



Dakota County

Physical Development Committee of the Whole

Minutes

Tuesday, November 29, 2022

10:00 AM

**Conference Room L139 Western
Service Center, Apple Valley**

(or following Community Services Committee of the Whole)

1. Call To Order And Roll Call

The meeting was called to order at 10:47 a.m. by Commissioner 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 was present via Zoom, but was not part of the voting quorum. Matt Smith joined the meeting at 10:50 a.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: Mary Hamann-Roland

Second: Mike Slavik

On a motion by Commissioner Hamann-Roland, seconded by Commissioner Slavik, the agenda was unanimously approved. The motion carried by the following vote:

Ayes: 6

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

Excused: 1
Commissioner Atkins

4. Consent Agenda

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

Ayes: 6
Commissioner Slavik, Commissioner Gaylord, Commissioner Halverson,
Chairperson Workman, Commissioner Holberg, and Commissioner
Hamann-Roland

Excused: 1
Commissioner Atkins

4.1 Approval of Minutes Of Meeting Held On November 1, 2022

Motion: Mary Hamann-Roland

Second: Mike Slavik

4.2 Authorization To Amend Joint Powers Agreement With City Of South St. Paul
For Mississippi River Greenway: Wakota Bridge Trailhead

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, by Resolution No. 21-268 (May 18, 2021), the County Board authorized a joint powers agreement (JPA) #C0034615 with the City of South St. Paul for final design of the Mississippi River: Wakota Bridge Trailhead; and

WHEREAS, the construction of a new trailhead facility on the Mississippi River Greenway is a shared priority between the City of South St Paul and Dakota County; and

WHEREAS, through this partnership, Dakota County and South St. Paul have secured \$1,100,000 in state and federal grants; and

WHEREAS, the final project construction estimate is \$1,450,000, including a 10 percent contingency; and

WHEREAS, Dakota County and the City of South St. Paul will each contribute up to an additional \$170,000 towards final construction costs; and

WHEREAS, Dakota County and City of South St. Paul will equally share in deferred maintenance as needed to keep the trailhead facility operational; and

WHEREAS, a future Supplemental Maintenance Agreement will be established between the City of South St. Paul and Dakota County for ongoing maintenance; and

WHEREAS, the construction cost share for Dakota County of the joint power agreement is amended to add up to \$170,000, including a ten percent contingency; and

WHEREAS, sufficient revenues are available in the recommended 2023 Dakota County Park Capital Improvement Program within the Greenway Collaborative set-aside.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to amend a joint powers agreement with City of South St. Paul to fund the construction of the Mississippi River Greenway: Wakota Bridge Trailhead for the period of January 1, 2023, through December 31, 2024, as presented, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a supplemental maintenance agreement with the City of South St Paul for the Mississippi River Greenway, including the Wakota Bridge Trailhead, 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 12/13/2022.

4.3 Approval Of 2023 Planning Commission Work Plan

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, Dakota County Ordinance No. 118 establishes the powers and duties of the Planning Commission to make recommendations on plans, policies, and programs, as directed by the County Board; and

WHEREAS, County Policy No. 1015 provides direction regarding its citizen advisory committees and states that the Planning Commission is required to consult annually with the County Board to seek concurrence regarding the topics they will study or on which they will advise the County Board; and

WHEREAS, the County Board has identified topics for 2023, including the preparation of plans for natural resources, parks, greenways, and transportation; and

WHEREAS, the 2023 Planning Commission Work Plan is consistent with County Board projects.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the 2023 Planning Commission Work Plan as presented to the Physical Development Committee of the Whole on November 29, 2022.

This item was approved and recommended for action by the Board of Commissioners on 12/13/2022.

4.4 Planning Commission Update

Motion: Mary Hamann-Roland

Second: Mike Slavik

Information only; no action requested

4.5 Authorization Of Resolution Of Support For 2022 Minnesota Department Of Transportation Active Transportation Funding Applications

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the Minnesota Department of Transportation (MnDOT) is requesting funding application submittals for funding under the Active Transportation (AT) program; and

WHEREAS, the AT program funds up to 100 percent of project construction costs; and

WHEREAS, funding application submittals are due December 30, 2022; and

WHEREAS, all projects proposed are consistent with the adopted Dakota County Pedestrian and Bicycle study as well as the Dakota County Pedestrian Crossing Safety Assessment; and

WHEREAS, applications to the AT program require a full resolution of support from the sponsoring agency.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board hereby supports the submittal of 2022 Minnesota Department of Transportation Active Transportation program applications for the following projects:

1. County Project 97-217, Pedestrian Crossing Safety Enhancements
2. County Project 56-14, Concord Boulevard Pedestrian and Bicycle Improvements

This item was approved and recommended for action by the Board of Commissioners on 12/13/2022.

4.6 Authorization To Execute Agreement With Minnesota Pollution Control Agency For Household Hazardous Waste Program And Execute Agreement With PaintCare Inc.

Motion: Mary Hamann-Roland

Second: Mike Slavik

WHEREAS, the Dakota County Board of Commissioners wishes to participate in the statewide household hazardous waste (HHW) program to further the goals of protecting public health and the environment; and

WHEREAS, Minn. Stat. § 115A.96 allows Metropolitan HHW programs to be administered by a public entity through an agreement with the Minnesota Pollution Control Agency (MPCA); and

WHEREAS, Minn. Stat. § 115A.1415 requires paint producers to implement a product stewardship program for architectural paint in Minnesota; and

WHEREAS, paint producers created PaintCare Inc., a non-profit organization, to administer and implement paint product stewardship programs across the country; and

WHEREAS, PaintCare Inc.'s product stewardship program went into effect in Minnesota on November 1, 2014, with a per-can fee on architectural paint sold; and

WHEREAS, funds collected by PaintCare Inc. are used to reimburse counties for costs associated with managing and the transportation of architectural paint collected at The Recycling Zone, at events, and for paint taken by the public for reuse; and

WHEREAS, staff recommends execution of an Agreement with the MPCA for HHW Program operations; and

WHEREAS, to participate in the product stewardship program, Minnesota counties must enter into an Agreement with PaintCare Inc. that addresses indemnification rights and obligations, insurance coverage, spill reporting, and the right for PaintCare to inspect county HHW facilities and records related to paint reimbursement.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Environmental Resources Department Director to execute an agreement between Dakota County and the Minnesota Pollution Control Agency to operate the Dakota County Household Hazardous Waste Program, as substantially presented to the Physical Development Committee of the Whole on November 29, 2022, and subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners

hereby authorizes the Environmental Resources Department Director to execute an agreement with Dakota County and PaintCare Inc. to address indemnification, insurance coverage, and reimbursement to Dakota County for costs associated with managing and transportation of architectural paint, as substantially presented to the Physical Development Committee of the Whole on November 29, 2022, and 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 12/13/2022.

5. Regular Agenda

5.1 Authorization To Execute Host Fee Agreements For Burnsville Sanitary Landfill, Burnsville Dem/Con Landfill, Pine Bend Sanitary Landfill, Dawnway Demolition Landfill, And SKB Environmental

Motion: Mary Hamann-Roland

Second: Kathleen A. Gaylord

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

Information related to the remaining airspace for each of the impacted landfills after the proposed five year Host Fee Agreements was requested. Staff will provide this information based on average disposal rates at each landfill and currently permitted landfill airspace. Several commissioners indicated that they would like to see a larger differential in fees for Mixed Municipal Solid Waste (MMSW) deposited at landfills in Dakota County that is generated outside of the County increase compared to waste generated within the county. The proposed agreements gradually increase out of county MMSW fees over the course of the agreement and results in a final differential of 33% by 2027. Staff will explore increasing that difference during the negotiation process for future Host Fee Agreements (2028-2032).

WHEREAS, Burnsville Sanitary Landfill, Inc., (BSLI) is the owner and operator of the Burnsville Sanitary Landfill, located in the city of Burnsville, which accepts solid waste for disposal; and

WHEREAS, Dakota County entered into five Host Fee Agreements with BSLI for payment of host fees in lieu of statutory surcharge fees on solid waste disposed of at the Burnsville Sanitary Landfill from 1997 through 2022; and

WHEREAS, the current Host Fee Agreement between Dakota County and BSLI expires on December 31, 2022; and

WHEREAS, BSLI and Dakota County have reached an agreement on the terms of a Host Fee Agreement that requires BSLI to pay Dakota County a host fee on solid waste disposed of at the Burnsville Sanitary Landfill from January 1, 2023, through December 31, 2027, in lieu of the surcharge fee provided for by Minn. Stat. § 115A.919; and

WHEREAS, BSLI is the owner and operator of the Burnsville Dem/Con Landfill, located in the city of Burnsville, which accepts solid waste for disposal; and

WHEREAS, Dakota County entered into five Host Fee Agreements with BSLI for the payment of host fees at the Burnsville Dem/Con Landfill from 1998 through 2022; and

WHEREAS, the current Host Fee Agreement between Dakota County and BSLI expires on December 31, 2022; and

WHEREAS, BSLI and Dakota County have reached an agreement on the terms of a Host Fee Agreement that requires BSLI to pay Dakota County a host fee on solid waste disposed at the Burnsville Dem/Con Landfill from January 1, 2023, through December 31, 2027, in lieu of the surcharge fee provided for by Minn. Stat. § 115A.919; and

WHEREAS, BFI Waste Systems of North America, LLC, (BFI) is the owner and operator of the Pine Bend Sanitary Landfill, located in the city of Inver Grove Heights, which accepts solid waste for disposal; and

WHEREAS, Dakota County entered into five Host Fee Agreements with BFI for payment of host fees in lieu of statutory surcharge fees on solid waste disposed of at the Pine Bend Sanitary Landfill from 1997 through 2022; and

WHEREAS, the current Host Fee Agreement between Dakota County and BFI expires on December 31, 2022; and

WHEREAS, BFI and Dakota County have reached an agreement on the terms of a Host Fee Agreement that requires BFI to pay Dakota County a host fee on solid waste disposed of at the Pine Bend Sanitary Landfill from January 1, 2023, through December 31, 2027, in lieu of the surcharge fee provided for by Minn. Stat. § 115A.919; and

WHEREAS, Frattalone's Dawnway, LLLP, (Frattalone) is the owner and operator of the Frattalone Dawnway Demolition Landfill, located in the Cities of Inver Grove Heights and South St. Paul, which accepts solid waste for disposal; and

WHEREAS, Dakota County entered into three host fee agreements with Frattalone for payment of host fees on waste disposed of in the Landfill from 2008 through 2022; and

WHEREAS, the current Host Fee Agreement between Dakota County and Frattalone expires on December 31, 2022; and

WHEREAS, Frattalone and Dakota County have reached an agreement on the terms of a host fee agreement that requires Frattalone to pay Dakota County a host fee on solid waste disposed at the Dawnway Demolition Landfill from January 1, 2023, through December 31, 2027, in lieu of the surcharge fee provided for by Minn. Stat. § 115A.919; and

WHEREAS, SKB Environmental, Inc., (SKB) is the owner and operator of the SKB Industrial Waste Landfill and SKB Demolition Landfill, located in the city of Rosemount, and SKB Rich Valley Demolition Landfill, located in the city of Inver Grove Heights, which accept solid waste for disposal; and

WHEREAS, Dakota County entered into five host fee agreements with SKB for payment of host fees on waste disposed of in the Landfills from 2000 through

2022; and

WHEREAS, the current Host Fee Agreement between Dakota County and SKB expires on December 31, 2022; and

WHEREAS, SKB and Dakota County have reached an agreement on the terms of a host fee agreement that requires SKB to pay Dakota County a host fee on solid waste disposed at the SKB Rosemount Industrial Waste, the SKB Rosemount Demolition Landfill, and the SKB Rich Valley Demolition Landfill from January 1, 2023, through December 31, 2027, in lieu of the surcharge fee provided for by Minn. Stat. § 115A.919.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the Host Fee Agreement between Dakota County and BSLI, as presented to the Physical Development Committee of the Whole on November 29, 2022, for waste disposed of in the Burnsville Sanitary Landfill during the period from January 1, 2023, through December 31, 2027, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the Host Fee Agreement between Dakota County and BSLI, as presented to the Physical Development Committee of the Whole on November 29, 2022, for waste disposed of in the Burnsville Dem/Con Landfill during the period from January 1, 2023, through December 31, 2027, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the Host Fee Agreement between Dakota County and BFI, as presented to the Physical Development Committee of the Whole on November 29, 2022, for waste disposed of in the Pine Bend Sanitary Landfill during the period from January 1, 2023, through December 31, 2027, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the Host Fee Agreement between Dakota County and Frattalone, as presented to the Physical Development Committee of the Whole on November 29, 2022, for waste disposed of in the Dawnway Demolition Landfill during the period from January 1, 2023, through December 31, 2027, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the Host Fee Agreement between Dakota County and SKB, as presented to the Physical

Development Committee of the Whole on November 29, 2022, for waste disposed of in the SKB Rosemount Industrial Waste, The SKB Rosemount Demolition Landfill, and the SKB Rich Valley Demolition Landfill during the period from January 1, 2023, through December 31, 2027, 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 12/13/2022.

Ayes: 6

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

Excused: 1

Commissioner Atkins

5.2 Update On Crisis And Recovery Center Project

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

Commissioners requested information on the return on investment (ROI) for the required energy efficiency elements of this project. Those elements are required because the State is administering the Federal dollars for the project. Commissioners also asked staff to review options to reduce the overall project cost.

The following staff members were present in the audience and also spoke to this item:

Evan Henspeter, Social Services Director
Emily Schug, Social Services Deputy Director

Information only; no action requested.

5.3 Update On Future Space Planning

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

Commissioners directed staff to reevaluate the use of space in the Farmington Extension and Conservation Center as well, and determine if those needs could be met in one or more of the Service Centers.

Additional ideas were discussed for the available space at Northern Service Center, such as, reducing the proposed Crisis Recovery Center Project building size by utilizing the available square footage as a drop in triage space or an actual treatment center.

Information only; no action requested.

6. Physical Development Director's Report

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

7. Adjournment

7.1 Adjournment

Motion: Kathleen A. Gaylord

Second: Mary Hamann-Roland

On a motion by Commissioner Kathleen Gaylord, seconded by Commissioner Mary Hamann-Roland, the meeting was adjourned at 11:56 a.m.

Ayes: 6

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

Excused: 1

Commissioner Atkins

Respectfully submitted,

Liz Hansen
Administrative Coordinator