



# Dakota County

## Physical Development Committee of the Whole

### Minutes

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Tuesday, November 1, 2022

2:00 PM

Conference Room 3A, Administration  
Center, Hastings

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(or following Community Services Committee of the Whole)

#### Call To Order And Roll Call

The meeting was called to order at 2:10 p.m. by Commissioner Liz Workman.

**Present**

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

Also in attendance were Matt Smith, County Manager; Tom Donely, First Assistant County Attorney; Georg Fischer, Physical Development Division Director; Liz Hansen, Administrative Coordinator.

Commissioner Atkins arrived at 2:11p.m.

#### 2. Audience

Commissioner Workman asked if there was anyone in the audience that wished to address the Physical Development Committee of the Whole on an item not on the agenda or an item on the consent agenda. No one came forward and no comments were submitted to CountyAdmin@co.dakota.mn.us.

#### 3. Approval Of Agenda (Additions/Corrections/Deletions)

##### 3.1 Approval of Agenda (Additions/Corrections/Deletions)

Motion: Mike Slavik

Second: Mary Hamann-Roland

On a motion by Commissioner Slavik, seconded by Commissioner Hamann-Roland, the agenda was passed unanimously by those present.

Ayes: 6

Commissioner Slavik, Commissioner Gaylord, Commissioner Halverson, Chairperson Workman, Commissioner Holberg, and Commissioner Hamann-Roland

Excused: 1

Commissioner Atkins

#### 4. Consent Agenda

Motion: Kathleen A. Gaylord

Second: Mary Hamann-Roland

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

##### 4.1 Approval of Minutes Of Meeting Held On October 11, 2022

Motion: Kathleen A. Gaylord

Second: Mary Hamann-Roland

**4.2** Authorization To Execute Joint Powers Agreement With City Of Apple Valley To Operate Residential Organics Drop-Off Site

Motion: Kathleen A. Gaylord

Second: Mary Hamann-Roland

WHEREAS, Minn. Stat. § 471.59 authorizes local governmental units to jointly or cooperatively exercise any power common to the contracting parties; and

WHEREAS, Dakota County and the Municipality are governmental units as that term is defined in Minn. Stat. § 471.59; and

WHEREAS, Metropolitan counties are responsible for waste management policy and programs (Minn. Stat. §115A.551); and

WHEREAS, by Resolution No.18-493 (September 18, 2018), the Dakota County Board of Commissioners adopted the 2018-2036 Solid Waste Master Plan (Master Plan); and

WHEREAS, the Master Plan includes a strategy to expand opportunities for residential organics recovery; and

WHEREAS, the Master Plan includes a tactic to co-develop and provide assistance for residential organics drop-off sites with priority municipalities and partners until curbside organics collection is widely available; and

WHEREAS, the City of Apple Valley (City) in partnership with the County desires a residential organics drop-off site to be located at Apple Valley Public Works, 6442 140th St W, Apple Valley, MN; and

WHEREAS, Dakota County receives Select Committee on Recycling and the Environment (SCORE) funds from the state to implement landfill abatement programs; and

WHEREAS, Minn. Stat. § 115A.557 requires Dakota County to expend a portion of the state-allocated SCORE funds on organics programming; and

WHEREAS, allocated SCORE funds have been used to open residential organics drop-off sites in eight cities from 2016-2021; and

WHEREAS, City responsibilities include drop-off site construction and infrastructure installation for one drop-off location to collect organics from Dakota County residents; retaining licensed hauler services; collaborating with the County on promotion and communications; purchasing and storing compostable bags; monitoring daily and maintaining the site; and administering invoice and reimbursement submittals; and

WHEREAS, County responsibilities include maintaining a list of acceptable organic materials and guidelines; developing and providing promotion, communications materials, and training; reimbursing the Municipality for installation of a concrete pad, fencing, bag distribution boxes, signage, and recurring operational expenses; and administering participant recruitment, registration, and ongoing communication; and

WHEREAS, staff recommends executing a joint powers agreement with the City to implement a residential organics drop-off site for Dakota County residents

from the construction start date to December 31, 2028, or until curbside collection of residential organics is widely available.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Environmental Resources Director to execute a joint powers agreement with the City of Apple Valley to operate a residential organics drop-off site located at Apple Valley Public Works, 6442 140th St. W. in the City of Apple Valley from the construction start date to December 31, 2028, or until curbside residential organics collection is offered in the City of Apple Valley and to provide reimbursement funding in an amount not to exceed an estimated \$99,500 for the six-year term as substantially presented on November 1, 2022, to the Physical Development Committee of the Whole, subject to approval by the County Attorney's Office as to form.

This item was approved and recommended for action by the Board of Commissioners on 11/15/2022.

**4.3** Acquisition Of Easements On Wolfson Property And Authorization To Amend  
2022 Environmental Resources Capital Improvement Program Budget

Motion: Kathleen A. Gaylord

Second: Mary Hamann-Roland

WHEREAS, the Wolfson family, through Wolfson Commercial Properties LLC (Wolfson), owns 9.91 acres in the City of Rosemount (City), including high-quality forest and wetlands; and

WHEREAS, the 2001 Farmland and Natural Area Protection Plan identified the Wolfson property as one of the top ten sites to protect in the County; and

WHEREAS, the the Wolfson property is located within the Lebanon Hills Conservation Focus Area identified as a priority area within the 2020 Land Conservation Plan for Dakota County; and

WHEREAS the Vermillion Highlands Greenway Master Plan identifies a segment of the Vermillion Highlands Greenway for development within the Wolfson property; and

WHEREAS in 2021, the County and the City renewed discussion with the Wolfson's about acquisition options in association with planned residential development of adjacent property; and

WHEREAS the proposed land protection project included the County acquiring an 8.32-acre natural area conservation easement (NA Easement) and a 1.59-acre Vermillion Highlands Regional Greenway Easement (Corridor Easement), with the City acquiring fee title and managing the entire property as a new City park; and

WHEREAS, County staff completed and approved an appraisal of the Wolfson property in July 2022; and

WHEREAS, during subsequent negotiations, the County, City, and Wolfson's agreed to a sale price approximately 6.5 percent greater than the appraised total value or \$337,000, including \$254,700 for the NA Easement and \$48,100 for the CorridorEasement; and

WHEREAS, the estimated closing costs are \$2,200; and

WHEREAS, the Rosemount City Council has previously approved acquisition of the adjacent McMenemy property and expressed similar support to acquire the Wolfson property; and

WHEREAS, acquisition of the NA Easement and restoration is eligible for state Outdoor Heritage (OH) funding appropriated to the County by the Minnesota Legislature in 2022 (ML22); and

WHEREAS, the 2022 Environmental Resources (ER) Capital Improvement Program (CIP) budget includes adequate funding from ML22 OH funds and County grant-match funds for acquiring the NA Easement; and

WHEREAS, the 2022 Parks CIP included adequate funding for acquiring the Corridor Easement: and

WHEREAS, expenditure of OH funds by the County for a NA Easement on the Wolfson property requires the County Board Chair to sign and the County to record a Notice of Funding Restriction (NOFR); and

WHEREAS, the Physical Development Director (PDD) is required to sign purchase agreements (PA) to acquire the NA Easement and Corridor Easement on the Wolfson property; and

WHEREAS, the final acquisition costs of the two easements on the Wolfson property will be determined after the settlement statements are finalized and all associated acquisition expenses have been invoiced.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the expenditure of up to \$331,000, including \$254,700 to acquire the 8.32-acre NA Easement, \$48,100 to acquire the 1.59-acre Corridor Easement on the Wolfson property, an estimated \$2,200 in closing costs, and an estimated \$26,000 for restoration costs; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the PDD to execute two PAs with Wolfson's to acquire the NA and Corridor easements, subject to approval by the County Attorney's Office (CAO) as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Board Chair to execute a NOFR as required for use of ML22 OH funds for acquiring the NA Easement on the Wolfson property, subject to approval by the CAO as to form; and

BE IT FURTHER RESOLVED, That the 2022 Environmental Resources Capital Improvement Program (CIP) budget is hereby amended as follows:

**Expense**

Acquisition of the NA Easement on the Wolfson property (LC10075)	\$256,550
Restoration of the NA Easement (LC30058)	\$ 26,000
ML 22 OH (LC00010)	<u>(\$282,550)</u>
<b>Total Expense</b>	<b>\$0</b>

**Revenue - Easement**

Acquisition NA Easement - ML 22 OH Grant funding (LC10075)	\$192,450
Acquisition NA Easement - ML 22 County Grant Match (LC10075)	\$ 64,100
ML 22 OH Grant funding(LC00010)	<u>(\$192,450)</u>

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ML 22 OH County Grant Match (LC00010)	<u>(\$ 64,100)</u>
<b>Total Revenue</b>	<b>\$0</b>
<b>Revenue - Restoration</b>	
Restoration Wolfson property ML 22 OH Grant funding (LC30058)	\$26,000
ML 22 OH Grant Funding (LC00010)	(\$19,500)
ML 22 OH County Grant Match	<u>(\$ 6,500)</u>
<b>Total Revenue</b>	<b>\$0</b>

; and

BE IT FURTHER RESOLVED, That following acquisition of the NA Easement on the Wolfson property, staff will submit the necessary forms and documentation to the State of Minnesota (State) to receive approximately \$211,950 in reimbursement funds; and

BE IT FURTHER RESOLVED, That such reimbursement from the State will be returned to the 2022 ER CIP.

This item was approved and recommended for action by the Board of Commissioners on 11/15/2022.

**5. Regular Agenda**

**5.1** Approval Of Schematic Design For Law Enforcement Center Integrated Health Unit Addition And Authorization To Proceed Through Design Development

Motion: Joe Atkins

Second: Mary Hamann-Roland

Trish Bremer, Sr. Project Manager, and Jay Biedny, Capital Projects Manager, presented this item and responded to questions.

The following individuals also spoke to this item:

Pat Enderlein, Sheriff's Office, Commander

Joel Dunning, Partner at Wold Architects

Ben Verby, Sheriff's Office, Correctional Captain

Matt Smith, County Manager

The Board discussed possible funding scenarios for this project and determined that it would revisit those discussions after the 2022 Midterm Election and at the next Legislative Action Workgroup (LAW) meeting scheduled on Monday, November 14, 2022. County Manager, Matt Smith, will follow up with Public Health staff regarding potential opportunities around the opioid settlement funds.

WHEREAS, the 2022-2026 Building Capital Improvement Program (CIP) Adopted Budget includes a project to design and construct a dedicated Law Enforcement Center unit to address medical and mental health needs of inmates; and

WHEREAS, the design team of Wold Architects and Engineers was selected through a Request for Proposal process to lead the design efforts for the project; and

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

WHEREAS, the proposed schematic design meets the identified project needs: 30 beds separated into different units; support and program spaces; medical support spaces; and overall increased flexibility for housing inmates in a secure and supportive environment; and

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

WHEREAS, sufficient funds are available within the 2022-2026 Building Capital Improvement Program Adopted Budget to complete the design and bidding phases of this project; and

WHEREAS, staff will return to the County Board at the end of the design development phase, anticipating to be complete in early 2023, to confirm the intended funding sources and the schedule for the remaining project efforts.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the recommended schematic design for the Law Enforcement Center Integrated Health Unit Addition and approves the

project proceeding through the end of the design development phase.  
This item was approved and recommended for action by the Board of  
Commissioners on 11/15/2022.

Ayes: 7

**5.2** Authorization To Submit Project Recommendation And Provide Resolutions Of Support For Minnesota Department Of Transportation's 2022 Corridors Of Commerce Program

Motion: Mike Slavik

Second: Mary Hamann-Roland

Gina Mitteco, Regional and Multi-Modal Transportation Manager, presented this item and responded to questions.

WHEREAS, to provide a safe and efficient multi-modal transportation system, Dakota County seeks outside funding for priority transportation projects within the County; and

WHEREAS, the Minnesota Department of Transportation is currently seeking project recommendations for the Corridors of Commerce Program (COC) through November 30, 2022; and

WHEREAS, the Minnesota Legislature created the COC to provide additional highway capacity on segments where there are currently bottlenecks and improve freight and commerce; and

WHEREAS, the Dakota County 2040 Transportation Plan identifies several segments of Trunk Highways in the County in need of mobility and freight improvements, including Trunk Highway 13 in Burnsville, Trunk Highway 77 in Apple Valley and Eagan, and I-35 at County Highway 50 in Lakeville; and

WHEREAS, the COC program only allows each entity to recommend one project for consideration in 2022; and

WHEREAS, the Draft Dakota County 2023-2027 Capital Improvement Program includes the I-35 and County Highway 50 Interchange in Lakeville with a significant funding gap that would impact Dakota County if external funds are not received; and

WHEREAS, other entities may nominate the Trunk Highway 13 project and the Trunk Highway 77 project; and

WHEREAS, the COC scoring criteria favors projects with resolutions of support from each county within a project's limits.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners authorize the Dakota County Transportation Director/County Engineer to submit the I-35/County Highway 50 Interchange Reconstruction Project in Lakeville as Dakota County's Corridors of Commerce project recommendation in 2022.

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners supports the Trunk Highway 13 project in Burnsville and Savage and the Trunk Highway 77 project in Apple Valley and Eagan as important mobility and freight improvements within Dakota County.

This item was approved and recommended for action by the Board of Commissioners on 11/15/2022.

Ayes: 7

**5.3 Update On Status Of 2023-2027 Landfill Host Fee Agreement Negotiations**

Georg Fischer, Physical Development Director, presented this item and responded to questions.

Based on the direction provided by the board, staff will explore negotiating tiered increases for mixed municipal solid waste generated outside of the county and disposed of at landfills within the county through 2027 to achieve a final 33 percent differential between in and out-of-county waste.

Information only; no action requested

**6. Physical Development Director's Report**

Georg Fischer, Physical Development Director, provided the Committee with a written Division update.

Erin Laberee, Transportation Director, also congratulated Traffic Engineer Kristi Sebastian on her new role with Federal Highway (FHWA) as their new Traffic Safety and Operations Engineer. Kristi's passion and dedication over the last 21 years have improved traffic safety throughout Dakota County, and her knowledge and leadership will be missed.

Based on feedback related to the written article related to political sign recycling options, Georg Fischer, Physical Development Director, will work with Environmental Resources Department staff to ensure that all communications related to political sign disposal and recycling include the preferred option of returning the signs to the candidate or campaign (reuse). As noted, some political candidates may want to keep yard signs due to their expensive nature.

**7. Adjournment**

**7.1 Adjournment**

Motion: Mike Slavik

Second: Mary Hamann-Roland

On a motion by Commissioner Mike Slavik, seconded by Commissioner Mary Hamann-Roland, the meeting was adjourned at 3:24 p.m.

Respectfully submitted,

Liz Hansen  
Administrative Coordinator