



Dakota County

Board of Commissioners

Minutes

Tuesday, November 30, 2021

9:00 AM

Boardroom, Administration Center,
Hastings, MN

1. Call To Order And Roll Call

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

Present: Commissioner Mike Slavik
Commissioner Kathleen A. Gaylord
Commissioner Laurie Halverson
Commissioner Liz Workman
Commissioner Mary Liz Holberg
Commissioner Mary Hamann-Roland

Absent: Commissioner Joe Atkins

2. Pledge Of Allegiance

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

3. Audience

Chair Holberg 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: 21-553 Approval of Agenda (Additions/Corrections/Deletions)

Motion: Kathleen A. Gaylord

Second: Mary Hamann-Roland

On a motion by Commissioner Gaylord, seconded by Commissioner Hamann-Roland, the agenda was unanimously approved.

Ayes: 6

Nays: 0

5. Public Hearing

5.1 Resolution No: 21-555 Public Hearing To Receive Comments On 2022 Off Sale Intoxicating Liquor License Applications And Approval Of All 2022 Intoxicating Liquor Licenses

Motion: Kathleen A. Gaylord

Second: Liz Workman

The time being 9:04 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on the 2022 Off Sale Intoxicating Liquor License Applications. Deputy Director Public Services and Revenue Teresa Mitchell briefed this item and the Public Hearing was opened. There were no comments received. The Public Hearing was unanimously closed at 9:05 a.m.

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

WHEREAS, all interested parties were notified of the date, time and location of the public hearing on the Simman LLC, DBA Castle Rock Bar and Grill, On and Off Sale Intoxicating and Sunday Sales license application and the Woody's Liquor Box, Inc., Off Sale Intoxicating license application; and

WHEREAS, on November 30, 2021 at 9:00 a.m., the Dakota County Board of Commissioners conducted a public hearing on the Simman LLC, DBA Castle Rock Bar & Grill and Woody's Liquor Box, Inc. license applications; and

WHEREAS, a county may not issue or renew a retail license to sell any alcoholic beverages until the County Board has received a written certification from the Sheriff and County Attorney that to the best of their knowledge the application is eligible to be licensed under Minn. Stat. § 340A.402 and Minn. Rules § 7515.0410; and

WHEREAS, the applications have been approved by the Townships of Castle Rock, Douglas, Empire, Marshan, Nininger, Randolph and Ravenna.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following 2022 intoxicating liquor licenses and authorizes the Public Services and Revenue Division to issue the licenses upon payment of the fees:

Castle Rock Township:

Simman LLC, DBA Castle Rock Bar & Grill - On and Off Sale Intoxicating and Sunday Sales

Douglas Township:

Gopher Hills, Inc. - On Sale and Sunday Sale

Empire Township:

Newman Golf Investors, LP DBA Southern Hills Golf Course - On Sale and Sunday Sale

Marshan Township:

Hidden Greens, Inc. - On Sale and Sunday Sale

Little Log House Properties, Inc. - On Sale and Sunday Sale

Bellwood Oaks, Inc. - On Sale and Sunday Sale

Nininger Township:

Emerald Greens Golf, LLC- On Sale and Sunday Sale

Randolph Township:

Woody's Liquor Box, Inc. - Off Sale Intoxicating

Cannon Golf Club, Inc. - On Sale and Sunday Sale

Ravenna Township:

Almquist Farm LLC - On Sale and Sunday Sale

Ayes: 6

Nays: 0

5.2 Resolution No: 21-556

Public Hearing To Receive Comments On 2022-2026 Capital Improvement Program Budget

Motion: Mike Slavik

Second: Laurie Halverson

The time being 9:08 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on the 2022-2026 Capital Improvement Program Budget. Deputy Director Physical Development Erin Stwora briefed this item and the Public Hearing was opened. There were no comments received. The Public Hearing was unanimously closed at 9:09 a.m.

WHEREAS, the General Government and Policy Committee of the Whole reviewed the 2022-2026 County Manager's Recommended Capital Improvement Program (CIP) Budget on September 7, 2021; and

WHEREAS, Minn. Stat. § 373.40, subd. 3., requires the County to conduct a public hearing prior to the adoption of the County Manager's Recommended Capital Improvement Program Budget; and

WHEREAS, by Resolution No. 24-464 (September 21, 2021), the Dakota County Board of Commissioners released the draft 2022-2026 CIP for formal review and comment; and

WHEREAS, comments received and the County's responses were reviewed at the November 30, 2021, County Board meeting; and

WHEREAS, additional comments are sought during a public hearing.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby conducts a public hearing on November 30, 2021, at 9:00 a.m., in the Boardroom, Administration Center, 1590 Highway 55, Hastings, Minnesota or via telephone or other electronic means if necessary due to the ongoing COVID-19 pandemic to receive comments on the 2022-2026 County Manager's Recommended Capital Improvement Budget.

Ayes: 6

Nays: 0

5.3 Resolution No: 21-557
Public Hearing To Receive Comments On Approval Of Eligible Projects For
Transportation Sales And Use Tax Funds

Motion: Mary Hamann-Roland

Second: Kathleen A. Gaylord

The time being 9:11 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on Approval of Eligible Projects for Transportation Sales and Use Tax Funds. Assistant County Engineer Erin Laberee briefed this item and the Public Hearing was opened. There were no comments received. The Public Hearing was unanimously closed at 9:12 a.m.

WHEREAS, Minn. Stat. § 297A.993 (the Act) authorizes the Dakota County Board to levy up to one-half of one percent sales and use tax and an excise tax of \$20 per motor vehicle to fund statutorily defined transportation and transit projects; and

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

WHEREAS, Dakota County has recently updated its 2040 Transportation Plan, which identifies long-term transportation system needs; and

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

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

WHEREAS, the County Board held a public hearing on the date hereof following publication of notice as required by the Act.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners approves the updated list of eligible projects for County Transportation Sales and Use Tax Funds.

Ayes: 6

Nays: 0

CONSENT AGENDA

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

6. County Administration - Approval of Minutes

6.1 Resolution No: 21-558

Approval of Minutes of Meeting Held on November 16, 2021

Motion: Mike Slavik

Second: Mary Hamann-Roland

Ayes: 6

Nays: 0

7. County Board/County Administration**7.1** Resolution No: 21-559

Authorization For Approval Of Revisions To Policy 3241

Motion: Mike Slavik

Second: Mary Hamann-Roland

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recommends approval of revisions to Policy 3241 Flex Leave and authorizes the Employee Relations Director to modify said policies accordingly following approval.

Ayes: 6

Nays: 0

7.2 Resolution No: 21-560

Adoption Of 2022 Unclassified Employees Merit Compensation Policy And Plan

Motion: Mike Slavik

Second: Mary Hamann-Roland

WHEREAS, market competitive compensation and effective pay policy administration are essential to effective and efficient government; and

WHEREAS, a Dakota County Pay Equity Compensation Structure has been established; and

WHEREAS, the County maintains a process by which Elected Officials' compensation is determined; and

WHEREAS, the Unclassified Employees' Merit Compensation Policy and Plan should be updated for application in 2021.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts, for application in 2022, the 2022 Unclassified Employees' Merit Compensation Policy and Plan:

- The 2022 Pay Equity Compensation Structure recommended to the Board of Commissioners on November 30, 2021, applies to unclassified employees; and
- The 2022 non-union Merit Matrix provides for five levels of performance with varying merit opportunity based upon performance levels applies to unclassified employees

- The non-union 2022 merit matrix and salary ranges have been added to the Unclassified Employee Merit Compensation Policy and Plan document for clarity
- ; and

BE IT FURTHER RESOLVED, That the participants' calendar or payroll year 2022 salaries shall be established in the context of and consistent with this Plan; and

BE IT FURTHER RESOLVED, That the Employee Relations Director is hereby authorized to amend the 2021 Unclassified Employees Merit Compensation Policy and Plan consistent with the above referenced 2022 provisions in Employee Relations Policies and Procedures.

Ayes: 6

Nays: 0

8. Operations, Management And Budget

8.1 Resolution No: 21-561 Authorization To Execute Contract With SHI International Corp For ForcePoint Web Filtering System

Motion: Mike Slavik

Second: Mary Hamann-Roland

WHEREAS, Dakota County staff identified the need to continue services for support and maintenance for the ForcePoint Web Filtering system; and

WHEREAS, SHI International Corp (SHI) provided a three-year quote to provide needed services; and

WHEREAS, Dakota County previously renewed the contract with SHI on an annual basis; and

WHEREAS, Dakota County saves \$13,930.48 annually and \$41,791.44 when compared to renewing the contract annually.

NOW, THEREFORE, BE IT RESOLVED, That the County Board of Commissioners hereby authorizes the Chief Information Officer to execute a contract with SHI International Corp for the ForcePoint Web Filtering system in the amount of \$134,839.08, subject to approval by the County Attorney's Office as to form.

Ayes: 6

Nays: 0

8.2 Report On Invoices Paid In October 2021

Information only; no action requested.

8.3 Resolution No: 21-562 Scheduling Of Public Hearing To Receive Comments On Amendments To Dakota County 2022 Recommended Fee Schedules

Motion: Mike Slavik

Second: Mary Hamann-Roland

WHEREAS, County fees for documents and services not otherwise established by law may be imposed if adopted by the Dakota County Board of Commissioners following a public hearing; and

WHEREAS, the County Board adopted the 2022 Recommended Fee Schedules on October 21, 2021 (Resolution No. 21-487); and

WHEREAS, staff presented amendments to the 2022 Recommended Fee Schedule at the County Board Budget Workshops; and

WHEREAS, staff will present an amendment to the 2022 Recommended Fee Schedule at the General Government and Policy Committee meeting on November 30, 2021.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a public hearing for the purpose of receiving public comments regarding the amending of fee schedules on December 14, 2021, at 9:00 a.m., in the Boardroom, Dakota County Administration Center, 1590 Highway 55, Hastings, Minnesota, 55033; and

BE IT FURTHER RESOLVED, That the proposed fee schedules will be implemented effective January 1, 2022; and

BE IT FURTHER RESOLVED, That staff is hereby directed to post notice of this public hearing on the official Dakota County website following adoption of this resolution and to not remove the notice from the website until December 14, 2021.

Ayes: 6

Nays: 0

9. Physical Development

9.1 Resolution No: 21-563

Approval Of Substantial Amendments To Dakota County Community Development Block Grant Coronavirus And Emergency Solutions Grant Coronavirus Programs

Motion: Mike Slavik

Second: Mary Hamann-Roland

WHEREAS, Dakota County is an Entitlement Community and receives funds from the U.S. Housing and Urban Development Department (HUD) for the Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) Programs; and

WHEREAS, the Dakota County Community Development Agency (CDA) administers the CDBG and ESG programs on behalf of Dakota County per agreements between HUD and Dakota County for the CDBG and ESG funds and between Dakota County and the Dakota County CDA for CDBG and ESG

program administration; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act enacted on March 27, 2020, appropriated \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds and \$4 billion in Emergency Solutions Grant Coronavirus (ESG-CV) funds to respond to the COVID-19 pandemic; and

WHEREAS, Dakota County was allocated \$2,913,485 of CDBG-CV funds and \$2,109,564 of ESG-CV funds to be used for eligible activities that prevent, prepare for, and respond to the coronavirus; and

WHEREAS, 80 percent of the CDBG-CV funds must be expended before September 30, 2022, and 100 percent of the ESG-CV funds must be expended before September 30, 2022; and

WHEREAS, three types of substantial amendments are permissible by 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, by Resolutions 20-597 and 21-276, the Dakota County Board of Commissioners added eligible CDBG-CV and ESG-CV activities to the Dakota County 2019 Action Plan (2019 Action Plan); and

WHEREAS, there have been additional requests for CDBG-CV and ESG-CV funds by non-profits; and

WHEREAS, the CDA requests the following substantial amendments to the 2019 Action Plan and the CDBG-CV Program:

1. Reduce the budget for the Public Services: Emergency Subsistence Payments activity from \$1,547,685 to \$1,185,266 (total \$362,419)
2. Increase the budget for the Public Services: Food Bank activity from \$306,027 to \$603,301 (total \$297,274)
3. Create the Public Services: Mental Health Services activity and fund with a budget of \$66,473
4. Create the Public Services: Health Services activity and fund with a budget of \$164,645
5. Increase the budget for the Public Facilities: Homeless Facility activity from \$210,000 to \$370,000 (total \$160,000)
6. Cancel the Public Services: Housing Counseling activity and transfer the funds (\$100,000) to the Mental Health Services activity
7. Cancel the Public Services: Financial Literacy activity and transfer the funds (\$193,973) to the Food Bank activity

; and

WHEREAS, the CDA requests the following substantial amendments to the 2019 Action Plan and the ESG-CV Program:

1. Cancel the Homeless Prevention: Rental Assistance activity and transfer the funds (\$50,000) to the Emergency Shelter Operations activity
 2. Cancel the Homeless Prevention: Stabilization Services activity and transfer the funds (\$22,000) to the Emergency Shelter Operations activity
- ; and

WHEREAS, public notice of the substantial amendments to the County's CDBG-CV and ESG-CV Programs was placed in the *Dakota Tribune* on November 12, 2021, and on the CDA and Dakota County's 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 Dakota County Community Development Block Grant Coronavirus and Emergency Solutions Grant Coronavirus Programs.

Ayes: 6

Nays: 0

9.2 Resolution No: 21-564

Authorization To Award Bid And Execute Contract With RAK Construction, Inc. For Community Corrections Collection Room Upgrades Project

Motion: Mike Slavik

Second: Mary Hamann-Roland

WHEREAS, the Adopted 2021 Building Capital Improvement Program (CIP) budgeted included a project to complete upgrades to the Community Corrections Collection Rooms; and

WHEREAS, CNH Architects was hired as the design consultant tasked with developing this project; and

WHEREAS, bid documents were prepared by CNH Architects; and

WHEREAS, the Project was formally advertised from October 19, 2021, to November 8, 2021; and

WHEREAS, ten competitive bids were received on November 9, 2021; and

WHEREAS, RAK Construction, Inc. has submitted the low bid of \$142,000; and

WHEREAS, staff and the design consultant have reviewed the qualifications of the low bidder and recommend award to RAK Construction, Inc. as the lowest responsive and responsible bidder in an amount not to exceed \$142,000 for the Community Corrections Collection Room Upgrades Project; and

WHEREAS, sufficient funds are available within the Adopted 2021 Building CIP budget for this project.

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 RAK Construction, Inc., 21435 Johnson Street NE, East Bethel, MN for the Community Corrections Collection Room Upgrades Project, in an amount not to exceed \$142,000, subject to approval by the County Attorney's Office as to form.

Ayes: 6

Nays: 0

9.3 Resolution No: 21-565

Authorization To Accept Utility Easement Rights Within County Road 96 Right Of Way For County Project 96-07 In Greenvale Township

Motion: Mike Slavik

Second: Mary Hamann-Roland

WHEREAS, to provide a safe and efficient transportation system, Dakota County and Rice County are proceeding with Dakota County Project (DCP) 96-07/Rice County Project (RCP) 101-01; and

WHEREAS, DCP 96-07/RCP 101-01 will reconstruct approximately a half-mile of Rice County Road (RCR) 101 (70th Street West) in Webster Township, Rice County, and approximately four miles of Dakota County Road (DCR) 96 (320th Street West) in Greenvale Township, Dakota County; and

WHEREAS, the purpose and need for the project is to improve roadway quality, increase safety, and provide for multi-modal mobility on RCR 101/DCR 96; and

WHEREAS, to address the purpose and need for this Project, safety will be improved along the corridor by paving the roadway, realigning the roadway to remove horizontal curves, adding turn lanes, and providing paved shoulders; and

WHEREAS, Dakota County is the lead agency for DCP 96-07/ RCP 101-01; and

WHEREAS, Northern Natural Gas Company (NNG) owns a utility easement that crosses DCR 96; and

WHEREAS, DCP 96-07 includes reconstruction and roadway widening of DCR 96, which will cross NNG's utility easement at the following crossing location:

Crossing Location 1: CR 96 about 1,000 feet east of Guam Avenue

; and

WHEREAS, in order to proceed with project development, NNG is proposing to quitclaim its utility easement rights within DCR 96 right of way to Dakota County at no cost; and

WHEREAS, by quitclaiming NNG's easement rights, their remaining utilities will be subject to the Dakota County right of way permitting process and will become a permitted use within DCR 96 right of way; and

WHEREAS, staff recommends acceptance of the NNG's utility easement rights within DCR 96 right of way.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the acceptance of the Northern Natural Gas Company's existing utility easement rights within County Road 96 right of way

from Northern Natural Gas Company to the County of Dakota for County Project 96-07, subject to approval by the County Attorney's Office as to form.

Ayes: 6

Nays: 0

9.4 Resolution No: 21-566

Authorization To Execute Agreement Amendment No.1032906A01 With Minnesota Department Of Transportation And City Of Eagan For County Project 26-56

Motion: Mike Slavik

Second: Mary Hamann-Roland

WHEREAS, to provide a safe and efficient transportation system, Dakota County (County) is partnering with the Minnesota Department of Transportation (MnDOT) and City of Eagan (City) on County Project (CP) 26-56; and

WHEREAS, CP 26-56 is an Advanced Traffic Management System (ATMS) and aging signal system replacement project along County State Aid Highway (CSAH) 26 (Lone Oak Road), CSAH 28 (Yankee Doodle Road), CSAH 31 (Pilot Knob Road), and CSAH 43 (Lexington Avenue) in the City of Eagan; and

WHEREAS, CP 26-56 includes the replacement of five MnDOT traffic signal systems at the I-35E ramps at CSAH 26, CSAH 28, and CSAH 31; and

WHEREAS, by Resolution No. 19-525 (May 21, 2019), the County Board authorized execution of cooperative construction agreement No.1032906 with MnDOT and the City to define costs and responsibilities for the work associated with replacement of the five MnDOT traffic signal systems; and

WHEREAS, CP 26-56 was advertised, and four bids received and tabulated on August 31, 2021, with the lowest responsible bid received from Collins Electrical Construction Co.; and

WHEREAS, by Resolution No. 21-478 (October 5, 2021) the County Board authorized award and execution of a contract with Collins Electrical Construction Co. for construction of CP 26-56; and

WHEREAS, the original MnDOT estimated cost share in agreement No.1032906 was identified at \$919,579, with a cap of \$975,500; and

WHEREAS, based upon the lowest responsible bid received, the MnDOT estimated cost increased to \$1,206,734.22; and

WHEREAS, an amendment to agreement No.1032906 is needed to revise the cap and allow MnDOT to fund the increase in MnDOT cost share; and

WHEREAS, staff recommends authorizing agreement amendment NO.1032906A01 with MnDOT and the City for CP 26-56, providing for an increase in the MnDOT cost share to an estimated total cost share of \$1,206,734.22.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute agreement amendment No.1032906A01 with the Minnesota Department of Transportation and City of Eagan for County Project 26-56, subject to approval by the County Attorney's Office as to form.

Ayes: 6

Nays: 0

9.5 Resolution No: 21-567

Authorization To Approve Contract Amendment On County Project 91-25 In City Of Miesville, Douglas Township, And Marshan Township

Motion: Mike Slavik

Second: Mary Hamann-Roland

WHEREAS, Dakota County (County) is the lead agency on County Project (CP) 91-25; and

WHEREAS, CP 91-25 includes reconstruction of the segment of County State Aid Highway (CSAH) 91 from Trunk Highway (TH) 61 (240th St. E.) to 210th St. E. in Miesville; and

WHEREAS, the purpose of the reconstruction project is for drainage improvements to eliminate perpetual maintenance issues and flooding; and

WHEREAS, construction began in May of 2021 and is essentially complete with all remaining work to; and

WHEREAS, construction costs have increased by \$382,392.00 or 6.6 percent, due to additional excavation, aggregate surfacing, bituminous, box culverts, drainage, fencing, erosion control, pavement joint adhesive, and incentives; and

WHEREAS, the Transportation Capital Improvement Program Budget included \$8,219,400 for construction; and

WHEREAS, sufficient funds project funds exist; and

WHEREAS, staff recommends authorizing a contract amendment with Mathiowetz Construction Company in the amount of \$382,392.

NOW THEREFORE BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the contract amendment and authorizes the Physical Development Director to execute a contract amendment with Mathiowetz Construction Company for construction of County Project 91-25, in the amount of \$382,392, subject to approval by the County Attorney's Office as to form.

Ayes: 6

Nays: 0

9.6 Resolution No: 21-568

Approval Of Amended Acquisition And Authorization To Initiate Quick Take
Condemnation Of Right Of Way On County Project 9-56 A In Lakeville

Motion: Mike Slavik

Second: Mary Hamann-Roland

WHEREAS, Dakota County and the City of Lakeville are partnering on County
Project (CP) 9-56; and

WHEREAS, CP 9-56 has been split into two phases: CP 9-56 A and CP 9-56 B;
and

WHEREAS, CP 9-56 A includes the reconstruction of County State Aid Highway
(CSAH) 9 and the construction of 179th Street between Highview Avenue and
CSAH 23 (Cedar Avenue) and pavement preservation and intersection
improvements along CSAH 23 between 179th Street and CSAH 9 in the City of
Lakeville; and

WHEREAS, CP 9-56 B includes the reconstruction of CSAH 9 from east of
CSAH 23 to CSAH 31 (Pilot Knob Road) in the City of Lakeville; and

WHEREAS, the purpose and need for CP 9-56 A ("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, the County utilized public engagement for this project, including
public open houses, project websites, and project mailings; and

WHEREAS, the acquisition of right of way from 11 parcels is necessary to move
forward with CP 9-56 A; and

WHEREAS, the Dakota County Board of Commissioners approved the
acquisitions and appraised values, and authorized "quick take" condemnation of
right of way of the 11 parcels for CP 9-56 A on September 7, 2021 (Resolution
No. 21-436); and

WHEREAS, through continued design work, staff determined additional
permanent and temporary easement is needed for project completion from the
property identified as Parcel 13, Dakota County Right of Way Map No. 490; and

WHEREAS, the additional permanent right of way is reflected in ROW Map 490
and the temporary easement as legally described as below:

A temporary easement for highway purposes over, under, and across that
part of Lot 1 and Lot 8, Block 1, Crossroads 1st Addition, according to the
recorded plat thereof, Dakota County, Minnesota, described as follows:
Beginning at the northwest corner of Parcel 13, Dakota County Road
Right of Way Map No. 490, according to the recorded map thereof;

thence North 01 degree 02 minutes 18 seconds West, assumed bearing along the west line of said Lot 1, a distance of 125.00 feet; thence North 88 degrees 57 minutes 42 seconds East a distance of 5.00 feet; thence South 01 degree 02 minutes 18 seconds East a distance of 122.00 feet; thence North 88 degrees 57 minutes 42 seconds East a distance of 270.00 feet; thence South 01 degree 02 minutes 18 seconds East a distance of 3.00 feet to the north line of said Parcel 13; thence South 88 degrees 57 minutes 42 seconds West a distance of 275.00 feet to said northwest corner of Parcel 13 and the point of beginning.

Temporary Easement Area = 1,435 Square Feet

; and

WHEREAS, the appraisal for Parcel 13 (490) has been amended to include the additional value for the permanent and temporary easements and associated damages resulting in a total appraised value for the acquisition of the 11 parcels of \$147,400; and

WHEREAS, data about the appraisals has been provided to the County Board in a confidential spreadsheet, as currently the appraisals are confidential, non-public data pursuant to Minn. Stat. § Sec. 13.44, subd. 3; and

WHEREAS, the 2021 Transportation Capital Improvement Program budget for the Project includes sufficient funds for right of way acquisition.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the amended appraisal value prepared by Valbridge Property Advisors for the acquisition of Parcel 13 (490) for CP 9-56 A and authorize County staff, in its discretion, to share appraisal data with the respective landowners, including all or portions of the completed appraisals as part of the negotiation process; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the amended acquisition of right of way from Parcel 13 (490) for CP 9-56 A at the approved appraised value and in accordance with County policy and authorizes payment from the 2021 Transportation Capital Improvement Program budget; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to initiate "quick take" condemnation on the remaining parcels in Dakota County Road Right of Way Map No. 490 to allow for project construction in Spring 2022, in the event that timely acquisition by direct negotiations of all parcels does not appear possible.

Ayes: 6

Nays: 0

10. Public Services and Revenue

10.1 Resolution No: 21-569
Renewal Of Policy Regarding Installment Plan For Repurchases Of
Non-Homestead Tax-Forfeited Property

Motion: Mike Slavik

Second: Mary Hamann-Roland

WHEREAS, Minn. Stats. 282.241 and 282.261 require a person repurchasing a tax-forfeit parcel pay at least one-tenth of the purchase price and shall pay the balance in nine equal installments; and

WHEREAS, Minn. Stat. 282.261, subd. 3, provides that a county board may annually resolve to require that for non-homesteaded property, the minimum down payment must be twenty percent of the purchase price with the balance paid in four equal annual installments.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby resolves that the five year installment repurchase plan, authorized in Minn. Stat. 282.261, subd. 3, shall apply to all non-homestead, tax-forfeited property in Dakota County for one year beginning the first business day of 2022.

Ayes: 6

Nays: 0

REGULAR AGENDA

11. Closed Executive Session

11.1 Resolution No: 21-570
Settlement Authority For Acquisition Of Certain Property Rights Necessary For
County Project 9-56A

Motion: Mike Slavik

Second: Kathleen A. Gaylord

This item did not go into closed session.

WHEREAS, to provide a safe and efficient transportation system, Dakota County and the City of Lakeville (City) are proceeding with County Project (CP) 9-56; and

WHEREAS, County Project 9-56 will occur in two phases: CP 9-56A and CP 9-56 B; and

WHEREAS, CP 9-56A includes the reconstruction of County State Aid Highway (CSAH) 9 and the construction of 179th Street between Highview Avenue and CSAH 23 (Cedar Avenue), and pavement preservation and intersection improvements along CSAH 23 between 179th Street and CSAH 9 in the City of Lakeville; and

WHEREAS, CP 9-56B includes the reconstruction of CSAH 9 from east of CSAH 23 to CSAH 31 (Pilot Knob Road) in the City of Lakeville; and

WHEREAS, the purpose and need for CP 9-56A ("the Project") is to improve safety, operations and capacity along the Project corridor; and

WHEREAS, Dakota County is the lead agency for CP 9-56A with right-of-way acquisition necessary in 2021 for construction to begin in 2022; and

WHEREAS, by Resolution No. 21-436, the 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 parcels; and

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

WHEREAS, on November 30, 2021, the Dakota County Attorney's Office provided a confidential memorandum to the Dakota County Board of Commissioners explaining the legal strategy accomplishing Dakota County's acquisition of the property rights identified in Dakota County Right of Way Map No. 490 as Parcels 4, 5 and 13; 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 authorizes the County Attorney's Office to proceed with settlement negotiations to acquire property rights for County Project 9-56A consistent with the settlement authority requested in the confidential memorandum to the County Board.

Ayes: 6

Nays: 0

11.2 Resolution No: 21-571

Closed Executive Session: County Manager's Year-End Performance Review

Motion: Mary Hamann-Roland

Second: Kathleen A. Gaylord

The item was recessed and held following the General Government and Policy Committee of the Whole. The time being 10:20 a.m. and pursuant to public notice, the County Board joined in Conference Room 3A, Administration Center, conducted in accordance with Minnesota Statutes sections 13D.021 and 13D.03. to hold a Closed Executive Session to discuss the County Manager's Year-End Performance Review.

The following were present:

Commissioner Mike Slavik, District 1

Commissioner Kathleen A. Gaylord, District 2
Commissioner Laurie Halverson, District 3
Commissioner Liz Workman, District 5
Commissioner Mary Liz Holberg, District 6
Commissioner Mary Hamann-Roland, District 7
Matt Smith, County Manager

The Closed Executive Session continued until 11:00 a.m., at which time the Board reconvened to close the County Board meeting with all members present.

WHEREAS, upon adoption of a resolution by majority vote, the Dakota County Board is authorized, pursuant to Minn. Stat. § 13D.05 3(a), to hold a closed executive session to discuss the performance of an individual who is subject to its authority; and

WHEREAS, the Dakota County Board of Commissioners desires to meet to discuss the performance of the County Manager.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the Dakota County Board of Commissioners meeting on November 30, 2021, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, to discuss the performance of the County Manager

Ayes: 6

Nays: 0

12. Interagency Announcements/Reports

Interagency announcements and reports were then shared.

13. County Manager's Report

County Manager Matt Smith gave a brief update on the following:
Dakota Communications Center County Contribution.
Public Health Update regarding upcoming vaccine clinics.

15. Adjournment

15.1 Resolution No: 21-572 Adjournment

Motion: Mary Hamann-Roland

Second: Mike Slavik

On a motion by Commissioner Hamann-Roland, seconded by Commissioner Slavik, the meeting was adjourned at 11:03 a.m.

Ayes: 6

Nays: 0

Mary Liz Holberg

Chair

ATTEST

Matt Smith
County Manager