway, And Refined Memorial Concepts In The Cities Of Inver Grove Heights And Eagan

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, by Resolution No. 20-430 (September 1, 2020), the County executed a contract with Short-Elliot-Hendrickson, Inc. for preliminary and final design engineering consulting services; 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 \$204,590 with Short-Elliot-Hendrickson, Inc. to complete the work; and

WHEREAS, the 2023 Parks Capital Improvement Program Budget includes sufficient funding for CP 98-020 (P00147).

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 Short-Elliot-Hendrickson, Inc. for additional services necessary for County Project 98-020 (P00147) in an amount not to exceed \$204,590, resulting in a total amended contract not to exceed \$1,503,741, subject to approval by the County Attorney's Office as to form.

This item was pulled from the agenda and is being recommended for action by the Physical Development Committee of the Whole on 2/21/2023. No action was taken at this meeting.

**8.6** Resolution No: 23-047

Authorization To Execute Encroachment Agreement With Magellan Midstream Partners, L.P. For County Project P00127 In City Of Eagan

Motion: Mike Slavik

Second: William Droste

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, Design and engineering activities are completed for the Fort Snelling segment of the Minnesota River Greenway (P00127); and

WHEREAS, P00127 requires an encroachment agreement with Magellan Midstream Partners, L.P. to allow for construction over a pipeline crossing the trail alignment; and

WHEREAS, sufficient funds for P00127 were allocated through previous adopted Parks budgets.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an encroachment agreement with Magellan Midstream Partners, L.P., subject to approval by the County Attorney's Office as to form.

Ayes: 7

**8.7** Resolution No: 23-048  
Authorization To Execute Encroachment Agreement With Xcel Energy For County Project P00127 In City Of Eagan

Motion: Mike Slavik

Second: William Droste

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, design and engineering activities are completed for the Fort Snelling segment of the Minnesota River Greenway (P00127); and

WHEREAS, P00127 requires an encroachment agreement with Xcel to allow for construction underneath transmission infrastructure crossing the trail alignment;

and

WHEREAS, sufficient funds for P00127 were allocated through previous adopted Parks budgets.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an encroachment agreement with Xcel, subject to approval by the County Attorney's Office as to form.

Ayes: 7

**8.8** Resolution No: 23-049

Authorization To Execute Contract With Waste Management Of Minnesota, Inc. For Resource Management Services At County Buildings, Parks Facilities, And Residential Organics Drop-Off Locations

Motion: Mike Slavik

Second: William Droste

WHEREAS, pursuant to advertisement, two qualified Resource Management Services proposals for the North and South Zones were received on November 2, 2022, for the collection, transportation, and delivery of municipal solid waste, recyclable materials, and organics collected from Dakota County facilities, parks and select residential organics drop-sites to the appropriate waste management facilities; and

WHEREAS, resource management services also provide for the development of a detailed billing/invoicing reporting system and collaboration with County staff to improve waste reduction and recycling efforts, and

WHEREAS, Waste Management of Minnesota Inc. submitted the lowest responsive and responsible proposals for the North Zone of \$433,626.34 and the South Zones of \$444,746.14; and

WHEREAS, funds for resource management services are included in the 2023 Facilities Management operating budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract with Waste Management of Minnesota Inc. for Resource Management services at Dakota County buildings in the North and South Zones for of period of February 1, 2023, through December 31, 2023, for \$236,493.53, subject to available funding and 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 Parks, Facilities, and Fleet Management Director to execute a contract amendment with Waste Management of Minnesota Inc. for Resource Management services at Dakota County buildings in the North and South Zones for of period of January 1, 2024, through December 31, 2024, for

\$288,554.59, subject to available funding and 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 Parks, Facilities, and Fleet Management Director to execute a contract amendment with Waste Management of Minnesota Inc. for Resource Management services at Dakota County buildings in the North and South Zones for of period of January 1, 2025, through March 31, 2026, for \$353,324.36, subject to available funding and approval by the County Attorney’s Office as to form.

Ayes: 7

**9. Public Services and Revenue**

**9.1** Resolution No: 23-050  
Authorization To Renew Service Agreement With Midwest Tape LLC For Hoopla Media Services

Motion: Mike Slavik

Second: William Droste

WHEREAS, the library has offered Hoopla digital media service from Midwest Tape LLC since 2016, and;

WHEREAS, Hoopla offers library customers the ability to borrow movies, TV shows, music, and other digital materials, and;

WHEREAS, the annual fee is capped at \$315,000, and;

WHEREAS, library budget includes the cost of this service, and;

WHEREAS, this popular service was used by 15,000 unique users borrowing over 160,000 items in 2022, and;

WHEREAS, staff recommend the board authorize the Library Director to renew the agreement.

NOW, THEREFORE, BE IT RESOVED, That the Dakota County Board of Commissioners hereby authorize the Library Director to renew the service agreement with Midwest Tape LLC for Hoopla media services in an amount not to exceed \$315,000 annually subject to approval by the County Attorney’s Office as to form.

Ayes: 7

**REGULAR AGENDA**

**10. Physical Development**

**10.1** Approval Of Joint Powers Agreements And Authorization To Award Construction Contracts To Accomplish 2023 Transportation Capital Improvement Projects

Motion: Mary Hamann-Roland

Second: Mike Slavik

Assistant County Engineer Jake Chapek briefed this item and responded to questions. The Board requested that projects be reviewed further and to bring this item to a future Physical Development Committee of the Whole meeting for further discussion.

On an unanimous vote, this item was tabled and no action taken.

WHEREAS, the Dakota County Transportation Department regularly requests County Board approval for actions required to deliver projects in Transportation's adopted Capital Improvement Program (CIP); and

WHEREAS, joint powers agreements with Cities and cost-share agreements with the Minnesota Department of Transportation and other agencies are standard agreements needed on projects in the CIP that adhere to County policies and have consistent language; and

WHEREAS, awarding construction contracts to the lowest responsible bidder is a regular consent action item brought forward to the Board for Transportation projects in the CIP; and

WHEREAS, awards to bidders that are not the low bid would be brought to the County Board for approval; and

WHEREAS, this resolution does not alter the Board process for adopting projects in the CIP each year or the process for obtaining Board approval for professional services contracts, study recommendations, appraisals, and right of way settlements; and

WHEREAS, project updates would continue to be presented to the Board; and

WHEREAS, staff will provide the Board with a detailed list of authorized projects including budget reference information and provide periodic updates on executed joint powers agreements and construction contract awards.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners authorizes the County Manager or designee to enter into joint powers agreements with cities for projects that identify funding, maintenance and operational responsibilities associated with the planning, design and construction of projects, consistent with County policies, subject to the availability of funding identified in the CIP and subject to the County Attorney's Office as to form, as listed below:

- 04-017 on CR 4 (Butler Ave) from Robert St to TH 52 in West St Paul
- 04-018 on CR 4 (Butler Ave) from CSAH 63 (Delaware Ave) to Smith Ave in West St. Paul
- 11-027 on CSAH 11 at Burnsville Parkway in Burnsville
- 23-084 on CSAH 23 (Cedar Ave) from CSAH 42 (138th St) in Apple

## Valley

- 23-086 on CSAH 23 from Shakespeare Blvd to Gemini Trail in Lakeville
- 26-054 on CSAH 26 (Lone Oak Rd) from TH 55 to TH 3 in Eagan and Inver Grove Heights
- 26-060 on CSAH 26 (70th St) from TH 3 to CSAH 73 (Babcock Trail) in Inver Grove Heights
- 26-068 on CSAH 26 (70th St) from CSAH 73 (Babcock Trail) to 1000' east of Cahill Ave in Inver Grove Heights
- 28-044 on CSAH 28 (Yankee Doodle Rd) at Elrene Rd and at Mike Collins Dr in Eagan
- 28-066 on CSAH 73 (Babcock Trail) to Bowman Ave in Inver Grove Heights
- 31-113 on CSAH 31 (Pilot Knob Rd) at CSAH 50 (west junction) (traffic signal) in Farmington
- 32-065 on 117th St (future CSAH 32) from Rich Valley Blvd (CSAH 71) to TH 52 in Inver Grove Heights
- 32-092 on CSAH 32 (Cliff Rd) at Slater Rd in Eagan
- 32-093 on CSAH 32 (Cliff Rd) from Johnny Cake Ridge Rd to CSAH 31 (Pilot Knob Rd) in Eagan
- 32-110 on CSAH 32 (Cliff Rd) from Trunk Highway 13 to I-35E in Eagan
- 32-112 on CSAH 32 (Cliff Rd) from I-35W to River Wood Dr in Burnsville
- 33-015 roundabout on CVSAH 33 at 140th St/Connemara Tr in Apple Valley, Rosemount
- 33-019 on CSAH 33 (Diamond Path) from 140th St/Connemara Trail to CSAH 31 (Pilot Knob Rd) in Apple Valley and Rosemount
- 38-061 on CSAH 38 (McAndrews Road) from CSAH 5 to Aldrich Ave in Burnsville
- 38-064 on CSAH 38 (McAndrews Road) from CSAH 11 to Johnny Cake Ridge Road in Apple Valley
- 42-161 on CSAH 42 (Nininger Rd) from 1st St to Riverdale Dr in Hastings
- 42-163 on CSAH 42 from Redwood Drive to 147th St in Apple Valley, Burnsville
- 42-164 on CSAH 42 at I-35W southbound exit to Burnsville Center, MnDot
- 42-168 on CSAH 42 at Southcross Drive (east junction) (traffic signal) in Burnsville
- 43-055 on CSAH 43 (Lexington Ave) from CSAH 30 (Diffley Rd) to Wescott Dr in Eagan
- 50-033 on CSAH 50 at I-35 Interchange in Lakeville
- 53-004 on CR 53 (Arkansas Ave) from CSAH 47 (Northfield Blvd) to CSAH 86 (280th St) in Sciota and Waterford Townships
- 54-011 on CSAH 54 (Ravenna Trl) from Hastings city limit to CSAH 68 (200th St) in Ravenna Township
- 56-014 on CSAH 56 (Concord Blvd) from I-494 to Corcoran Path in South St. Paul, Inver Grove Heights
- 63-027 on new CR 63 (Delaware Ave) from CSAH 28 (Amana Trl) to 65th

St in Inver Grove Heights

- 63-032 on CSAH 63 (Delaware Ave) from Trunk Highway 62 to Marie St in Mendota Heights, West St. Paul
- 63-033 on CSAH 63 (Delaware Ave) from Marie Ave to TH 149 (Dodd Rd) in Mendota Heights and West St Paul
- 97-144 on Igna Avenue for Bridge Replacement (L3285) in Hampton and Douglas Townships
- 97-218, retaining wall assessment in various cities and townships in Dakota County.
- ST00015 on TH 77 from 138th Street to I-494 Traffic Analysis
- ST00017 on TH 3 from TH 62 to CSAH 46 Preliminary Engineering

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the County Manager or designee to enter into joint power agreements that identify funding, maintenance, and operational responsibilities associated with the planning, design, and construction of projects consistent with County policies, subject to the availability of funding identified in the CIP and subject to the County Attorney's Office as to form with the Cities of Apple Valley, Burnsville, Eagan, Farmington, Hastings, Inver Grove Heights, Lakeville, Mendota Heights, Rosemount, South St. Paul, West St. Paul for the following projects:

- Paved Highway Surfaces
- Storm Sewer System Maintenance
- Trail Gaps
- Pedestrian and bike facilities
- Signal Revisions/Communications
- Trail Maintenance
- Traffic Signal - New/Replacement
- Future Studies/Professional Studies under \$100,000

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners delegates authority to the County Manager or designee to award construction contracts to the lowest responsible bidder, consistent with County Policies, provided sufficient funds are available for the following projects:

- 06-006 on CSAH 6 (Thompson Ave) at CSAH 73 (Oakdale Ave) in West St. Paul
- 09-064 on CSAH 9 (Dodd Blvd) from Glasgow Way to CSAH 31 (Pilot Knob Rd) in Lakeville
- 23-084 on CSAH 23 (Cedar Ave) from CSAH 42 to 138th St in Apple Valley

- 28-044 on CSAH 28 (Yankee Doodle Rd) at Elrene Rd and at Mike Collins Dr in Eagan
- 31-079 on CSAH 31 (Pilot Knob Rd) at CSAH 32 (Cliff Rd) (traffic signals) in Eagan
- 31-103 on CSAH 31 (Pilot Knob Rd) at Corporate Center Dr (traffic signal) in Eagan
- 31-107 Rehabilitate Bridge 19512 on CSAH 31 (Denmark Ave) south of CSAH 50 in Farmington
- 31-108 on CSAH 31 (Denmark Ave) at 206th St (southbound left turn lane) in Farmington
- 31-110 on CSAH 31 (Pilot Knob Rd) at 179th St (future CSAH 9) (traffic signal) in Lakeville
- 31-113 on CSAH 31 (Pilot Knob Rd) at CSAH 50 (west junction) (traffic signal) in Farmington
- 33-015 on CSAH 33 (Diamond Path) from CSAH 42 to 140th St/Connemara Trail in Apple Valley and Rosemount
- 42-168 on CSAH 42 at Southcross Drive (east junction) (traffic signal) in Burnsville
- 47-045 on CSAH 47 at CSAH 85 (Goodwin Ave) in Vermillion Township
- 56-014 Pedestrian Crossing Enhancements on CSAH 56 (Concord St) from TH 52/55 to I-494 in Inver Grove Heights and South St Paul
- 73-034 on CSAH 73 (Oakdale Ave) from CSAH 8 (Wentworth Ave) to CR 4 (Butler Ave) in West St. Paul
- 85-023 Rehabilitate Bridge 19504 on CSAH 85 (Goodwin Ave) north of CSAH 62 (190th St) in Vermillion Township
- 88-024 on CSAH 88 from TH 56 to west of Finch Ct. in Randolph Township
- 91-029 on CSAH 91 (Nicolai Ave) from 210th St to TH 316 in Marshan Township
- 97-144 Replace Bridge L3285, Inga Ave - Pine Creek
- 97-217 Pedestrian Crossing Enhancements on CSAH 8 (Wentworth Ave) in West St Paul and CSAH 31 (Pilot Knob Rd) and CSAH 43 (Lexington Ave) in Eagan
- Paved Highway Surfaces
- Gravel Highway Surfaces
- Gravel Resurfacing/Chloride
- Crack Seal
- Traffic Safety & Operations
- Pavement Markings
- Storm Sewer System Maintenance
- Trail Gap Setaside
- Pedestrian and bike facilities
- Signal Revisions/Communications
- Traffic Signal - New/Replacement
- Retaining Walls

The only action taken on this item was to table it. This item is being recommended for action by the Physical Development Committee of the Whole on 2/21/2023.

Ayes: 7

## 11. Closed Executive Session

### 11.1 Resolution No: 23-051

Authorization Of Settlement Of Claims By Ginnie Weyerhaeuser Arising From County Project 8-21 In City Of West St. Paul

Motion: Joe Atkins

Second: Laurie Halverson

This item did not go into closed session.

WHEREAS, in 2019, Dakota County performed County Project 8-21 (Project) to improve County State Aid Highway (CSAH) 8 from CSAH 63 (Delaware Avenue) to Humboldt Avenue in the City of South St. Paul; and

WHEREAS, to accomplish the Project, the County acquired certain easements from Parcel 1, owned by Ginny Weyerhaeuser, as Trustee of the Revocable Trust of Ginnie Weyerhaeuser (Landowner); and

WHEREAS, after completion of the Project, the Landowner alleged certain claims against the County concerning encroachment and design of the pedestrian trail installed as part of the Project; and

WHEREAS, Dakota County and the Landowner have negotiated a proposed settlement of all claims; and

WHEREAS, having examined the facts and the law, and taking into consideration the uncertain outcome of litigation and potential liability in this matter as weighed against the desirability of achieving finality, a settlement is appropriate; and

WHEREAS, settlement of claims involving the encumbrance of real estate require authorization by the Dakota County Board of Commissioners; and

WHEREAS, the Dakota County Attorney's Office recommends approval of the settlement as a fair and equitable resolution of the potential claims against the County in view of the time, additional expense and risk involved in litigating the claims as in the best interest of the County; and

WHEREAS, under the terms of the proposed settlement, in exchange for a general and complete release of any and all claims against the County, the County will pay Ginnie Weyerhaeuser and the Ginnie Weyerhaeuser Revocable Trust \$16,000.00, inclusive of all attorney fees and costs, for a total settlement amount of \$16,000.00; and

WHEREAS, under the terms of the proposed settlement, and in additional consideration for payment described above, the Landowner will grant the County a permanent easement for trail right-of-way purposes over Parcel 1, as described below:

**A permanent easement for trail purposes over, under and across that part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 28, Range 22, Dakota County, Minnesota, described as follows:**

**Commencing at the southwest corner of said Northwest Quarter, thence East 456.3 feet; thence North 234.21 feet; thence West 456.3 feet to the west line of said Northwest Quarter, thence South 234.51 feet to the place of beginning, except 30 feet taken for Delaware Avenue and 30 feet taken for Wentworth Avenue.**

**Said easement described as follows:**

**Commencing at the southwest corner of said Southwest Quarter of the Northwest Quarter, thence North 00 degrees 08 minutes 21 seconds West along the west line of said Southwest Quarter of the Northwest Quarter a distance of 30.00 feet; thence North 89 degrees 55 minutes 40 seconds East a distance of 30.00 feet to the point of beginning of the easement to be described; thence North 00 degrees 08 minutes 21 seconds West along the east right of way line of Delaware Avenue per Dakota County Road Right of Way Map No. 477 a distance of 11.86 feet; thence South 43 degrees 21 minutes 57 seconds East a distance of 11.41 feet; thence South 88 degrees 03 minutes 35 seconds East a distance of 46.40 feet; thence South 00 degrees 08 minutes 21 seconds East to the north right of way line of Wentworth Avenue per Dakota County Road Right of Way Map No. 477 a distance of 1.93 feet; thence South 89 degrees 55 minutes 40 seconds West a distance of 54.18 feet along said north right of way line of Wentworth Avenue to the point of beginning.**

**Said Easement containing approximately 188 square feet.**

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the full and final settlement with Ginnie Weyerhaeuser and the Ginnie Weyerhaeuser Revocable Trust, inclusive of all costs and attorney fees, for the payment of \$16,000.00; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners further authorizes the County Attorney and County Transportation Department to execute all of the necessary documents, including those necessary to effectuate the acquisition of the above-described trail easement, to settle the matter on behalf of Dakota County.

Ayes: 7

**11.2** Resolution No: 23-052

Approval Of Legal Strategy And Authority For Acquisition Of Right Of Way For County Project 88-24

Motion: Joe Atkins

Second: William Droste

This item did not go into closed session.

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

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

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

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

WHEREAS, by Resolution No. 22-428 (October 4, 2022), the Dakota County Board of Commissioners authorized the acquisition of certain properties identified in the resolution and initiation of quick-take eminent domain pursuant to Minn. Stat. §117.042, if necessary, to construct the recommended improvements; and

WHEREAS, the County offered the Landowners compensation based on the County's approved appraised value for the parcel; and

WHEREAS, certain Landowners have not responded or are seeking additional compensation for loss or damages related to the acquisitions; and

WHEREAS, on January 18, 2023, the Dakota County Attorney's Office provided a confidential memorandum to the Dakota County Board of Commissioners explaining the legal strategy for accomplishing Dakota County's acquisition of the property rights identified in Dakota County Right of Way Map No. 495 as Parcels 2, 3, 4, 7, 10, 22, and 23; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to proceed with the legal strategy for the acquisition of Parcels 2, 3, 4, 7, 10, 22, and 23 as set forth in the confidential memorandum provided to the Board.

Ayes: 7

**12. Interagency Announcements/Reports**

Interagency announcements and reports were then presented.

**13. County Manager's Report**

County Manager Matt Smith gave an update on the following:

- Association of Minnesota Counties (AMC) is holding County Government 101 for new County officials January 25-27, 2023.

**14. Information**

**14.1** Information

See Attachment for future Board meetings and other activities.

**15. Adjournment**

**15.1** Resolution No: 23-053  
Adjournment

Motion: Mike Slavik

Second: Mary Hamann-Roland

On a motion by Commissioner Slavik, seconded by Commissioner Hamann-Roland, the meeting was adjourned at 9:36 a.m.

Ayes: 7

Liz Workman  
Chair

ATTEST

Matt Smith  
County Manager