



# Dakota County

## Board of Commissioners

### Agenda

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Tuesday, July 9, 2024

9:00 AM

Boardroom, Administration Center,  
Hastings, MN

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<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>

If you wish to speak to an agenda item or an item not on the agenda, please notify the Clerk to the Board via email at [CountyAdmin@co.dakota.mn.us](mailto:CountyAdmin@co.dakota.mn.us)  
Emails must be received by 7:30am on the day of the meeting.  
Instructions on how to participate will be sent to anyone interested.

1. **Call To Order And Roll Call**
2. **Pledge Of Allegiance**
3. **Audience**

Anyone wishing to address the County Board on an item not on the agenda, or an item on the consent agenda may notify the Clerk to the Board and instructions will be given to participate during the meeting. Comments can be sent to [CountyAdmin@co.dakota.mn.us](mailto:CountyAdmin@co.dakota.mn.us)  
Verbal Comments are limited to five minutes.

4. **Agenda**

- 4.1 Approval of Agenda (Additions/Corrections/Deletions)

#### CONSENT AGENDA

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

- 5.1 Approval of Minutes of Meeting Held on June 25, 2024 and Special Meetings June 24, 2025 and June 25, 2024

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

- 6.1 *Sheriff* - Authorization To Add 12 Full-Time Equivalent Positions Required To Staff Jail Integrative Health Unit

7. **County Board/County Administration**

- 7.1 *County Board* - Appointment To Dakota-Scott Workforce Development Board

**8. Community Services**

- 8.1** *Community Corrections* - Proclamation Of Pretrial, Probation, And Parole Supervision Week In Dakota County July 21-27, 2024

**9. Physical Development**

- 9.1** *Transportation* - Approval Of Final Plats Recommended By Plat Commission
- 9.2** *Transportation* - Authorization To Award And Execute Contract With McNamara Contracting, Inc. And Amend 2024 Transportation Capital Improvement Program Budget For 2024 Preservation Of Paved Trails And Facilities
- 9.3** *Transportation* - Authorization To Award And Execute Contract With New Look Contracting, Inc. For Signal Reconstruction At Pilot Knob Road And Corporate Center Drive In City Of Eagan, County Project 31-103
- 9.4** *Transportation* - Authorization To Execute Contract With Kimley-Horn and Associates, Inc. For Design And Right Of Way Services For Delaware Avenue Reconstruction And Butler Avenue Safe Routes To School Improvements In Mendota Heights And West St. Paul, County Projects 63-33 And 4-18
- 9.5** *Transportation* - Authorization To Award Bid And Execute Construction Contract With McNamara Contracting, Inc., And Execute Contract With SRF Consulting Group, Inc. For Construction Administration Services For Pedestrian Crossing Safety Improvements In Eagan And West St. Paul, County Project 97-217
- 9.6** *Parks, Facilities, and Fleet Management* - Authorization To Execute Agreement With Great River Energy On Veterans Memorial Greenway Bridge Over Highway 3 In Eagan, County Project P00147
- 9.7** *Parks, Facilities, and Fleet Management* - Proclamation Of July As Park And Recreation Month And Proclamation Of July 19, 2024 As Park And Recreation Professionals Day

**10. Public Safety**

- 10.1** *Sheriff* - Authorization To Add 1.0 Full-Time Equivalent Senior Program Services Assistant To Support Gun Permit Duties And Amend Sheriff's Office 2024 Budget

**11. Public Services and Revenue**

- 11.1** *Library* - Authorization To Accept Donation Of Statue
- 11.2** *Public Services and Revenue Administration* - Approval Of Application For Exempt Permit For Dakota County Agricultural Society To Hold Raffle

**REGULAR AGENDA****12. Enterprise Finance and Information Services**

- 12.1** *EFIS Administration* - Recognition Of Apple Valley City Administrator Tom Lawell As 2024 James F. Miller Leadership Award Winner

**13. Closed Executive Session**

- 13.1** *Office Of The County Manager* - Closed Executive Session: Discuss Legal Strategy On Opioid Drug Crisis And County Litigation Options In Multi-District Litigation

**14. Interagency Reports/Commissioner Updates**

Association of Minnesota Counties (AMC)  
Metropolitan Emergency Services Board  
Minnesota Inter-County Association (MICA)  
Metropolitan Mosquito Control District Commission  
National Association of Counties (NACo)  
Transportation Advisory Board (TAB)  
Vermillion River Watershed Joint Powers Board  
Workforce Development Board  
Others

**15. County Manager's Report****16. Information**

- 16.1** Information  
See Attachment for future Board meetings and other activities.

**17. Adjournment**

- 17.1** Adjournment

\* Designates items discussed in Board Committee(s)

**For more information, call 651-438-4417**

**Dakota County Board meeting agendas are available online at**

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**Public Comment can be sent to [CountyAdmin@co.dakota.mn.us](mailto:CountyAdmin@co.dakota.mn.us)**



# Board of Commissioners

## Request for Board Action

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<b>Item Number:</b> DC-3585	<b>Agenda #:</b> 4.1	<b>Meeting Date:</b> 7/9/2024
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Approval of Agenda (Additions/Corrections/Deletions)





# Board of Commissioners

## Request for Board Action

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<b>Item Number:</b> DC-3586	<b>Agenda #:</b> 5.1	<b>Meeting Date:</b> 7/9/2024
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Approval of Minutes of Meeting Held on June 25, 2024 and Special Meetings June 24, 2025 and June 25, 2024



# **Dakota County**

## **Board of Commissioners**

### **Minutes**

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**Monday, June 24, 2024**

**9:00 AM**

**Conference Room 3A, Administration  
Center, Hastings**

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**This was a Special County Board Meeting for the purpose of providing an orientation to the interview process and holding interviews for the vacant County Manager position.**

#### **1. Call To Order And Roll Call**

The special meeting was called to order by Chair Atkins at 9:00 a.m.

**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 Andy Benish, Employee Relations Director; Tom Donely, First Assistant County Attorney; and Jeni Reynolds, Sr. Administrative Coordinator to the Board. Interim County Manager Tom Novak, Management Consultant Bart Fischer and Employee Relations Manager Stacy Manka were present for the Orientation portion of the meeting. Intergovernmental Coordinator Nathan Hanson monitored the meeting remotely for recording purposes.

#### **2. Orientation**

Employee Relations Director Andy Benish and Interim County Manager Tom Novak gave an overview of the interview process. Discussion was held regarding interview questions and the interview process.

#### **3. Interviews for County Manager Position**

Interviews were held throughout the day with the following candidates; a break was taken over the lunch hour with an additional recess at 2:35 p.m., unanimously approved by all Commissioners. The special meeting was reconvened at 3:00 p.m. with all Board members present.

- 10:00 a.m. Georg Fischer (Physical Development Director - Dakota County)
- 11:00 a.m. Justin Miller (City Administrator - City of Lakeville)
- 1:00 p.m. David McKnight (Enterprise Finance and Information Services Director - Dakota County)
- 2:00 p.m. Scott Arneson (County Administrator - Goodhue County)
- 3:00 p.m. Heidi Welsch (County Administrator - Olmsted County)

This item was on the agenda for the purpose of holding interviews and no action was taken .

#### **4. Adjournment**

On a motion by Commissioner Hamann-Roland, seconded by Commissioner Halverson, the meeting was adjourned at 4:00 p.m.

Joe Atkins  
Chair

ATTEST

Tom Novak  
Interim County Manager



# Dakota County

## Board of Commissioners

### Minutes

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Tuesday, June 25, 2024

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 Tom Novak, Interim 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 Joe Atkins who welcomed everyone and opened the meeting with the Pledge of Allegiance.

#### 3. Audience

Chair Atkins noted that all public comments can be sent to [CountyAdmin@co.dakota.mn.us](mailto:CountyAdmin@co.dakota.mn.us). No comments were received for this agenda.

#### 4. Agenda

**4.1** Resolution No: 24-307  
Approval of Agenda (Additions/Corrections/Deletions)

Motion: Mike Slavik

Second: William Droste

Ayes: 7

#### CONSENT AGENDA

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

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

**5.1** Resolution No: 24-308  
Approval of Minutes of Meeting Held on June 4, 2024

Motion: Mary Hamann-Roland

Second: Laurie Halverson

Ayes: 7

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

**6.1 Resolution No: 24-309**

Authorization To Amend And Restate Agricultural Conservation Easement On Former Delores Gergen Property In Hampton Township

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, by Resolution No. 09-354 (July 21, 2009), the County Board directed staff to begin appraisals and negotiations to acquire permanent agricultural conservation easements on ten properties, including the 212.5-acre Delores Gergen property in Hampton Township; and

WHEREAS, by Resolution No. 10-352 (June 22, 2010), the County Board approved the expenditure of \$522,000 (\$290,000 of federal Farmland and Ranchland Protection Program funds and \$232,000 of County funds) to acquire a permanent 199.3-acre agricultural conservation easement (Easement) on the Delores Gergen property; and

WHEREAS, the Easement was acquired on January 13, 2011, and recorded on January 21, 2011, as Document No. 2780756; and

WHEREAS, the Stewardship Plan required by the Easement required 66 acres of cropland along Pine Creek be seeded with native species; and

WHEREAS, in June 2023, Ms. Gergen passed away, and her family sold the property to Paul Jr. and Lori Gergen, with their intention of then selling the property to their two sons and their spouses; and

WHEREAS, Paul Jr. and Lori Gergen have requested that the County consider allowing the subdivision of the property and the Easement, with Jason and Ashley Gergen owning the northern portion of the property (Property Identification Numbers 17-03400-02-010, 17-03400-01-010 and 17-02700-75-010) and Thomas and Jennifer Gergen owning the southern portion of the property (Property Identification Number 17-03400-76 -010); and

WHEREAS, areas of the southern portion of the property not included in the Easement would be further subdivided into four separate building sites for use of eligible building rights not acquired by the County through the Easement; and

WHEREAS, the Hampton Township Board approved the Paul Jr. and Lori Gergen property subdivision at its January 22, 2024, meeting; and

WHEREAS, Section 4.5 of the Easement allows subdivision of the Easement with written approval of the County; and

WHEREAS, staff from the federal Natural Resource Conservation Service (NRCS), which provided funding for the acquisition of the Easement, confirmed that the County does not require NRCS approval to allow the Easement to be subdivided; and

WHEREAS, the proposed property and Easement division is based on existing tax parcels and does not change the intent and requirements of the existing Easement; and

WHEREAS, Jason and Ashley Gergen have also expressed interest in converting additional cropland to wetland and upland habitat on the portion of the property they plan to acquire; and

WHEREAS, the existing Easement would be amended and restated with language aligning more closely with the most recent agricultural easements acquired by the County and reflecting the proposed division of ownership; and

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Board Chair to execute the amended and restated agricultural conservation easement on the former Delores Gergen property in Hampton Township to include separate ownership by Jason and Ashley Gergen (Property Identification Numbers 17-03400-02-010, 17-03400-01-010 and 17-02700-75-010) and Thomas and Jennifer Gergen (Property Identification Number 17-03400-76 -010) of property within the easement area and updated language while maintaining its original conservation intent, subject to approval by the County Attorney's Office as to form.

Ayes: 7

**6.2 Resolution No: 24-310**

Approval Of Right Of Way Acquisition And Authorization To Initiate Quick-Take Condemnation For Multiuse Trail Along County State Aid Highway 28 In City Of Inver Grove Heights, County Project 28-69

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 28-69; and

WHEREAS, CP 28-69 is the design and construction of multi-use trail and crossing improvements along County State Aid Highway (CSAH) 28 between Cahill Avenue and CSAH 56 which will complete an identified trail gap along the County highway system; and

WHEREAS, Dakota County is the lead agency for design, construction administration, and right of way acquisition necessary in 2024 for construction to begin in the summer of 2025; and

WHEREAS, the acquisition of temporary construction easements from four (4) private property parcels is necessary, as identified in Attachment: Acquisition

Map; and

WHEREAS, the acquisition of the following four (4) parcels is necessary to move forward with the project:

20-58500-04-070 - Marilyn Ramirez & Luis T. Ramirez - Parcel 11

A temporary easement for transportation purposes over, under, and across the West 15.00 feet of the South 5.00 feet of Lot 7, Block 4, Prairie View Addition, according to the recorded plat thereof, Dakota County, Minnesota.

Said temporary easement area contains approximately 75 square feet

20-58500-04-080 - Robert H. Brown & Corinne E. Brown - Parcel 12

A temporary easement for transportation purposes over, under, and across the South 10.00 feet of Lot 8, Block 4, Prairie View Addition, according to the recorded plat thereof, Dakota County, Minnesota.

Said temporary easement area contains approximately 850 square feet

20-58500-04-090 - Marilu Snodgrass & Eugene W. Brown - Parcel 13

A temporary easement for transportation purposes over, under, and across the South 10.00 feet of Lot 9, Block 4, Prairie View Addition, according to the recorded plat thereof, Dakota County, Minnesota.

Said temporary easement area contains approximately 1,285 square feet

CIC# 100 - Simley Lake Condominium Association Inc - Parcel 14

A temporary easement for transportation purposes over, under, and across the south 10.00 feet of Lot 2, Block 4, Simley Lake Addition, according to the recorded plat thereof, Dakota County, Minnesota, together with that part of said Lot 2 lying northerly of said south 10.00 feet and southerly of the following described line:

Commencing at the southwest corner of said Lot 2; thence North 5 degrees 40 minutes 36 seconds East, assumed bearing along the west line of said Lot 2 a distance of 15.09 feet to the point of beginning; thence southeasterly a distance of 45.00 feet along a nontangential curve concave to the southwest having a radius of 1338.24 feet, a central angle of 1 degree 55 minutes 36 seconds, a chord that bears South 77 degrees 05 minutes 19 seconds East, and a chord length of 45.00 feet; thence South 13 degrees 52 minutes 29 seconds West, not tangent to said curve, a distance of 5.00 feet to the north line of said south 10.00 feet and said line there terminating.

Said temporary easement area contains approximately 7,711 square feet  
; and

WHEREAS, the parcels have been appraised, and offers are being prepared for a total appraised value of \$24,450.00; and

WHEREAS, the 2024 Transportation Capital Improvement Program Budget includes sufficient funds for CP 28-69 right of way acquisition; and

WHEREAS, in the event that timely acquisition by direct negotiation of all required parcels does not appear possible, it is necessary for the County Board to authorize the County Attorney's Office to initiate quick-take condemnation of the remaining parcels to allow for a summer 2025 start date.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised values prepared by Valbridge Property Advisors for the acquisition of the right of way for County Project 28-69 and authorizes County staff in its discretion, to share the appraisal data with the respective landowners, including all or portions of the completed appraisals as part of the negotiations process; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of right of way for County Project 28-69 at the approved appraised values and, in accordance with County policy, authorizes payment from the 2024 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 of the remaining parcels to allow for a Summer 2025 start date in the event that timely acquisitions by direct negotiations of all parcels do not appear possible.

Ayes: 4

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

Nay: 3

Mike Slavik, Liz Workman, and Mary Liz Holberg

**6.3 Resolution No: 24-311**

Approval Of Right Of Way Acquisition And Authorization To Initiate Quick-Take Condemnation For Intersection Improvements On County State Aid Highway 56 (Concord Boulevard) In City Of Inver Grove Heights, County Project 56-14

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 56-14; and

WHEREAS, CP 56-14 is the design and construction of intersection, crossing safety, and accessibility improvements along CSAH 56 from Poplar Street to Coffman Avenue in the City of Inver Grove Heights; and

WHEREAS, Dakota County is the lead agency for design, construction administration, and right of way acquisition necessary in 2024 for construction to



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begin in the summer of 2025; and

WHEREAS, the acquisition of temporary and permanent easements from eight private property parcels is necessary, as identified in Attachment: Acquisition Maps; and

WHEREAS, the acquisition of the following eight (8) parcels is necessary to move forward with the project:

20-01400-54-014 - CF MH Skyline Fee, LLC - Parcel 1

A permanent easement for transportation purposes over, under, and across that part of the following described property:

That part of the Southwest Quarter of the Northwest Quarter, the Northwest Quarter of the Southwest Quarter, the Southwest Quarter of the Southwest Quarter and Government Lots 5, 6 and 7, Section 11, Township 27 North, Range 22 West, and that part of the Northwest Quarter of the Northwest Quarter and Government Lot 7, Section 14, Township 27 North, Range 22 West, all according to the Government Survey thereof, and described as follows: Commencing at the West Quarter corner of said Section 11; thence easterly, along the east-west center line of said Section 11, a distance of 740.52 feet to the center line of S.T.H. No. 56, said point being the actual point of beginning of the property to be described; thence North 6 degrees 50 minutes 28 seconds East (assuming the West line of the Southwest Quarter of said Section 11 has a bearing of North 0 degrees 01 minutes 00 seconds West), along said centerline, a distance of 439.74 feet to the South line of the North 2/3 of said Southwest Quarter of the Northwest Quarter; thence South 89 degrees 06 minutes 42 seconds East, along said south line of the North 2/3 and said line extended east, a distance of 551.88 feet; thence South 4 degrees 34 minutes 07 seconds East a distance of 413.27 feet thence North 89 degrees 44 minutes 32 seconds East a distance of 312.25 feet, thence south 10 degrees 10 minutes 17 seconds East a distance of 120.00 feet; thence North 89 degrees 44 minutes 32 seconds East a distance of 172.00 feet to the center line of County Road No. 77; thence South 10 degrees 10 minutes 17 seconds East, along the center line of County Road No. 77, a distance of 152.97 feet; thence southerly and southwesterly a distance of 710.49 feet, along the center line of County Road No. 77, on a tangential curve concave to the northwest, having a radius of 571.10 feet and a central angle of 71 degrees 16 minutes 46 seconds; thence South 61 degrees 06 minutes 29 seconds West, along the center line of County Road No. 77, tangent to said curve, a distance of 253.90 feet; thence South 59 degrees 41 minutes 28 seconds West, along the center line of County Road No. 77 a distance of 476.50 feet; thence South 59 degrees 41 minutes 28 seconds West, along the southwesterly production of the last course, a distance of 27.33 feet; thence southwesterly a distance of 152.26 feet, more or less, along a tangential curve, concave to the southeast, having a radius of 954.93 feet and a central angle of 9 degrees 08 minutes 09 seconds to the intersection with the south line of the Northwest Quarter of the Southwest Quarter of said Section 11; thence easterly, along said south line of the Northwest Quarter of the Southwest

Quarter, a distance of 788.80 feet; thence South 10 degrees 23 minutes 42 seconds East a distance of 511.52 feet; thence South 89 degrees 06 minutes 52 seconds East a distance of 529.00 feet; thence South 10 degrees 23 minutes 42 seconds East a distance of 1172.66 feet; thence southeasterly a distance of 93.73 feet, more or less, along a tangential curve concave to the northeast, having a radius of 5809.78 feet and a central angle of 0 degrees 55 minutes 28 seconds to the intersection with the south line of the North 430.00 feet of Government Lot 7 of said Section 14, as said line was established and marked by Judicial Landmarks set in District Court Case No. 54161, filed January 11, 1960; thence North 89 degrees 05 minutes 49 seconds West, along said line per District Court Case No. 54161 and said line produced, a distance of 2020.11 feet to the center line of County Road No. 77, said point being on a 278.78 foot radius, non-tangential curve concave to the Southwest, the center of circle of which bears South 74 degrees 59 minutes 19 seconds West from said point; thence northwesterly a distance of 145.54 feet, central angle of 29 degrees 54 minutes 43 seconds along said curve and along the center line of County Road No. 77 to the center line of S.T.H. No. 56; thence North 6 degrees 50 minutes 28 seconds East, along the center line of S.T.H. No. 56, a distance of 2948.62 feet, more or less, to the point of beginning;

EXCEPTING THEREFROM the following described parcel: Commencing at the southwest corner of Section 11, Township 27 North, Range 22 West; thence east, along the south line of said Section, a distance of 430.00 feet to the center line of S.T.H. No. 56; thence North 6 degrees 47 minutes East (assumed bearing) along said center line, a distance of 700.00 feet; thence South 83 degrees 13 minutes East a distance of 70.00 feet to the point of beginning of the property to be described thence continuing South 83 degrees 13 minutes East a distance of 200.00 feet; thence North 6 degrees 47 minutes East a distance of 216.50 feet; thence North 83 degrees 13 minutes West a distance of 200.00 feet; thence South 6 degrees 47 minutes West a distance of 216.50 feet to the point of beginning.

AND FURTHER EXCEPTING THEREFROM, the following described parcel: That part of the Southwest Quarter of the Southwest Quarter and Government Lot 5, Section 11, Township 27 North, Range 22 West, and that part of the Northwest Quarter of the Northwest Quarter and Government Lot 7, Section 14, Township 27 North, Range 22 West, all according to the Government Survey thereof, described as follows: Commencing at the southwest corner of said Section 11; thence East along the south line of said Section 11 a distance of 430.00 feet to the center line of S.T.H. No. 56; thence North 6 degrees 50 minutes 28 seconds East (assuming the West line of the Southwest Quarter of said Section 11 has a bearing of North 0 degrees 01 minutes 00 seconds West), along said center line of S.T.H. No. 56, a distance of 700.00 feet to the point of beginning of the property to be described; thence South 83 degrees 09 minutes 32 seconds East a distance of 270.00 feet; thence North 6 degrees 50 minutes 28 seconds East a distance of 216.50 feet; thence South 83 degrees 09 minutes 32 seconds East a distance of 300.00 feet; thence South 50 degrees 38 minutes 38 seconds East a distance of 670.88 feet; thence South 35 degrees 36 minutes

24 seconds East a distance of 889.23 feet; thence South 0 degrees 54 minutes 11 seconds west a distance of 150.00 feet to the intersection with the south line of the North 430.00 feet of Government Lot 7 of Section 14 as said line was established and marked by Judicial Landmarks set in District Court Case No. 54161, filed January 11, 1960; thence North 89 degrees 05 minutes 49 seconds West, along said south line of the North 430.00 feet, a distance of 1674.17 feet to the center line of County Road No. 77, said point being on a 278.78 foot radius, non-tangential curve concave to southwest, the center of circle of which bears South 74 degrees 59 minutes 19 seconds West from said point; thence northwesterly a distance of 145.54 feet, central angle of 29 degrees 54 minutes 43 seconds along said curve, and along the center line of County Road No. 77, to the center line of S.T.H. No. 56; thence North 6 degrees 50 minutes 28 seconds East, along said center line of S.T.H. No. 56, a distance of 1007.43 feet to the point of beginning.

Subject to the rights of the public in State Trunk Highway No. 56 (Concord Boulevard) and County Road No. 77 (a/k/a Dickman Trail).

Said permanent easement is described as follows:

Commencing at the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 11; thence South 89 degrees 44 minutes 25 seconds East, assumed bearing along the north line of said Southwest Quarter of the Southwest Quarter a distance of 633.23 feet to the easterly right of way line of County State Aid Highway No. 56 (formerly S.T.H. No. 56); thence South 06 degrees 12 minutes 53 seconds West along said easterly right of way line a distance of 26.31 feet to the southerly right of way line of Dickman Trail and the point of beginning; thence continuing South 06 degrees 12 minutes 53 seconds West along said easterly right of way line a distance of 54.54 feet; thence South 83 degrees 47 minutes 07 seconds East a distance of 5.00 feet; thence North 06 degrees 12 minutes 53 seconds East a distance of 55.00 feet to said southerly right of way line of Dickman Trail; thence westerly a distance of 5.02 feet along a non-tangential curve concave to the north having a radius of 688.45 feet, a central angle of 0 degrees 25 minutes 04 seconds, a chord that bears North 89 degrees 04 minutes 40 seconds West, and a chord distance of 5.02 feet to the point of beginning.

Said easement area contains approximately 274 square feet

A temporary easement for transportation purposes over, under, and across that part of the following described property:

That part of the Southwest Quarter of the Northwest Quarter, the Northwest Quarter of the Southwest Quarter, the Southwest Quarter of the Southwest Quarter and Government Lots 5, 6 and 7, Section 11, Township 27 North, Range 22 West, and that part of the Northwest Quarter of the Northwest Quarter and Government Lot 7, Section 14, Township 27 North, Range 22 West, all according to the Government Survey thereof, and described as follows: Commencing at the West Quarter corner of said Section 11; thence easterly,

along the east-west center line of said Section 11, a distance of 740.52 feet to the center line of S.T.H. No. 56, said point being the actual point of beginning of the property to be described; thence North 6 degrees 50 minutes 28 seconds East (assuming the West line of the Southwest Quarter of said Section 11 has a bearing of North 0 degrees 01 minutes 00 seconds West), along said centerline, a distance of 439.74 feet to the South line of the North 2/3 of said Southwest Quarter of the Northwest Quarter; thence South 89 degrees 06 minutes 42 seconds East, along said south line of the North 2/3 and said line extended east, a distance of 551.88 feet; thence South 4 degrees 34 minutes 07 seconds East a distance of 413.27 feet thence North 89 degrees 44 minutes 32 seconds East a distance of 312.25 feet, thence south 10 degrees 10 minutes 17 seconds East a distance of 120.00 feet; thence North 89 degrees 44 minutes 32 seconds East a distance of 172.00 feet to the center line of County Road No. 77; thence South 10 degrees 10 minutes 17 seconds East, along the center line of County Road No. 77, a distance of 152.97 feet; thence southerly and southwesterly a distance of 710.49 feet, along the center line of County Road No. 77, on a tangential curve concave to the northwest, having a radius of 571.10 feet and a central angle of 71 degrees 16 minutes 46 seconds; thence South 61 degrees 06 minutes 29 seconds West, along the center line of County Road No. 77, tangent to said curve, a distance of 253.90 feet; thence South 59 degrees 41 minutes 28 seconds West, along the center line of County Road No. 77 a distance of 476.50 feet; thence South 59 degrees 41 minutes 28 seconds West, along the southwesterly production of the last course, a distance of 27.33 feet; thence southwesterly a distance of 152.26 feet, more or less, along a tangential curve, concave to the southeast, having a radius of 954.93 feet and a central angle of 9 degrees 08 minutes 09 seconds to the intersection with the south line of the Northwest Quarter of the Southwest Quarter of said Section 11; thence easterly, along said south line of the Northwest Quarter of the Southwest Quarter, a distance of 788.80 feet; thence South 10 degrees 23 minutes 42 seconds East a distance of 511.52 feet; thence South 89 degrees 06 minutes 52 seconds East a distance of 529.00 feet; thence South 10 degrees 23 minutes 42 seconds East a distance of 1172.66 feet; thence southeasterly a distance of 93.73 feet, more or less, along a tangential curve concave to the northeast, having a radius of 5809.78 feet and a central angle of 0 degrees 55 minutes 28 seconds to the intersection with the south line of the North 430.00 feet of Government Lot 7 of said Section 14, as said line was established and marked by Judicial Landmarks set in District Court Case No. 54161, filed January 11, 1960; thence North 89 degrees 05 minutes 49 seconds West, along said line per District Court Case No. 54161 and said line produced, a distance of 2020.11 feet to the center line of County Road No. 77, said point being on a 278.78 foot radius, non-tangential curve concave to the Southwest, the center of circle of which bears South 74 degrees 59 minutes 19 seconds West from said point; thence northwesterly a distance of 145.54 feet, central angle of 29 degrees 54 minutes 43 seconds along said curve and along the center line of County Road No. 77 to the center line of S.T.H. No. 56; thence North 6 degrees 50 minutes 28 seconds East, along the center line of S.T.H. No. 56, a distance of 2948.62 feet, more or less, to the point of beginning;

EXCEPTING THEREFROM the following described parcel: Commencing at the southwest corner of Section 11, Township 27 North, Range 22 West; thence east, along the south line of said Section, a distance of 430.00 feet to the center line of S.T.H. No. 56; thence North 6 degrees 47 minutes East (assumed bearing) along said center line, a distance of 700.00 feet; thence South 83 degrees 13 minutes East a distance of 70.00 feet to the point of beginning of the property to be described thence continuing South 83 degrees 13 minutes East a distance of 200.00 feet; thence North 6 degrees 47 minutes East a distance of 216.50 feet; thence North 83 degrees 13 minutes West a distance of 200.00 feet; thence South 6 degrees 47 minutes West a distance of 216.50 feet to the point of beginning.

AND FURTHER EXCEPTING THEREFROM, the following described parcel: That part of the Southwest Quarter of the Southwest Quarter and Government Lot 5, Section 11, Township 27 North, Range 22 West, and that part of the Northwest Quarter of the Northwest Quarter and Government Lot 7, Section 14, Township 27 North, Range 22 West, all according to the Government Survey thereof, described as follows: Commencing at the southwest corner of said Section 11; thence East along the south line of said Section 11 a distance of 430.00 feet to the center line of S.T.H. No. 56; thence North 6 degrees 50 minutes 28 seconds East (assuming the West line of the Southwest Quarter of said Section 11 has a bearing of North 0 degrees 01 minutes 00 seconds West), along said center line of S.T.H. No. 56, a distance of 700.00 feet to the point of beginning of the property to be described; thence South 83 degrees 09 minutes 32 seconds East a distance of 270.00 feet; thence North 6 degrees 50 minutes 28 seconds East a distance of 216.50 feet; thence South 83 degrees 09 minutes 32 seconds East a distance of 300.00 feet; thence South 50 degrees 38 minutes 38 seconds East a distance of 670.88 feet; thence South 35 degrees 36 minutes 24 seconds East a distance of 889.23 feet; thence South 0 degrees 54 minutes 11 seconds west a distance of 150.00 feet to the intersection with the south line of the North 430.00 feet of Government Lot 7 of Section 14 as said line was established and marked by Judicial Landmarks set in District Court Case No. 54161, filed January 11, 1960; thence North 89 degrees 05 minutes 49 seconds West, along said south line of the North 430.00 feet, a distance of 1674.17 feet to the center line of County Road No. 77, said point being on a 278.78 foot radius, non-tangential curve concave to southwest, the center of circle of which bears South 74 degrees 59 minutes 19 seconds West from said point; thence northwesterly a distance of 145.54 feet, central angle of 29 degrees 54 minutes 43 seconds along said curve, and along the center line of County Road No. 77, to the center line of S.T.H. No. 56; thence North 6 degrees 50 minutes 28 seconds East, along said center line of S.T.H. No. 56, a distance of 1007.43 feet to the point of beginning.

Subject to the rights of the public in State Trunk Highway No. 56 (Concord Boulevard) and County Road No. 77 (a/k/a Dickman Trail).

Said temporary easement is described as follows:

Commencing at the northwest corner of the Southwest Quarter of the Southwest

Quarter of said Section 11; thence South 89 degrees 44 minutes 25 seconds East, assumed bearing along the north line of said Southwest Quarter of the Southwest Quarter a distance of 633.23 feet to the easterly right of way line of County State Aid Highway No. 56 (formerly S.T.H. No. 56); thence South 06 degrees 12 minutes 53 seconds West along said easterly right of way line a distance of 80.85 feet to the point of beginning; thence continuing South 06 degrees 12 minutes 53 seconds West along said easterly right of way line a distance of 35.00 feet; thence South 83 degrees 47 minutes 07 seconds East a distance of 5.00 feet; thence North 06 degrees 12 minutes 53 seconds East a distance of 35.00 feet; thence North 83 degrees 47 minutes 07 seconds West a distance of 5.00 feet to the point of beginning.

Also, a temporary easement lying southerly of the southerly right of way line of Dickman Trail and 6.00 feet easterly of and parallel to the following described line:

Commencing at the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 11; thence South 89 degrees 44 minutes 25 seconds East, assumed bearing along the north line of said Southwest Quarter of the Southwest Quarter a distance of 633.23 feet to the easterly right of way line of County State Aid Highway No. 56 (formerly S.T.H. No. 56); thence South 06 degrees 12 minutes 53 seconds West along said easterly right of way line a distance of 26.31 feet to the southerly right of way line of Dickman Trail; thence east along said southerly right of way line a distance of 5.02 feet along a non-tangential curve concave to the north having a radius of 688.45 feet, a central angle of 0 degrees 25 minutes 04 seconds, a chord that bears South 89 degrees 04 minutes 40 seconds East, and a chord length of 5.02 feet to the point of beginning of the line to be described; thence South 06 degrees 12 minutes 53 seconds West, not tangent to said curve, a distance of 55.00 feet and said line there terminating.

Also a temporary easement described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 11; thence South 89 degrees 44 minutes 22 seconds East, assumed bearing along the north line of said Southwest Quarter a distance of 791.09 feet to the easterly right of way line of County State Aid Highway No. 56 (formerly S.T.H. No. 56) and the point of beginning; thence North 06 degrees 12 minutes 53 seconds East along said easterly right of way line a distance of 53.40 feet; thence South 83 degrees 47 minutes 07 seconds East a distance of 20.00 feet; thence South 06 degrees 12 minutes 53 seconds West a distance of 94.57 feet; thence North 83 degrees 47 minutes 07 seconds West a distance of 20.00 feet to said easterly right of way line; thence North 06 degrees 12 minutes 53 seconds East along said easterly right of way line a distance of 41.17 feet to the point of beginning.

Said temporary easement areas contain approximately 2,398 square feet

20-01100-50-070 - Realty Income Properties 3, LLC. - Parcel 3

A temporary easement for transportation purposes over, under, and across that part of the following described property:

All that part of the North 1/3 of the N 1/2 of the SW 1/4, of Section 11, Township 27, Range 22, Dakota County, Minnesota, described as follows:

Commencing at a point on the North line of said North 1/3 of the North 1/2 of the Southwest 1/4 539.2 feet East from the West ¼ corner of said Section 11, this point being the beginning of this description, thence South at an angle of 90 degrees for 159.2 feet; thence East at an angle of 90 degrees 135.5 feet to the Westerly right of way line of State Highway No. 56 as now established; thence North 6 degrees East along said right of way line 163.9 feet to the North line of above tract; thence West on said north line 151 feet to the point of beginning. Containing 0.53 acres more or less and subject to the Street along the North line being 30 feet in width.

Said temporary easement lies southerly of the southerly right of way line of 75th Street East, southeasterly of a Highway Easement per Document No. 3212372 and lies northeasterly of the following described line:

Commencing at the northwest corner of the above described parcel; thence easterly along the north line of said parcel a distance of 58.51 feet to the point of beginning; thence deflecting to the right 17 degrees 32 minutes 40 seconds a distance of 100.00 and said line there terminating.

Said Easement Areas contain approximately 100 square feet

20-36500-23-130 - Corey J. Bozich - Parcel 4

A temporary easement for transportation purposes over, under, and across that part of Lot 12, Block 23, Inver Grove Factory Addition, according to the recorded plat thereof, Dakota County, Minnesota, lying westerly of Parcel 1 as shown on Dakota County Road Right of Way Map No. 295, according to the recorded map thereof, and easterly of the following described line:

Commencing at the southeast corner of said Lot 12; thence North 89 degrees 44 minutes 15 seconds West, assumed bearing along the south line of said Lot 12 a distance of 7.00 feet to the point of beginning of the line to be described; thence north a distance of 21.81 feet along a non-tangential curve concave to the west having a radius of 2018.05 feet, a central angle of 0 degrees 37 minutes 09 seconds, a chord that bears North 1 degree 24 minutes 26 seconds West, and a chord distance of 21.81 feet; thence North 88 degrees 16 minutes 59 seconds East a distance of 5.00 feet to the westerly line of said Parcel 1 and said line there terminating.

Said Temporary Easement Area contains approximately 109 square feet

36-45300-13-020 - Kent Douglas Bahner - Parcel 5

A permanent easement for transportation purposes over, under, and across that part of Lot 1, Block 13, Lincoln Park Addition, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

Beginning at the northeasterly corner of Parcel 86 as shown on Dakota County

Road Right of Way Map No. 295, according to the recorded map thereof; thence southeasterly along the easterly line of said Parcel 86 a distance of 5.00 feet; thence northeasterly a distance of 5.00 feet on a line parallel with the northwesterly line of said Lot 1; thence northwesterly a distance of 5.00 feet along a line parallel to the easterly line of said Parcel 86, to the northwesterly line of said Lot 1; thence southwesterly along the northwesterly line of said Lot 1 a distance of 5.00 feet to the northeasterly corner of said Parcel 86 and the point of beginning.

Said permanent easement area contains approximately 25 square feet

A temporary easement for transportation purposes over, under, and across that part of Lot 1, Block 13, Lincoln Park Addition, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

Commencing at the northeasterly corner of Parcel 86 as shown on Dakota County Road Right of Way Map No. 295, according to the recorded map thereof; thence southeasterly along the easterly line of said Parcel 86 a distance of 5.00 feet to the point of beginning; thence continuing southeasterly along said easterly line a distance of 25.00 feet; thence deflecting to the left 90 degrees a distance of 5.00 feet; thence deflecting to the left 90 degrees a distance of 25.00 feet; thence deflecting to the left 90 degrees 04 minutes 36 seconds a distance of 5.00 feet to the point of beginning.

Said temporary easement area contains approximately 125 square feet

36-45300-12-120 - Tabitha and Marjorie Sailer - Parcel 6

A permanent easement for transportation purposes over, under, and across that part of Lot 12, Block 12, Lincoln Park Addition, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

Beginning at the southeasterly corner of Parcel 85 as shown on Dakota County Road Right of Way Map No. 295, according to the recorded map thereof; thence North 19 degrees 28 minutes 56 seconds West, assumed bearing along the easterly line of said Parcel 85 a distance of 25.00 feet; thence North 70 degrees 26 minutes 28 seconds East a distance of 5.00 feet; thence South 19 degrees 28 minutes 56 seconds East a distance of 25.00 feet to the southerly line of said Lot 12; thence South 70 degrees 26 minutes 28 seconds West along said southerly line a distance of 5.00 feet to the southeasterly corner of Parcel 85 and the point of beginning.

Said permanent easement area contains approximately 125 square feet

36-45300-11-130 - Freeport Investments Inc. - Parcel 7

A temporary easement for transportation purposes over, under, and across that part of Lot 13, Block 11, Lincoln Park Addition, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:



Beginning at the southwesterly corner of Parcel 54 as shown on Dakota County Road Right of Way Map No. 295, according to the recorded map thereof; thence North 19 degrees 28 minutes 56 seconds West, assumed bearing along the westerly line of said Parcel 54 a distance of 10.00 feet; thence South 70 degrees 26 minutes 28 seconds West a distance of 5.00 feet; thence South 19 degrees 28 minutes 56 seconds East a distance of 10.00 feet to the southerly line of said Lot 13; thence North 70 degrees 26 minutes 28 seconds East along said southerly line a distance of 5.00 feet to the southwesterly corner of Parcel 54 and the point of beginning.

Said temporary easement area contains approximately 50 square feet

CIC #220 - Parcel 8

That part of Lot 73, Block 1, Ashwood Ponds 2nd Addition, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

Commencing at the most southeasterly corner of said Lot 73; thence South 56 degrees 09 minutes 17 seconds West, assumed bearing along the southeasterly line of said Lot 73 a distance of 211.63 feet to the point of beginning; thence continuing South 56 degrees 09 minutes 17 seconds West along said southeasterly line a distance of 44.80 feet to the most easterly corner of Outlot A, Ashwood Ponds 2nd Addition; thence North 33 degrees 50 minutes 42 seconds West along the easterly line of said Outlot A; thence northerly a distance of 3.00 feet along a tangential curve concave to the southwest having a radius of 614.00 feet and a central angle of 0 degrees 16 minutes 48 seconds; thence North 56 degrees 09 minutes 18 seconds East, not tangent to said curve, a distance of 5.01 feet; thence South 33 degrees 50 minutes 42 seconds East a distance of 28.92 feet; thence North 56 degrees 09 minutes 17 seconds East a distance of 39.80 feet; thence South 33 degrees 50 minutes 43 seconds East a distance of 10.00 feet to the point of beginning.

Also:

Commencing at the most southeasterly corner of said Lot 73; thence South 56 degrees 09 minutes 17 seconds West, assumed bearing along the southeasterly line of said Lot 73 a distance of 284.43 feet to the most southerly point of said Outlot A and the point of beginning; thence North 33 degrees 50 minutes 42 seconds West along the westerly line of said Outlot A a distance of 35.92 feet; thence northerly a distance of 3.00 feet along a tangential curve concave to the southwest having a radius of 586.00 feet and a central angle of 0 degrees 17 minutes 36 seconds; thence South 56 degrees 09 minutes 18 seconds West, not tangent to said curve, a distance of 4.99 feet; thence South 33 degrees 50 minutes 42 seconds East a distance of 28.92 feet; thence South 56 degrees 09 minutes 17 seconds West a distance of 29.20 feet; thence South 33 degrees 50 minutes 43 seconds East a distance of 10.00 feet to said southeasterly line of Lot 73; thence North 56 degrees 09 minutes 17 seconds East along said southeasterly line of Lot 73 a distance of 34.20 feet to said most southerly point of Outlot A and the point of beginning.

Said Easement Areas contain approximately 1,079 square feet

Two 5.00 foot wide temporary easements for construction purposes over, under, and across part of the following described property:

Outlot A, Ashwood Ponds 2nd Addition, according to the recorded plat thereof, Dakota County, Minnesota.

The first temporary easement being 5.00 feet northeasterly of and parallel and concentric to the following described line:

Beginning at the most southerly corner of said Outlot A, thence North 33 degrees 50 minutes 42 seconds West, assumed bearing along the westerly line of said Outlot A, a distance of 35.92 feet; thence northwesterly a distance of 3.00 feet along a tangential curve concave to the southwest having a radius of 586.00 feet and a central angle of 0 degrees 17 minutes 36 seconds and said line there terminating.

The second temporary easement being 5.00 feet southwesterly of and parallel and concentric to the following described line:

Beginning at the southeast corner of said Outlot A; thence North 33 degrees 50 minutes 42 seconds West, assumed bearing along the easterly line of said Outlot A, a distance of 35.92 feet; thence northwesterly a distance of 3.00 feet along a tangential curve concave to the southwest having a radius of 609.00 feet and an internal angle of 0 degrees 16 minutes 56 seconds and said line there terminating.

Said Easement Areas contain approximately 389 square feet

20-11858-00-020 - Arbor Pointe Association, INC. - Parcel 10

A temporary easement for construction purposes over, under, and across that part of Outlot B, Arbor Pointe 8th Addition, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

Commencing at the most northerly corner of said Outlot B; thence South 33 degrees 50 minutes 42 seconds East, assumed bearing along the easterly line of said Outlot B a distance of 15.00 feet to the point of beginning; thence continuing South 33 degrees 50 minutes 42 seconds East a distance of 20.00 feet; thence South 56 degrees 09 minutes 18 seconds West a distance of 5.00 feet; thence North 33 degrees 50 minutes 42 seconds West a distance of 20.00 feet; thence North 56 degrees 09 minutes 17 seconds East a distance of 5.00 feet to the point of beginning.

Said Easement Areas contain approximately 100 square feet  
; and

WHEREAS, the parcels have been appraised, and offers are being prepared for a total appraised value of \$65,450; and

WHEREAS, the 2024 Transportation Capital Improvement Program Budget includes sufficient funds for CP 56-14 right of way acquisition; and

WHEREAS, in the event that timely acquisition by direct negotiation of all required parcels does not appear possible, it is necessary for the County Board to authorize the County Attorney's office to initiate quick-take condemnation of the remaining parcels to allow for a summer 2025 start date.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised values prepared by Valbridge Property Advisors for the acquisition of the right of way for County Project 56-14 and authorizes County staff in its discretion to share the appraisal data with the respective landowners, including all or portions of the completed appraisals as part of the negotiations process; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of right of way for County Project 56-14 at the approved appraised values and, in accordance with County policy, authorizes payment from the 2024 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 of the remaining parcels to

Ayes: 4

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

Nay: 3

Mike Slavik, Liz Workman, and Mary Liz Holberg

**6.4** Resolution No: 24-312

Authorization to Amend Agreements For Preliminary Design, Right Of Way, Final Design, And Construction For I-35W Interchange With County State Aid Highway 42, County Project 42-164 In Burnsville

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, to promote a safe and efficient transportation system throughout Dakota County, the County is a major participant with the City of Burnsville and the Minnesota Department of Transportation (MnDOT) to implement County Project (CP) 42-164; and

WHEREAS, MnDOT awarded \$3,100,000 for the project under the Transportation Economic Development grant program; and

WHEREAS, preliminary engineering design work has been completed, with

previous cost-sharing estimates addressed in an executed Joint Powers Agreement, Contract No. DCA20150, for participation in preliminary design contract costs and estimated right-of-way costs; and

WHEREAS, the City of Burnsville and MnDOT are cooperating with the County on all stages of CP 42-164; and

WHEREAS, the City of Burnsville previously expended 2022 and 2023 grant funds from the Minnesota Department of Employment and Economic Development (DEED) to cover costs for preliminary engineering, reducing Dakota County's anticipated costs; and

WHEREAS, Dakota County Board Resolution No. 23-429 (September 26, 2023) approved a local cost share of Dakota County funds for 70 percent of net costs after the grant award to complete final engineering design, right of way, and construction, with City of Burnsville funds for 30 percent of the net costs, in accordance with adopted County Policy; and

WHEREAS, the project partners have determined a 1.74-acre parcel required for CP 42-164 right of way must be acquired in 2024 through condemnation to stay on schedule; and

WHEREAS, County and City staff have engaged in analysis of the anticipated 2024 cost shares based on appraised right-of-way costs, possible negotiated costs, and the City's plan to use \$415,000 in 2024 DEED funds for final right-of-way costs before the cost-share percentages; and

WHEREAS, planning has included the identification of a cost range for right of way considered reasonable for negotiations based on a completed appraisal and possible further negotiations.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes amending the previously completed Joint Powers Agreement for preliminary engineering, Contract No. DCA20150, to remove reference to right-of-way costs and supports consolidating anticipated 2024 right-of-way costs and the City of Burnsville 2024 Minnesota Department of Employment and Economic Development Grant amount into the Joint Powers Agreement for final engineering and construction costs, subject to approval by the County Attorney's Office as to form.

Ayes: 7

**6.5 Resolution No: 24-313**  
**Authorization To Execute Joint Powers Agreement With Goodhue County For Custodial And Reservations Services**

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, by Resolution No. 18-056 (January 23, 2018), the Dakota County Board of Commissioners adopted the Lake Byllesby Regional Park Master plan;

and

WHEREAS, this master plan project was coordinated with master planning for Byllesby Park in Goodhue County; and

WHEREAS, Goodhue County's Byllesby Park Master Plan was approved by the Goodhue County Board of Commissioners on December 7, 2017; and

WHEREAS, a picnic pavilion with restrooms was identified in the approved master plan. Goodhue County received a Greater MN Regional Parks and Trails Legacy Grant for Byllesby Park Pavilion Project; and

WHEREAS, the project included the construction of an improved picnic pavilion and modern restrooms; and

WHEREAS, due to their limited staff resources, Goodhue County requested Dakota County's support in providing daily custodial services and online reservations support to facilitate the operations of the new pavilion in Byllesby Park; and

WHEREAS, staff recommends providing these custodial and reservation services to Goodhue County per an agreed-upon scope of services as a pilot effort through the recommended term; and

WHEREAS, a joint staff team has developed a scope of services; and

WHEREAS, predominant terms include term duration, payment for services, pavilion revenue, and roles and responsibilities.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a joint powers agreement with the County of Goodhue for custodial and reservation services provided by Dakota County for the recently constructed Pavilion and restroom facilities located in Byllesby Park, Goodhue County, subject to approval by the County Attorney's Office as to form.

Ayes: 7

**6.6 Resolution No: 24-314**

Authorization To Submit Habitat Enhancement Landscape Program Competitive Grant Proposal, Execute Grant Agreement, And Amend Parks Capital Improvement Program Budget

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, the Board of Water and Soil Resources' Habitat Enhancement Landscape Program grant is focused on restoring and enhancing diverse native habitats on conservation lands and natural areas to address declining pollinators and other beneficial insects; and

WHEREAS, dramatic declines of bees, butterflies, dragonflies, fireflies, and other beneficial insects that support ecosystems and food systems have been raising significant alarm among scientists and conservation professionals both locally and globally; and

WHEREAS, Dakota County's application will focus on establishing targeted, high-diversity pollinator and beneficial insect habitats on parkland and private conservation easements; and

WHEREAS, the grant request of \$126,410 will be used to offset plant material and labor costs that would otherwise be paid for by County Environmental Legacy Fund dollars; and

WHEREAS, the minimum ten percent match of non-state funds is required; and

WHEREAS, the proposed County match (\$12,641) will be derived from a combination of staff grant administrative time, Natural Resources base budget, and the market value of plant plugs produced at Dakota County's greenhouse; and

WHEREAS, subject to Board of Water and Soil Resources award, the Parks Capital Improvement Project budget, including the grant funds and local match, would be considered for amendment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Manager to submit a Board of Water and Soil Resources Habitat Enhancement Landscape Program grant proposal for \$126,410 and, if awarded, execute a grant agreement with the Board of Water and Soil Resources; and

BE IT FURTHER RESOLVED, That the 2024 Parks Capital Improvement Program budget would be amended as follows, if awarded:

**Revenue**

HELP Grant Revenue	\$126,410 (Amount based on award)
ELF Funding	<u>(\$126,410)</u>
<b>Total Revenue</b>	<b>\$0</b>

Ayes: 7

**6.7 Resolution No: 24-315**

Authorization To Award Bid And Execute Contract With Northland Mechanical Contractors, Inc. For Lawshe Museum Roof Top Cooling Unit Replacement Project And Amend 2024 Facilities Capital Improvement Program Budget

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, the 2024 Facilities Capital Improvement Program (CIP) Adopted Budget authorized the Lawshe Museum Roof Top Cooling Unit Replacement Project; and

WHEREAS, bid document and specifications were prepared by County staff and EDI-Dolejs Inc.; and

WHEREAS, seven competitive bids were received on May 16, 2024; and

WHEREAS, Northland Mechanical Contractors, Inc. has submitted the low bid of \$132,700; and

WHEREAS, staff has reviewed the qualifications of the bidder and recommends award to Northland Mechanical Contractors, Inc. as the lowest responsive and responsible bidder in an amount not to exceed \$132,700 for the Lawshe Museum Roof Top Cooling Unit Replacement Project; and

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract for the Lawshe Museum Roof Top Cooling Unit Replacement Project to Northland Mechanical Contractors, Inc., 9001 Science Center Drive, New Hope, MN 55428, in an amount not to exceed \$132,700, subject to approval by the County Attorney's office as to form; and

BE IT FURTHER RESOLVED, That the 2024 Facilities Capital Improvement Program budget is hereby amended as follows:

**Expense**

Prior Project Savings (1001646)	(\$105,000)
Lawshe Museum Roof Top Cooling Unit Replacement Project (2000245)	<u>\$105,000</u>
<b>Total Expense</b>	<b>\$0</b>

**Revenue**

Prior Project Savings (1001646)	(\$105,000)
Lawshe Museum Roof Top Cooling Unit Replacement Project (2000245)	<u>\$105,000</u>
<b>Total Revenue</b>	<b>\$0</b>

Ayes: 7

**6.8 Resolution No: 24-316**

Authorization To Execute Joint Powers Agreement With City Of Apple Valley For North Creek Greenway Eastview Segment Feasibility Study

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, by Resolution No. 11-517 (October 18, 2011), the Dakota County Board of Commissioners adopted the North Creek Greenway Master Plan; and

WHEREAS, City of Apple (City) and County staff have identified a feasibility study needed to advance the Eastview segment of the corridor; and

WHEREAS, the proposed feasibility study will evaluate safe crossing designs of 147th and up to three alignment alternatives; and

WHEREAS, the proposed feasibility study will prepare 30 percent design and cost estimates for the recommended option; and

WHEREAS, the City will lead the project delivery, including management of the consulting engineering firm; and

WHEREAS, the total estimated cost of the study is \$100,000; and

WHEREAS, the County would contribute up to 85 percent and City up to 15 percent of total study costs; and

WHEREAS, sufficient revenues are available in the Greenway Collaborative set aside in the Adopted 2024 Parks Capital Improvement Program.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Manager, or their designee, to execute a joint powers agreement with the City of Apple Valley to fund the North Creek Greenway Eastview Segment Feasibility Study for the period July 1, 2024, through December 31, 2025, subject to approval by the County Attorney's Office as to form.

Ayes: 7

**6.9** Resolution No: 24-317

Authorization To Execute Intergovernmental Transfer Agreement With Minnesota Department Of Human Services For Shelter Services, Accept Funds, Execute A Contract For Shelter Services, And Amend 2024 Social Services Budget

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, Dakota County submitted a request in 2021 to DHS to consider, under the authority of Minn. Stat. 2561.05, subd. 1a (b), a cost-neutral transfer from the Housing Support fund to Dakota County to provide emergency shelter beds for people with disabilities experiencing homelessness; and

WHEREAS, the acceptance of the request permanently removed twenty-two Housing Support beds previously authorized for Dakota Woodlands from the Housing Support census; and

WHEREAS, by Resolution No. 21-581 (December 14, 2021), the Dakota County Board of Commissioners authorized an amendment to the Intergovernmental Transfer Agreement with DHS to add additional dollars and execute a contract with Dakota Woodlands for emergency shelter services; and

WHEREAS, staff recommends authorization to execute the Intergovernmental Transfer Agreement with DHS for shelter services in the amount of



\$940,513.78 for the period of July 1, 2024 through June 30, 2025, and accept future annual allocations from DHS through June 30, 2027; and

WHEREAS, staff also recommends executing a contract with Dakota Woodlands for emergency shelter services for a total not to exceed amount of \$375,275 for the period of July 1, 2024 through June 30, 2025.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners authorizes the Community Services Director to execute the Intergovernmental Transfer Agreement with the Minnesota Department of Human Services for funds in the amount of \$940,513.78 for the period of July 1, 2024 through June 30, 2025; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the Community Services Director to accept future annual allocations from the Department of Human Services through June 30, 2027, accept additional grant funds, consistent with County contracting policies, and inclusion of grant funds in future yearly Recommended and Approved Budgets, 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 Community Services Director to execute a contract with Dakota Woodlands for a not to exceed amount of \$375,275 for the period of July 1, 2024 through June 30, 2025; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, consistent with the amount budgeted, to alter the contract amount and the contract term up to one year after initial expiration date, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County to immediately terminate the contract in the event sufficient funds from county, state, or federal sources are not appropriated at a level sufficient to allow payment of the amount due; and

BE IT FURTHER RESOLVED, That the 2024 Social Services Budget is hereby amended as follows:

**Expense**

Shelter Services      \$470,257

**Total Expense      \$470,257**

**Revenue**

DHS Revenue      \$470,257

**Total Revenue      \$470,257**

Ayes: 7

**6.10 Resolution No: 24-318**

Authorization To Execute Contract With JEC Miller, Inc. For Scheduled Respite In Child Foster Residence Setting

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, JEC Miller, Inc. will be providing room, board, supervision, and support to youth ages 8-18 residing in the licensed Child Foster Residence Setting (CFRS); and

WHEREAS, the CFRS will serve youth with neurodevelopment disorders, mental health needs, and emotional or behavioral disorders; and

WHEREAS, for youth receiving respite, goals include:

- Provide relief and support to the caregiver
- Improve the child's functioning
- Decrease the use of long-term out-of-home placements and hospitalizations
- Increase safety and permanency
- Reduce family and parenting stress
- Provide access to activities and community that may not normally be present; and

WHEREAS, JEC Miller, Inc. will maintain a 245D license from the Minnesota Department of Human Services and provide services in compliance with Child Foster Care and CFRS as outlined in MN Rules and Statutes including but not limited to Minnesota Statutes Chapter 245D and 245A, and Minnesota Rules Chapter 2960; and

WHEREAS, solicitation for this service was completed in 2022; however, no providers responded; and

WHEREAS, the County then worked with JEC Miller, Inc. to develop this CFRS site and service model based on their expertise with the population and services; and

WHEREAS, staff is requesting authorization to execute a contract with JEC Miller, Inc. in an amount not to exceed \$500,000 from the date of execution through December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract for scheduled respite in a foster care setting with JEC Miller, Inc. in an amount not to exceed \$500,000 annually for the period from the date of contract execution 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 amend said contract, consistent with the amount budgeted, to alter the contract amount and the contract term up to one year after initial expiration date, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County to immediately terminate the contract in the event sufficient funds from county, state, or federal sources are not appropriated at a level sufficient to allow payment of the amounts due.

Ayes: 7

**6.11** Resolution No: 24-319

Authorization To Execute Joint Powers Agreements With Dakota County School Districts For School Wellness Projects Funded Through Minnesota Department Of Health Statewide Health Improvement Partnership Grant

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, pursuant to Minn. Stat. § 375A.04, the Dakota County Board of Commissioners is, and performs the duties and exercises the powers of, a community health board under Minn. Stat. ch. 145A, and is required to govern and administer those functions as fully as other Dakota County functions, including the responsibility to prevent disease and to promote and protect the public health of Dakota County residents; and

WHEREAS, Dakota County Public Health has over a decade of experience working with school districts located in Dakota County on school-based prevention interventions and initiatives and this work is funded by the Minnesota Department of Health (MDH) Statewide Health Improvement Partnership (SHIP) grant; and

WHEREAS, SHIP funding supports community-driven solutions to expand opportunities for active living, healthy food access, commercial tobacco-free living, and mental wellbeing; and

WHEREAS, these initiatives provide Dakota County's School Districts the opportunity and resources to enhance prevention efforts, and provide cost-effective, evidence-based best practices in chronic disease reduction via policy, systems, and environmental changes; and

WHEREAS, interventions are grounded in equity to ensure the initiative benefits all demographic groups with a priority focus on addressing barriers and ensuring safety for lower-income students, students of color and others facing significant disparities; and

WHEREAS, all ten school districts in Dakota County are provided an opportunity

to apply and opt-in to non-competitive funding to support internal wellness efforts for students and staff with applications due in fall 2024; and

WHEREAS, districts will have until October 31, 2025, to use the funding upon approval of initiatives; and

WHEREAS, under Minn. Stat. §471.59, subd.1, two or more governmental units may enter into an agreement to cooperatively exercise any power common to the contracting Parties, and one of the participating governmental units may exercise one of its powers on behalf of the other governmental units.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to enter into joint powers agreements with School Districts throughout Dakota County for school wellness projects for the term upon execution of the joint powers agreements through October 31, 2025, with a total not to exceed for each district as follows, subject to approval by the County Attorney's office as to form:

Special District 6	\$ 7,289
Independent School District (ISD) 191	\$13,048
ISD 192	\$ 8,639
ISD 194	\$11,257
ISD 195	\$ 3,779
ISD 196	\$12,575
ISD 197	\$ 8,909
ISD 199	\$10,691
ISD 200	\$ 6,119
Intermediate School District 917	\$ 7,694

Ayes: 7

**6.12 Resolution No: 24-320**

Ratification Of Application For Promising Practices Home Visiting Grant With Minnesota Department Of Health, And Authorization To Accept Grant Funds, Execute Grant Agreement, Add 1.6 Grant-Funded Full-Time Equivalents, And Amend 2024 Public Health Budget

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, pursuant to Minn. Stat. § 375A.04, the Dakota County Board of Commissioners is, and performs the duties and exercises the powers of, a community health board under Minn. Stat. ch. 145A, and is required to govern and administer those functions as fully as other Dakota County functions, including the responsibility to prevent disease and to promote and protect the public health of Dakota County residents; and

WHEREAS, in January of 2023, the Minnesota Department of Health (MDH)

released a Request for Proposal (RFP) for the Promising Practices Home Visiting (PPHV) grant; and

WHEREAS, the PPHV program will provide support for organizations to deliver community-driven non-model home visiting services to priority populations; and

WHEREAS, the priority population of this funding will be families within the perinatal period from the East African community; and

WHEREAS, this grant program will be flexible and allow for adaptability in response to the needs of families enrolled in the program; and

WHEREAS, the PPHV grant will be used to assist the Family Home Visiting (FHV) program to improve and promote parental and child health, enhance positive parenting practices, prevent child abuse and neglect, reduce crime and intimate partner violence, promote child development, connect families to needed resources and supports, and increase family economic self-sufficiency; and

WHEREAS, on February 21, 2023, Public Health was notified and requested to respond to the MDH RFP; and

WHEREAS, the department applied for a two-year grant in the amount of up to \$250,000 per year; and

WHEREAS, Dakota County was notified they did not receive the grant award in April 2023; and

WHEREAS, in December 2023, Public Health was notified by MDH that they were awarded the funds as requested in the original grant application; and

WHEREAS, staff worked with MDH to update budget, workplan, and grant agreements, and was provided a new start grant period of July 1, 2024 through June 30, 2028; and

WHEREAS, funding will be determined annually for this four-year grant and is expected to remain stable; and

WHEREAS, the PPHV grant will fund a total of 1.6 new, grant-funded full-time equivalents (FTE)s: 0.8 FTE health educator and 0.8 FTE Public Health Nurse.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the application submitted to the Minnesota Department of Health for the Promising Practices Home Visiting Grant; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to accept grant funds in the amount of up to \$250,000 per year, effective July 1, 2024 through June 30,

2028; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute the grant agreement, 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 extend the grant term up to two years after initial expiration date, accept additional grant funds, and continue grant-funded full-time equivalents, consistent with County contracting policies, and inclusion of grant funds in future yearly Recommended and Approved Budgets, 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 Community Services Director to add 1.6 grant-funded, full-time equivalent positions; and

BE IT FURTHER RESOLVED, That the 2024 Public Health Budget is hereby amended as follows:

**Expense**

1.6 full-time equivalents	\$190,009
Program services	<u>\$ 59,991</u>
<b>Total Expense</b>	<b>\$250,000</b>

**Revenue**

Program Revenue	<u>\$250,000</u>
<b>Total Revenue</b>	<b>\$250,000</b>

Ayes: 7

**6.13** Resolution No: 24-321

Authorization To Adopt Annual Work Plan For Board Appointed Opioid Response Advisory Committee

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, the Dakota County Opioid Response Committee (ORAC) was established as a Board appointed committee in October 2023; and

WHEREAS, the Dakota County ORAC supports the development of a comprehensive and effective countywide response to the opioid crisis; and

WHEREAS, the Dakota County ORAC provides recommendations to the County Board on the use of Opioid Settlement Funds for external projects and initiatives; and

WHEREAS, Dakota County policy 1015 requires that Board appointed committees must consult at least annually with the County Board Committees of the Whole to seek direction on the topics on which they will advise the County Board (annual work plan) to ensure that the committee's work complements the County mission and goals; and

WHEREAS, Dakota County policy 1015 requires periodic committee reports be scheduled on the appropriate County Board committee or board meeting agendas; and

WHEREAS, in 2023, Public Health surveyed community members and partners on opioid response strategies to address the current crisis; and

WHEREAS, the Dakota County ORAC has developed a one-year work plan that complements the County mission and goals and focuses on ORAC's mission of advising the County Board on the use of community designated opioid settlement funds; and

WHEREAS, upon Board approval of the 2024 work plan, ORAC will work towards accomplishing its goals as outlined in the work plan and keep the Board informed of its progress.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the adoption of the 2024 annual work plan for the Dakota County Opioid Response Advisory Committee.

Ayes: 7

**6.14** Resolution No: 24-322

Authorization To Accept Substance Misuse And Suicide Prevention Coalition Grant Funds, Add 1.0 Grant-Funded Full-Time Equivalent, Execute Grant Agreement And Amend 2024 Public Health Budget

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, pursuant to Minn. Stat. § 375A.04, the Dakota County Board of Commissioners is, and performs the duties and exercises the powers of, a community health board under Minn. Stat. ch. 145A, and is required to govern and administer those functions as fully as other Dakota County functions, including the responsibility to prevent disease and to promote and protect the public health of Dakota County residents; and

WHEREAS, the Minnesota Department of Health Injury and Violence Prevention Section released a Request for Proposal (RFP) to create or sustain community-based substance misuse and suicide prevention coalitions in Minnesota; and

WHEREAS, the multi-sector coalitions will serve the needs of Minnesotans at risk of substance misuse and suicide, with a specific focus on youth; and

WHEREAS, by Resolution No. 24-099 (February 27, 2024), the Dakota County Board of Commissioners authorized submitting an application for the Substance Misuse and Suicide Prevention Coalition grant ("Grant"); and

WHEREAS, this Grant would give the county the capacity to coordinate a multi-sector coalition that will develop a plan to address shared risk and protective factors for substance misuse and suicidal experiences; and

WHEREAS, it aligns with the objectives of multiple Public Health programs and initiatives, providing an opportunity for greater internal and community alignment; and

WHEREAS, the 2020-2024 Community Health Improvement Plan (CHIP) outlines Public Health's long-standing commitment to addressing adult mental health and youth suicide ideation in Dakota County; and

WHEREAS, the 2023 Community Health Assessment has continued to identify substance use and mental health as top priorities for the community; and

WHEREAS, the 2025-2028 CHIP plans to address substance use and mental health and integrate concepts from the recently launched MAPP 2.0 framework; and

WHEREAS, this strategic approach allows staff to delve into the root causes of these priority outcomes that have been identified by the community; and

WHEREAS, Public Health's response would include the utilization of Shared Risk and Protective Factor frameworks, enabling staff to mobilize action on these root causes and address multiple health outcomes in a systemic and equitable manner; and

WHEREAS, Dakota County Public Health, alongside various local community coalitions, will utilize this funding to create a sustainable infrastructure to maximize efforts in the areas of youth mental health and substance use and enhance community capacity through collective impact; and

WHEREAS, in addition to the outlined activities, the Grant requires a 1.0 full-time equivalent to lead the coordination of the coalition and comprehensive substance misuse and suicide prevention efforts within the defined community; and

WHEREAS, the estimated grant start date is June 1, 2024, and the projected end date is May 31, 2028; and

WHEREAS, staff received the requested award maximum of \$125,000 per year for the grant period of four years.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of



Commissioners hereby authorizes the Community Services Director to accept Substance Misuse and Suicide Prevention Coalition grant funds in the amount of \$125,000 per year, effective June 1, 2024 through May 31, 2028; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute the grant agreement, 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 extend the grant term up to two years after initial expiration date, accept additional grant funds, and continue grant-funded full-time equivalents, consistent with County contracting policies, and inclusion of grant funds in future yearly Recommended and Approved Budgets, 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 Community Services Director to add a 1.0 grant-funded full-time equivalent; and

BE IT FURTHER RESOLVED, That the 2024 Public Health Budget is hereby amended as follows:

**Expense**

Staff Expense	\$120,500
Program Expense	<u>\$ 4,500</u>
<b>Total Expenses</b>	<b>\$125,000</b>

**Revenue**

Program Revenue	<u>\$125,000</u>
<b>Total Revenue</b>	<b>\$125,000</b>

Ayes: 7

**6.15 Resolution No: 24-323**

Authorization To Execute Contract With ByWater Business Solutions LLC For Print To Mail Services

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, Dakota County Community Services prints and mails over 60,000 packets per year, using multiple printing devices that require ongoing, on call maintenance and parts servicing; and

WHEREAS, Dakota County Employment & Economic Assistance (E&EA) previously housed and utilized an inserter machine that collates, folds and stuffs envelopes for print to mail requests, which has since malfunctioned, requiring staff to manually process envelopes daily; and

WHEREAS, the mail pieces range from single page envelopes to large multi-packet packages with a wide range of postage fees; and

WHEREAS, a print to mail solution in Community Services is highly needed because a manual process is difficult to maintain and scale with current resources and increased print to mail needs; and

WHEREAS, ByWater Business Solutions LLC provides print to mail outsourcing services, which include 700 packets per day of standard sized envelopes; and

WHEREAS, contracting with ByWater Business Solutions LLC for print to mail services will save Dakota County Community Services over \$100,000 in staff time and material costs annually; and

WHEREAS, E&EA would like to pilot print to mail services with ByWater Business Solutions LLC by executing a contract from the date of contract execution through December 31, 2025, in an amount not to exceed \$450,000; and

WHEREAS, the period of contract execution through December 31, 2025, would be a pilot program that will temporarily alleviate the urgent need for this service while E&EA simultaneously issues a solicitation for this service.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners authorizes the Community Services Director to execute a contract with ByWater Business Solutions LLC for print to mail services for the period of contract execution through December 31, 2025, in an amount not to exceed \$450,000; and

BE IT FURTHER RESOLVED, That the contract will include language that allows for early termination with a thirty-day notice by either party; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract, consistent with the amount budgeted, to alter the contract amount and the contract term up to one year after initial expiration date, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the contract shall contain a provision that allows the County to immediately terminate the contract in the event sufficient funds from county, state, or federal sources are not appropriated at a level sufficient to allow payment of the amount due.

Ayes: 7

## **7. County Board/County Administration**

**7.1** Resolution No: 24-324  
Designation Of Voting For 2024 National Association Of Counties Annual Business Meeting

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, the annual National Association of Counties (NACo) conference is being held in Hillsborough County, Florida, July 12-15, 2024; and

WHEREAS, Dakota County has paid its membership dues and has at least one paid registrant for the conference and is, therefore, eligible to participate in the Associations' annual election of officers and policy adoption, according to NACo bylaws.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby designates the following individual(s) as voting delegates for the 2024 NACo annual conference:

Designated Delegate - Commissioner Slavik  
; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the president of the Association of Minnesota Counties to pick up Dakota County's ballot and cast votes in the event that the ballot is not picked up by the County's delegate or alternate.

Ayes: 7

**7.2** Resolution No: 24-325  
Appointments To Dakota-Scott Workforce Development Board

Motion: Mary Hamann-Roland

Second: Laurie Halverson

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints/reappoints the following individuals to the Dakota-Scott Workforce Development Board to fill a two-year term ending June 30, 2026.

Private - Holly Oppegard  
Private - Ashley Halvorson  
Private - Joel Akason  
Private - Darren Kermes  
Private - Sally Haack  
Private - Kristin Ridley  
Private - Jeffrey Rainey  
Private - Michael Forbord  
Private - Jennifer Harmening  
Public-Econ. Development - Jo Foust  
Public-Education - Michael Berndt  
Public-Labor - Barry Davies

Ayes: 7

**7.3** Resolution No: 24-326  
Recognition Of Diversity Celebration And Awareness Month In Dakota County

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, the County endeavors to maintain a workplace that is welcoming of diversity and a workforce that is culturally competent and reflective of the County population that we serve; and

WHEREAS, Diversity Celebration and Awareness Months are an opportunity for the County to recognize the important history and contributions of the County's diverse residents and employees; and

WHEREAS, many County efforts help create a welcoming, inclusive, and accessible work environment for diverse Dakota County employees and their allies, as well as equip all employees to provide excellent public service to all residents.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recognizes the recommended Diversity Celebration and Awareness Months and the contributions made by our diverse residents and employees of Dakota County.

Ayes: 7

**8. Enterprise Finance and Information Services**

**8.1** Report On Invoices Paid In May 2024

Information only; no action requested.

**9. Physical Development**

**9.1** Resolution No: 24-327  
Authorization To Execute Maintenance Agreement And Access Easement With City Of Hastings For Law Enforcement Center Integrative Health Unit Addition Stormwater Facilities

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, the 2022 Building Capital Improvement Program (CIP) Adopted Budget authorized the Law Enforcement Center Integrative Health Unit Addition project; and

WHEREAS, the design of the Law Enforcement Center Integrative Health Unit Addition was authorized by Resolution No. 23-168 (April 25, 2023); and

WHEREAS, the City of Hastings also authorized the design of the Law Enforcement Center Integrative Health Unit Addition through City actions taken in 2023; and

WHEREAS, the project design allows for engineered stormwater facilities to actively manage the rainfall onto the site as it then discharges to the City of

Hastings stormwater sewer system; and

WHEREAS, the Stormwater Facilities Agreement outlines the maintenance procedures of these facilities on the site; and

WHEREAS, the Stormwater Easement Agreement will allow for the City of Hastings to come onto this part of the Law Enforcement Center site to complete maintenance inspections; and

WHEREAS, County and City staff believe the terms of these agreements are in the best interest of both parties and request to execute them formally with the County Board's approval.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a maintenance agreement and an access easement for the new stormwater facilities under construction now as part of the Law Enforcement Center (LEC) Integrative Health Unit addition, subject to approval by the County Attorney's office as to form.

Ayes: 7

**9.2 Resolution No: 24-328**

Authorization To Accept Local Road Improvement Program Grant Agreement Funds From Minnesota Department Of Transportation For Roundabout At Intersection Of County State Aid Highway 46 And County State Aid Highway 85 In Nininger And Vermillion Townships, County Project 46-057

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 46-057; and

WHEREAS, CP 46-057 is the construction of a roundabout at the intersection of County State Aid Highway (CSAH) 46 (160th Street East) and CSAH 85 (Goodwin Avenue) in Nininger and Vermillion Townships; and

WHEREAS, Dakota County is the lead agency for CP 46-057; and

WHEREAS, by Resolution No. 23-540 (November 28, 2023), the County Board authorized staff to submit for grant funds to the 2023 Local Road Improvement Program (LRIP) for CP 46-057 and authorized the Physical Development Director to accept grant funds and execute necessary grant agreement; and

WHEREAS, the Commissioner of Transportation has given notice that LRIP funding for this project is available; and

WHEREAS, by Resolution No. 24-272 (May 21, 2024), the County Board authorized the County Manager to amend the 2024 Capital Improvement Program Adopted Budget; and

WHEREAS, the amount of the grant will be determined to be \$1,500,000 by reason of the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, That Dakota County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.52, and will fund any additional amount by which the cost exceeds the estimate and will return to the Local Road Improvement Fund any amount appropriated for the project but not required; and

BE IT FURTHER RESOLVED, That the proper county officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

Ayes: 7

**9.3** Resolution No: 24-329  
Approval Of Final Plats Recommended By Plat Commission

Motion: Mary Hamann-Roland

Second: Laurie Halverson

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:

AMBER FIELDS EIGHTEENTH ADDITION  
VERMILLION COMMONS 4TH ADDITION

Rosemount  
Farmington

Ayes: 7

**9.4** Resolution No: 24-330  
Authorization To Enter Into Grant Agreement With Minnesota Department Of Transportation For State-Funded Township Bridge Replacement Projects, County Project 97-144 Located In Hampton And Douglas Townships And County Project 97-164 Located in Marshan Township

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, to provide a safe and efficient transportation system, substandard bridges on the County Road and township road networks are replaced; and

WHEREAS, bridge L3285 and bridge L3249 were identified and included in the 2022 Transportation Capital Improvement Program (CIP) as bridge replacement projects; and

WHEREAS, Dakota County is the lead agency and recipient of the State funds to assist townships in replacing the substandard bridges; and

WHEREAS, the replacement cost of bridge L3285 on Inga Avenue is estimated at \$654,000 and bridge L3249 is estimated at \$380,000; and

WHEREAS, the State-funded Town Bridge Account balance is \$417,000 resulting in an estimated shortfall of approximately \$617,000 for the construction of the two bridges; and

WHEREAS, a grant agreement with the Minnesota Department of Transportation (MnDOT) is necessary to receive the required funds necessary to construct township bridges L3285 and 3249; and

WHEREAS, MnDOT, on behalf of the County and townships, will be seeking the additional funds necessary to cover the current budget shortfall of \$617,000; and

WHEREAS, County Project 97-144 and 97-164 will not be advertised for construction until all necessary funds are secured; and

WHEREAS, staff recommends authorization to enter into a grant agreement with the Minnesota Department of Transportation and the acceptance of funds to replace bridge L3285 located on Inga Avenue in Hampton and Douglas Townships, County Project (CP) 97-144, and bridge L3249 located on 205th Street in Marshan Township, CP 97-164; and

WHEREAS, Dakota County will facilitate the bridge replacement projects, CP 97-144 and CP 97-164, utilizing Township cost-shares, the State-funded Town bridge account, and other State funds once the Town bridge account gets depleted in conjunction with the approved Minnesota Department of Natural Resources grant.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a grant agreement with the Minnesota Department of Transportation for replacing bridge L3285, County Project 97-144 and bridge L3249, County Project 97-164, subject to approval by the County Attorney's Office as to form.

Ayes: 7

**9.5** Resolution No: 24-331  
Approval Of Amendment To Dakota County Emergency Solutions Grant Program

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, three types of substantial amendments to the Emergency Solutions Grant (ESG) Program are permissible by the US Housing and Urban Development Department: 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, the Dakota County Community Development Agency (CDA) administers the ESG funds on behalf of Dakota County; and

WHEREAS, the Scott-Carver-Dakota Community Action Partnership Agency requests a substantial amendment to the Dakota County 2022 ESG Program to create the Homelessness Prevention activity and fund it with a budget of \$10,000; and

WHEREAS, public notice of the substantial amendment was placed in the *Star Tribune* on May 25, 2024, and on the CDA website, in accordance with the approved Citizen Participation Plan process, and no public comments were received on the proposed amendment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the substantial amendments to the Dakota County 2022 Emergency Solutions Grant Program.

Ayes: 7

**10. Public Services and Revenue**

**10.1** Resolution No: 24-332  
Acceptance Of Gifts To Dakota County Library

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, pursuant to Policy 1570 Gift Acceptance and adopted Donation Plan (Resolution No. 24-101, February 27, 2024), the Dakota County Board of Commissioners delegated to the County Manager or their designee, the Dakota County Library Advisory Committee, the authority to accept gifts of personal property up to \$1,500 in value for public library purposes; and

WHEREAS, the Dakota County Board of Commissioners must approve and accept gifts to County libraries with a value greater than \$1,500; and

WHEREAS, these donations will greatly enrich the capacity of Dakota County Library to offer valuable materials and programs to customers; and

WHEREAS, the Dakota County Library Advisory Committee supports



acceptance of these gifts.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts \$3,025 from Friends of Wescott Library for STEM programming; and

BE IT FURTHER RESOLVED, That the adopted 2024 budget be amended as follows:

**Revenue**

Wescott Gifts            \$3,025

**Total Revenue        \$3,025**

**Expense**

Wescott Gifts            \$3,025

**Total Expense        \$3,025**

Ayes: 7

**10.2** Resolution No: 24-333

Approval Of Intoxicating Liquor Consumption And Display (Set Up) Permit For United Steel Workers, Local 662

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, the United Steel Workers, Local 662 has submitted to the Commissioner of Public Safety an application for an on-business-premises intoxicating liquor Consumption and Display (Set Up) Permit for the period of April 1, 2024 through March 31, 2025; and

WHEREAS, pursuant to Minn. Stat. §340A.414, a Consumption and Display Permit issued by the Commissioner of Public Safety is not effective until approved by the local government where the establishment is located; and

WHEREAS, the United Steel Workers, Local 662 businesses premises is located in Vermillion Township in Dakota County; and

WHEREAS, the County Attorney and County Sheriff have reviewed the application and find that the applicant is eligible to receive a permit.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following application for an on premises intoxicating liquor Consumption and Display permit for the period of April 1, 2024 through March 31, 2025, and recommends issuance of the permit by the State Alcohol and Gambling Enforcement Division upon payment of the proper fees:

Vermillion Township

United Steelworkers, Local 662        \$277.00    Consumption and Display (Set Up) Permit

Ayes: 7

**10.3** Resolution No: 24-334

Approval Of Application To Conduct Excluded Bingo For Farmington Lions Club

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, off-site gambling permits are issued by the Minnesota Gambling Control Board; and

WHEREAS, the Minnesota Gambling Control Board requires County approval of an application when the gambling premises are located in a township; and

WHEREAS, an application to conduct excluded bingo during the Dakota County Fair from August 5-11, 2024 at Dakota County Fairgrounds in Castle Rock Township has been submitted by the Farmington Lions Club; and

WHEREAS, Castle Rock Township reviewed the application on April 22, 2024; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed gambling activity.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from Farmington Lions Club to conduct excluded bingo activities during the Dakota County Fair from August 5-11, 2024 at the Dakota County Fairgrounds in Castle Rock Township.

Ayes: 7

**10.4** Resolution No: 24-335

Approval Of Application For Exempt Permit For Minnesota Paint Horse Association To Hold Raffle

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, gambling licenses are issued by the Minnesota Gambling Control Board; and

WHEREAS, the Minnesota Gambling Control Board requires County approval of an application when the gambling premises are located in a township; and

WHEREAS, as application for an Exempt Permit to hold a raffle at Simon's Arena in Randolph Township has been submitted by the Minnesota Paint Horse Association; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed gambling activity.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from the Minnesota Paint

Horse Association to hold an Exempt Permit for a raffle at Simon's Arena in Randolph Township on July 27, 2024.

Ayes: 7

**10.5** Resolution No: 24-336

Approval Of Application For Off-Site Gambling For Lakeville Lions

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, off-site gambling permits are issued by the Minnesota Gambling Control Board; and

WHEREAS, the Minnesota Gambling Control Board requires County approval of an application when the gambling premises are located in a township; and

WHEREAS, an application to conduct off-site gambling at Dakota County Fairgrounds in Castle Rock Township from August 5-11, 2024 has been submitted by the Lakeville Lions; and

WHEREAS, Castle Rock Township approved the application on June 11, 2024; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed gambling activity.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from Lakeville Lions to conduct off-site gambling activities at the Dakota County Fairgrounds in Castle Rock Township from August 5-11, 2024.

Ayes: 7

**10.6** Resolution No: 24-337

Approval Of Application For Temporary Intoxicating On-Sale Liquor License During Dakota County Fair For Dakota County Agricultural Society, Inc.

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, an application was received from the Dakota County Agricultural Society, Inc. for a 7-day temporary on-sale intoxicating liquor license for the Dakota County Fair held August 5-11, 2024 at the Dakota County Fairgrounds in Castle Rock Township; and

WHEREAS, Castle Rock Township approved the application on June 11, 2024; and

WHEREAS, the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division will not issue a 7-day temporary on-sale intoxicating liquor license for the agricultural society for sales during the county fair without prior approval by the County Board.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from the Dakota County Agricultural Society, Inc. for a 7-day temporary on-sale intoxicating liquor license from August 5-11, 2024 during the Dakota County Fair held at the Dakota County Fairgrounds in Castle Rock Township; and

BE IT FURTHER RESOLVED, That the Public Services and Revenue Division is authorized to approve the application and upon payment of the proper fees, submit it to the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division to issue the license.

Ayes: 7

**10.7** Resolution No: 24-338  
Scheduling Of Public Meeting To Hear Comments On Classification Of  
Tax-Forfeited Properties As Non-Conservation

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, Minn. Stat. § 282.01 Subd. 1 requires the County Board to hold a public meeting regarding the classification of tax-forfeited property as conservation or non-conservation; and

WHEREAS, notice of the public meeting date must be mailed, delivered, or made available electronically at least 60, but no more than 90, days before the meeting date and published at least 30 days before the public meeting in a newspaper of general circulation in the County; and

WHEREAS, the public meeting will be added to the agenda of the regularly scheduled meeting.

NOW, THEREFORE, BE IT RESOVLED, That the Dakota County Board of Commissioners hereby schedules a public meeting for September 10, 2024, at 9:00 a.m. in the Boardroom, Administration Center, 1590 Highway 55 Hastings, MN 55033, to receive comments regarding the classification of tax-forfeited property as conservation or non-conservation; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby directs the staff to mail notices to interested parties, adjacent owners, municipalities, and County Departments, as well as post on the County's website and publish notice of the public hearing in a newspaper of general circulation and list tax-forfeited properties being classified by dates necessary to comply with Minn. Stat. § 282.01 Subd. 1.

Ayes: 7

**10.8** Resolution No: 24-339  
Authorization To Participate In Proposed Class Action Settlement, Sharon  
Sporleder v. State Of Minnesota

Motion: Mary Hamann-Roland

Second: Laurie Halverson

WHEREAS, the United States Supreme Court determined that Minnesota's tax-forfeiture law was unconstitutional, reasoning that it allowed the State to take real property from its owner without providing just compensation; and

WHEREAS, the parties agreed to settle wherein the State would create a settlement fund and the legislature would revise the tax forfeiture law to ensure it was constitutional; and

WHEREAS, on May 17, 2024, the State modified the tax forfeiture law and signed the settlement into law; and

WHEREAS, the State created a \$109 million fund from which claimants could seek compensation; and

WHEREAS, Dakota County Property Taxation & Records Department seek approval for Dakota County to participate in the settlement; and

WHEREAS, Dakota County Property Taxation & Records Department expects most, if not all, counties to participate in the settlement.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorize Dakota County to participate in the settlement and authorize Interim County Manager to execute any documents required to effectuate the settlement, including any required settlement agreement in the Sporleder lawsuit.

Ayes: 7

## **REGULAR AGENDA**

### **11. Physical Development**

#### **11.1 Resolution No: 24-340**

Authorization To Acquire Schwamb Property In Miesville Ravine Park Reserve

Motion: Mike Slavik

Second: Laurie Halverson

Senior Project Manager for Parks, Lisa West briefed this item and responded to questions. Property owners Peter and Linda Schwamb were in attendance and provided brief comments to the Board in favor of the purchase agreement for the County to acquire their property.

WHEREAS, Peter and Linda Schwamb (Schwamb) own a five-acre property located within Miesville Ravine Park Reserve (MRPR) in Douglas Township; and

WHEREAS, the acquisition of this property would provide important access to the northern portion of MRPR; and

WHEREAS, County staff has been meeting with the Schwamb's for many years to explore acquisition options and timing, should the Schwamb's decide to move

from the property; and

WHEREAS, an independent appraiser was contracted to appraise the Schwamb property; and

WHEREAS, during the appraisal process, it was determined that the portion of the long driveway located on two adjoining properties was never recorded; and

WHEREAS, the County Attorney's Office reviewed the driveway access issue and determined that the Schwamb's have prescriptive rights to use the driveway on the two adjoining properties, and those rights would transfer to the County, if the driveway is not used for open public access; and

WHEREAS, the appraisal was completed, reviewed, and approved by County staff; and

WHEREAS, a sale of a property with an occupied residence requires relocation expenses be offered to the property owner; and

WHEREAS, the Schwambs agreed to sell the property for \$20,000 more than the \$420,000 appraised value in exchange for their willingness to waive relocation expenses, resulting in net savings for the County; and

WHEREAS, the estimated closing costs are \$3,500; and

WHEREAS, the Physical Development Director (PDD) is required to sign the purchase agreement (PA) to acquire the Schwamb property; and

WHEREAS, the Schwamb property acquisition is eligible for a 75 percent Acquisition Opportunity Fund (AOF) grant through the Metropolitan Council (MC) and;

WHEREAS, an AOF grant can be submitted to the MC after a PA is signed by the PDD and the Schwamb; and

WHEREAS, if the County is awarded an AOF grant by the MC for the Schwamb property, the Chair of the County Board of Commissioners is required to sign an Agreement and Restrictive Covenant with the MC; and

WHEREAS, there are adequate County AOF matching funds in the approved 2024 Parks Capital Improvement Program budget for the proposed acquisition; and

WHEREAS, the final acquisition costs of the property will be determined after the settlement statement is 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 \$443,500 to acquire the Peter and Linda Schwamb property, including \$440,000 for acquisition and \$3,500 in estimated closing costs; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a purchase agreement with Peter and Linda Schwamb's to acquire their property, 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 staff to submit an Acquisition Opportunity Fund grant request to the Metropolitan Council to receive up to 75 percent of the Schwamb property acquisition costs; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Board Chair to execute an Agreement and Restrictive Covenant with the Metropolitan Council, which is required by the Metropolitan Council as part of an Acquisition Opportunity Fund grant agreement; and

BE IT FURTHER RESOLVED, That following the acquisition of the Schwamb property, staff will submit the necessary forms and documentation to the Metropolitan Council to receive approximately \$332,625 of reimbursement funds that will be returned to the 2024 Parks Capital Improvement Program.

Ayes: 7

## **12. Interagency Reports/Commissioner Updates**

Interagency reports and Commissioner updates were presented.

## **13. County Manager's Report**

Interim County Manager Tom Novak shared that the Association of Minnesota Counties and Minnesota Inter-County Association will be on the agenda on July 9, 2024 to provide an update. Additional staff provided updates on how the recent rainfalls have impacted park/trail closings (Niki Geisler), the Byllesby Dam (Cole Johnson) and County roads (Todd Howard).

## **14. Information**

### **14.1 Information**

See Attachment for future Board meetings and other activities.

## **15. Adjournment**

### **15.1 Resolution No: 24-341 Adjournment**

Motion: Mary Hamann-Roland

Second: William Droste

On a motion by Commissioner Hamann-Roland, seconded by Commissioner Droste, the meeting was adjourned at 9:37 a.m.

Ayes: 7

Joe Atkins  
Chair

ATTEST

Tom Novak  
Interim County Manager





# Dakota County

## Board of Commissioners

### Minutes

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Tuesday, June 25, 2024

1:30 PM

Conference Room 3A, Administration  
Center, Hastings

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**Special County Board Meeting for the purpose of holding discussion and providing direction on potential recommendations of finalists for the vacant County Manager position.**

#### 1. Call To Order And Roll Call

The special meeting was called to order by Chair Atkins at 9:00 a.m.

**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 Interim County Manager Tom Novak, Management; Tom Donely, First Assistant County Attorney; and Jeni Reynolds, Sr. Administrative Coordinator to the Board.

#### 2. County Board/County Administration

##### 2.1 Resolution No: 24-342

Selection Of Candidates For County Manager Second Interviews, Scheduling Of County Board Workshop And County Board Special Meeting

Motion: Mary Hamann-Roland

Second: Laurie Halverson

Employee Relations Director Andy Benish and Consultant Bart Fischer led this discussion and responded to questions. Commissioners provided feedback on the interview process and candidates. Discussion included how many candidates to call back for second interviews and how to proceed with second interview questions. A motion and second was made on the following language:

WHEREAS, Dakota County has obtained the enactment of special legislation authorizing the Dakota County Board of Commissioners to adopt a modified county manager form of government, in Minnesota Laws, 2014, Chapter 167; and

WHEREAS, under the County Manager form of government the administrative and executive powers of the County Board are assigned by law to the County

Manager; and

WHEREAS, the recent County manager retired in May 2024 and the County has conducted an extensive search and interview process to select a successor County Manager; and

WHEREAS, the search process has identified qualified candidates for the position of Dakota County Manager; and

WHEREAS, the County Board greatly appreciates the participation of all candidates in the application and interview process.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby selects Heidi Welsch and Justin Miller as the preferred candidates for the County Manger position; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby schedules a special County Board meeting on July 9, 2024 at 1:30 p.m., Conference Room 3A, Administration Center, Hastings for the purpose of interviewing selected candidates; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby schedules a Board Workshop on July 8, 2024 at 2:30 p.m., Conference Room L139, Western Service Center, Apple Valley for the purpose of preparing for the interviews for the vacant County Manager position.

Ayes: 6

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

Nay: 1

Mary Liz Holberg

### **3. Adjournment**

#### **3.1 Adjournment**

On a motion by Commissioner Workman, seconded by Commissioner Hamann-Roland, the meeting was unanimously adjourned at 3:18 p.m.

Joe Atkins  
Chair

ATTEST

Tom Novak  
Interim County Manager



# Board of Commissioners

## Request for Board Action

Item Number: DC-3402

Agenda #: 6.1

Meeting Date: 7/9/2024

**DEPARTMENT:** Sheriff

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Add 12 Full-Time Equivalent Positions Required To Staff Jail Integrative Health Unit**

### RESOLUTION

WHEREAS, the Sheriff is mandated to provide care of those in custody per Minnesota Administrative Rules 2911.5800, and Minn. Stat. § 641.15; and

WHEREAS, in 2020, the Dakota County Dakota County's Office of Planning and Analysis completed a jail needs assessment and recommended the addition of the 28-bed Integrative Health Unit to address the medical and mental health needs of inmates; and

WHEREAS, the Dakota County Board of Commissioners approved the construction of the Integrative Health Unit which is scheduled for completion in the first quarter of 2025; and

WHEREAS, the Minnesota Department of Corrections and the Dakota County Office of Planning and Analysis conducted a staffing need assessment for the new unit and determined that it would require an additional 12 Full-Time Equivalent (FTE) Correctional Deputies; and

WHEREAS, the Sheriff identified an alternative and less costly approach to staff the new unit utilizing 11.0 FTE, grade 105 to backfill existing Correctional Deputy administrative and non-inmate contact duties; and

WHEREAS, the Sheriff is requesting 12.0 FTE consisting of 11.0 FTE in grade 105 and 1.0 FTE Correctional Deputy in grade 106 to fulfill the requirement and begin hiring and training staff in the anticipation of the Integrative Health Unit; and

WHEREAS, the costs associated with the new positions in 2024 will be covered by the Sheriff's budget savings at a zero net cost to the county in 2024.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Sheriff is hereby authorized to add 12.0 Full-Time Equivalent (FTE) positions, consisting of 11.0 FTE in grade 105, and 1.0 FTE in grade 106, to begin the process of staffing the jail's Integrative Health Unit that is anticipated to open in the first quarter of 2025, with the cost associated with the new positions in 2024 to be covered by the Sheriff's budget savings.



# Board of Commissioners

## Request for Board Action

Item Number: DC-3580

Agenda #: 7.1

Meeting Date: 7/9/2024

**DEPARTMENT:** Office of the County Manager

**FILE TYPE:** Consent Action

**TITLE**

**Appointment To Dakota-Scott Workforce Development Board**

**PURPOSE/ACTION REQUESTED**

Appoint individual to fill vacant term.

**SUMMARY**

The Dakota-Scott Workforce Development Board provides guidance for and exercises oversight with respect to activities for the CareerForce Centers in Dakota County and Scott County.

Membership: 27 Dakota and Scott County members representing the public and private sectors

Meetings: Monthly

Location: Northern Service Center, West St. Paul

Term: 2 years

Term Limit: None

Current Membership:	District	Name	Expiration
	Private	Oppegard, Holly	6/30/2026
	Private	Crakes. Stacy	6/30/2025
	Private	Howard, Andrew	6/30/2025
	Private	Halvorson, Ashley	6/30/2026
	Private	Akason, Joel	6/30/2026
	Private	Kermes, Darren	6/30/2026
	Private	Haack, Sally	6/30/2026
	Private	Ridley, Kristin	6/30/2026
	Private	Rainey, Jeffrey	6/30/2026
	<b>Private</b>	Bloomquist, Angela	6/30/2025
	Private	Forbord, Michael	6/30/2026
	Private	Francis, James	6/30/2025
	Private	Bassett, Ronnie	6/30/2025
	Private	Harmening, Jennifer	6/30/2026
	Private	Woodward, Erin	6/30/2025
	Public-Community Based	Carver, Chrissie	6/30/2025
	Public-Community Based	Martagon, Rick	6/30/2025
	Public-Econ. Development	Faust, Jo	6/30/2026
	<b>Public-Education</b>	<b>VACANT</b>	<b>6/30/2026</b>
	Public-Education	Berndt, Michael	6/30/2026
	Public-Education	Lind, Eric	6/30/2025
	<b>Public-Apprentice</b>	<b>VACANT</b>	<b>6/30/2026</b>
	Public-Labor	Davies, Barry	6/30/2026
	Public-Labor	Sloan, Jim	6/30/2025
	Public-Public Assistance	Dahl, Barbara	6/30/2025
	Public-Public Employment	Yanda, Michael	6/30/2025
	Public-Rehabilitation	Felderman, Heather	6/30/2025

## RECOMMENDATION

Staff recommends the Board appoint an interested individual for a private term.

## EXPLANATION OF FISCAL/FTE IMPACTS

- ☒ None      ☐ Current budget      ☐ Other  
☐ Amendment Requested      ☐ New FTE(s) requested

## RESOLUTION

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individual to the Dakota-Scott Workforce Development Board to fill a two-year term ending June 30, 2026.

Public Education - Michael Favor

## PREVIOUS BOARD ACTION

None.

## ATTACHMENTS

Attachment: Application(s) distributed to Board only.

## BOARD GOALS

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

## CONTACT

Department Head: Tom Novak

Author: Jeni Reynolds



# Board of Commissioners

## Request for Board Action

Item Number: DC-3551

Agenda #: 8.1

Meeting Date: 7/9/2024

**DEPARTMENT:** Community Corrections

**FILE TYPE:** Consent Action

### TITLE

**Proclamation Of Pretrial, Probation, And Parole Supervision Week In Dakota County July 21-27, 2024**

### PURPOSE/ACTION REQUESTED

Proclaim the week of July 21-27, 2024, Pretrial, Probation, and Parole Supervision Week in Dakota County.

### SUMMARY

Every year on the third full calendar week of July, National Pretrial, Probation, and Parole Supervision Week is celebrated to recognize the hard work of people involved in community corrections. The week honors all community corrections workers across the country who spend their days working to improve outcomes both for the individual they supervise and for the public safety of our communities.

Probation officers are an essential part of the criminal justice system, and they uphold the law with dignity, while recognizing the right of the public to be safeguarded from criminal activity. Probation officers are responsible for supervising adults and juveniles in the community. They are trained professionals who provide services and referrals to clients, by working in partnership with community agencies and groups, and promoting prevention, intervention, and advocacy on behalf of the clients they supervise.

They provide services, support, and protection for victims, and advocate community and restorative justice, and are a true force for positive change in Dakota County.

### OUTCOMES

In 2023 our Probation Officers:

- Served 10,160 individuals through juvenile and adult probation.
- Served 277 youth at the Juvenile Service Center.
- Facilitated 317 cognitive behavior therapy groups.
- Conducted 15,011 office/community/home visits.
- Completed 967 pre-sentence investigations.

### RECOMMENDATION

To honor and recognize probation officers for their service and dedication to serving our Dakota County residents, staff recommends the Dakota County Board of Commissioners recognize National

Pretrial, Probation, and Parole Supervision Week on July 21-27, 2024.

**EXPLANATION OF FISCAL/FTE IMPACTS**

None.

- |  |   |                                |
|--|---|--------------------------------|
| <input checked="" type="checkbox"/> None     | <input type="checkbox"/> Current budget       | <input type="checkbox"/> Other |
| <input type="checkbox"/> Amendment Requested | <input type="checkbox"/> New FTE(s) requested |                                |

**RESOLUTION**

WHEREAS, every year on the third full calendar week of July, Pretrial, Probation, and Parole Supervision Week is celebrated to recognize the hard work of people involved in community corrections; and

WHEREAS, Pretrial, Probation, and Parole Supervision Week honors all community corrections workers across the country who spend their days working to improve outcomes both for the individual they are supervising and for the public safety of our communities; and

WHEREAS, probation officers are an essential part of the criminal justice system, upholding the law with dignity, while recognizing the right of the public to be safeguarded from criminal activity; and

WHEREAS, probation officers are responsible for supervising adults and juveniles in the community; and

WHEREAS, they are trained professionals who provide services and referrals to clients, by working in partnership with community agencies and groups and promoting prevention, intervention, and advocacy on behalf of the clients they supervise; and

WHEREAS, probation officers provide services, support, and protection for victims, and advocate community and restorative justice; and

WHEREAS, probation officers are a true force for positive change in Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby proclaims July 21-27, 2024, as National Pretrial, Probation, and Parole Supervision Week in Dakota County, honoring and recognizing probation officers for their service and dedication to caring for and improving the wellbeing of Dakota County residents.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

None.

**BOARD GOALS**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> A Great Place to Live         | <input type="checkbox"/> A Healthy Environment        |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input type="checkbox"/> Excellence in Public Service |

**CONTACTS**

Department Head: Suwana Kirkland

Author: Danielle McNamara





# Board of Commissioners

## Request for Board Action

Item Number: DC-3513

Agenda #: 9.1

Meeting Date: 7/9/2024

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Approval Of Final Plats Recommended By Plat Commission**

### PURPOSE/ACTION REQUESTED

Approve final plats contiguous to County Roads as recommended by the Plat Commission.

### SUMMARY

To provide for the orderly development of property in Dakota County, new subdivisions adjoining County highways are reviewed under the Dakota County Contiguous Plat Ordinance No. 108. The Ordinance requires new subdivisions adjoining County highways to comply with the County's access spacing and right of way guidelines in order that existing and future highway corridors are preserved to accommodate existing and forecasted traffic volumes safely and efficiently.

The Plat Commission examines plats prior to the time they are submitted for County Board approval. The Plat Commission has reviewed and recommends approval of the final plats by the County Board. The final plat approval by the County Board is subject to the conditions established by the Plat Commission review (Attachments: Meeting Notes and Location Maps).

### RECOMMENDATION

Staff recommends approval of the final plats by the County Board as recommended by the Plat Commission.

### EXPLANATION OF FISCAL/FTE IMPACTS

- ☒ None ☐ Current budget ☐ Other  
☐ Amendment Requested ☐ New FTE(s) requested

### RESOLUTION

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:

PLEASANT DRIVE ADDITION

Hastings

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: Meeting Notes

Attachment: Location Map

**BOARD GOALS**

☒ A Great Place to Live

☐ A Successful Place for Business and Jobs

☐ A Healthy Environment

☐ Excellence in Public Service

**CONTACT**

Department Head: Erin Laberee

Author: Todd Tollefson

## DAKOTA COUNTY PLAT COMMISSION MEETING SUMMARY

June 5, 2024

The Plat Commission meeting began at 1:30pm via Teams. Members present included: Todd Tollefson, Scott Peters, Kurt Chatfield, Jake Chapek, and Tom Bowlin. Other staff present: Todd Bentley.

<b>Plat Name:</b>	<b>PLEASANT DRIVE ADDITION</b>
<b>PID:</b>	<b>190320082011</b>
<b>City:</b>	<b>Hastings</b>
County Road:	CSAH 46 (160 <sup>th</sup> St. E)
Current ADT (2021):	8,661
Projected ADT (2040):	10,700
Current Type:	3-lane
Proposed Type:	3-lane
R/W Guideline:	60ft ½ R/W
Spacing Guideline:	½ mile full access
Posted Speed Limit:	55 mph
Proposed Use:	Residential
Status:	Preliminary
Location:	SE ¼, Sec 32-115-17
In attendance (05/22/24):	Justin Fortney (city)

### REVIEW 06/05/24:

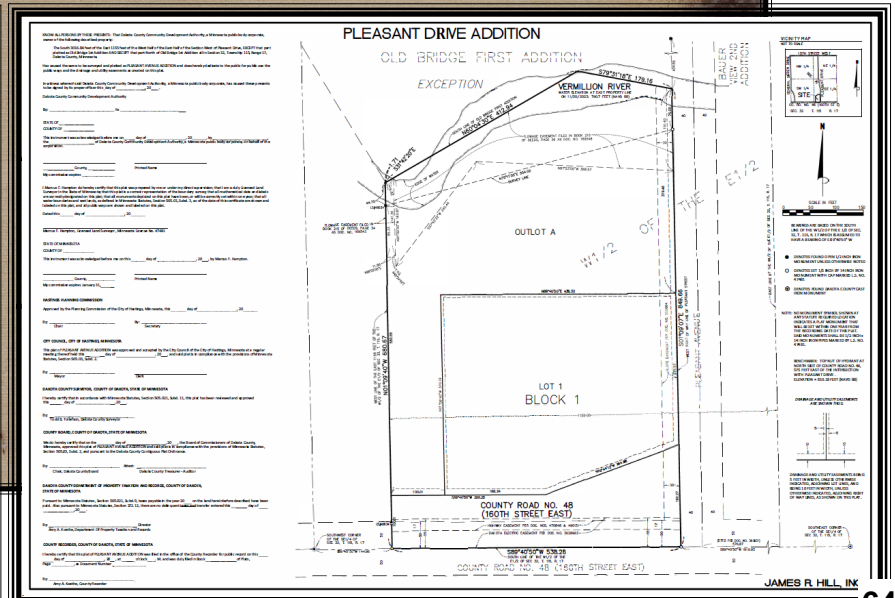
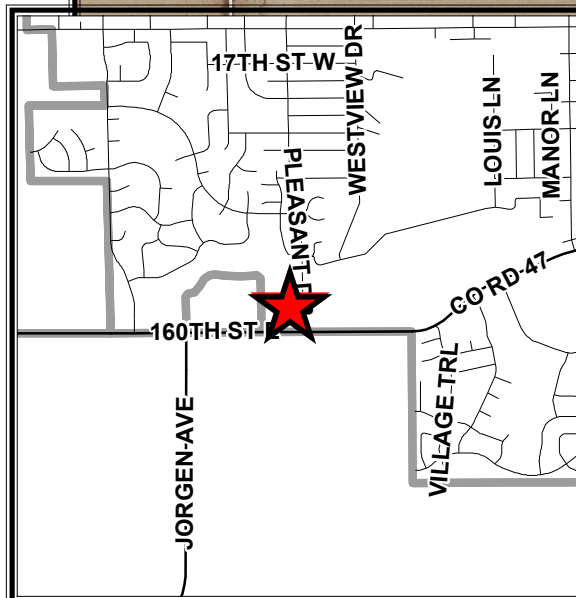
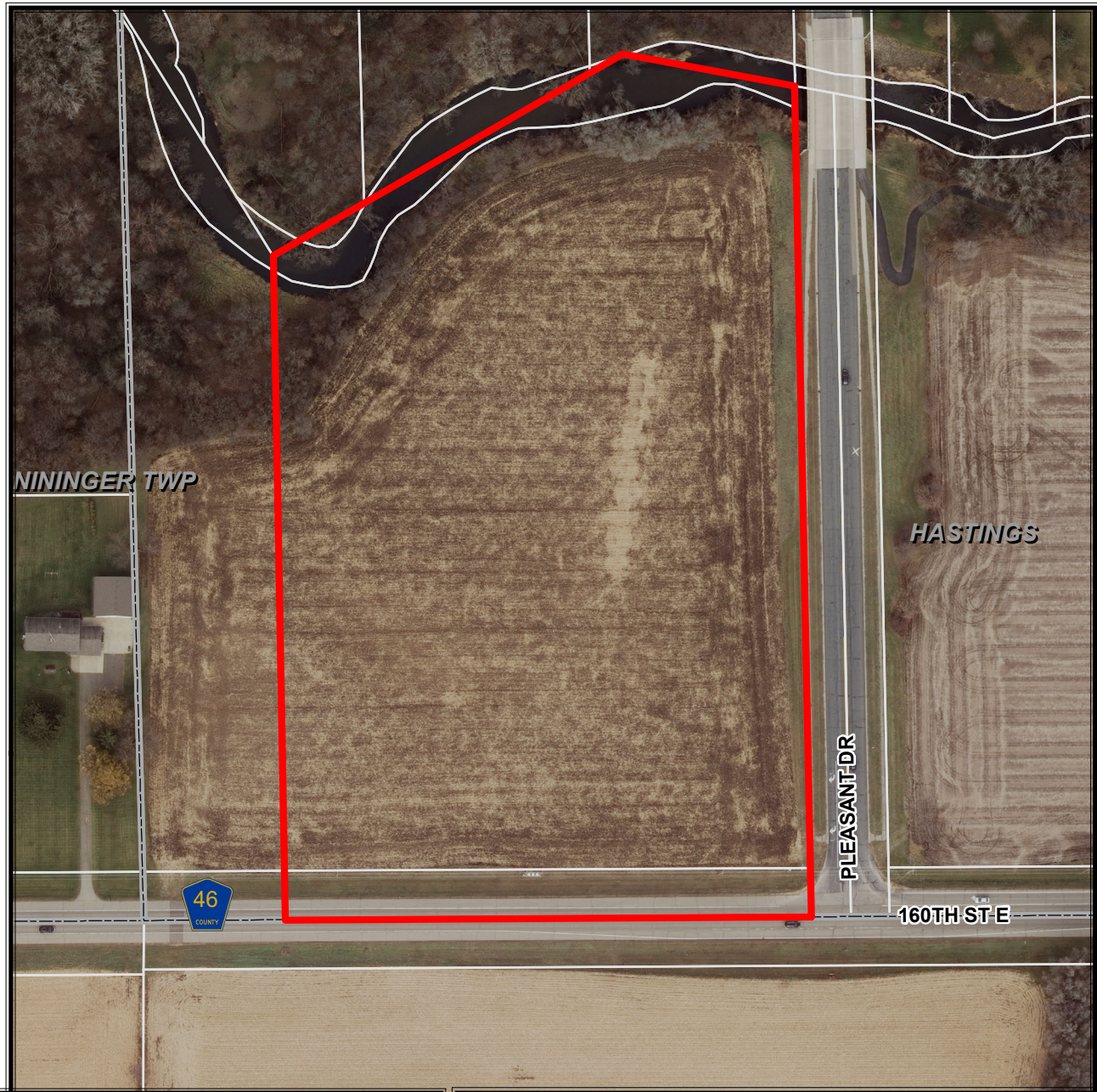
The proposed plat includes one lot and one outlot along Pleasant Drive (city street) and CSAH 46. There are no current site plans for Lot 1. The right-of-way guidelines for CSAH 46 are 60 feet half right of way. There is planned roundabout project at CSAH 46/Pleasant Drive intersection. Future access to the Lot 1 site should be from Pleasant Drive. Restricted access should be shown along all of CSAH 46. A quit claim deed to Dakota County for restricted access is required with the recording of the plat mylars.

### RECOMMENDATION 06/05/24:

The Plat Commission has approved the preliminary and final plat, provided that the described conditions are met, and will recommend approval to the County Board of Commissioners.

# PLEASANT DRIVE ADDITION

Prepared by Dakota County Physical Development Division







# Board of Commissioners

## Request for Board Action

Item Number: DC-3316	Agenda #: 9.2	Meeting Date: 7/9/2024
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**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

**TITLE**

**Authorization To Award And Execute Contract With McNamara Contracting, Inc. And Amend 2024 Transportation Capital Improvement Program Budget For 2024 Preservation Of Paved Trails And Facilities**

**PURPOSE/ACTION REQUESTED**

Award bid and authorize a contract with McNamara Contracting, Inc. for the 2024 Preservation of Paved Trails and Facilities and amend the adopted 2024 Transportation Capital Improvement Program (CIP) Budget.

**SUMMARY**

To promote a safe and efficient transportation system, Dakota County is proceeding with the 2024 preservation of paved trails and facilities projects (Attachment: Location Map). The 2024 preservation work includes pavement mill and overlay of parking lots, pavement reclamation of trails and a parking lot, and application of pavement markings.

Timeline: Construction is scheduled to begin in summer 2024 and be completed by late fall 2024.

Bids Received: Bids were received and tabulated on June 25, 2024. Three bidders submitted bids as follows:

McNamara Contracting, Inc.	\$1,379,518.00
OMG	\$1,590,256.86
Bituminous Roadways	\$1,792,720.40

The engineer's estimate for the 2024 Preservation of Paved Trails and Facilities is \$1,888,895.00. The lowest responsive and responsible bid is \$1,379,518.00 from McNamara Contracting, Inc., which is 27 percent under the estimate. Staff has reviewed the bids and determined that the low bid was competitive at the time of bidding.

The total project budget needed is \$1,408,418.00. The total share of project costs from the 2024 Transportation Capital Improvement Program Adopted Budget is \$802,967.00. The additional \$605,451.00 will be paid for using the parks and facilities set-asides.

**RECOMMENDATION**

Staff recommends awarding the bid to and authorizing execution of a contract with McNamara Contracting, Inc. for \$1,379,518.00 and amending the 2024 Transportation CIP budget.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The 2024 Transportation CIP Adopted Budget includes \$1,100,000 for Pedestrian and Bicycle Facilities. The 2024 Parks CIP Adopted Budget includes a total of \$1,500,000 for Greenway Preservation and Parks Asset Preservation projects. The 2024 Facilities CIP adopted budget includes \$200,000 for Parking Lots Seal & Repair. Sufficient funds exist in the various funding sources for a total budget of \$2,800,000 for the 2024 preservation of paved trails and facilities projects. A budget amendment to the 2024 Transportation CIP Adopted Budget is necessary to shift money from the set-asides to the individual projects and assign \$20,000 for administrative project costs and materials sampling and testing to be performed by the Minnesota Department of Transportation in accordance with State of Minnesota Master Partnership Agreement 1050146 (Dakota County Contract C0035533).

**Available Budgets**

2024 Transportation CIP (Pedestrian and Bicycle Facilities)	\$1,100,000
2024 Parks CIP (Greenway Preservation and Parks Asset Preservation)	\$1,500,000
2024 Facilities CIP (Parking Lots Seal & Repair)	\$200,000

<b>Total Available Budget</b>	<b>\$2,800,000</b>
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**Project Expenses****2024 Transportation CIP (Pedestrian and Bicycle Facilities)**

Construction Costs	\$782,967
Administrative and Materials Testing & Sampling Costs	\$20,000
<b>Total 2024 Transportation CIP (Pedestrian and Bicycle Facilities) Costs</b>	<b>\$802,967</b>

**2024 Parks CIP (Greenway Preservation and Parks Asset Preservation)**

Construction Costs	\$496,673
Administrative and Materials Testing & Sampling Costs	\$7,400
<b>Total 2024 Parks CIP (Parks Asset Preservation) Costs</b>	<b>\$504,073</b>

**2024 Facilities CIP (Parking Lots Seal & Repair)**

Construction Costs	\$99,878
Administrative and Materials Testing & Sampling Costs	\$1,500
<b>Total Facilities CIP (Parking Lots Seal &amp; Repair) Costs</b>	<b>\$101,378</b>

<b>Total Project Expenses</b>	<b>\$1,408,418</b>
-------------------------------	--------------------

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> None                           | <input type="checkbox"/> Current budget | <input type="checkbox"/> Other                |
| <input checked="" type="checkbox"/> Amendment Requested |   | <input type="checkbox"/> New FTE(s) requested |

**RESOLUTION**

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with the 2024 Preservation of Paved Trails and Facilities Projects; and

WHEREAS, the projects to be completed in 2024 include County Projects 28-71, 31-116, 31-117, 32-114, 43-58, 46-62, 98-41, 98-42, 98-43, 98-45, 98-46, 98-48, and 98-50; and

WHEREAS, the preservation work is scheduled for construction in 2024; and

WHEREAS, the 2024 Transportation Capital Improvement Program (CIP) Adopted Budget includes funding for Pedestrian & Bicycle Facilities; and

WHEREAS, the 2024 Parks CIP Adopted Budget includes funding for Greenway Preservation and Parks Asset Preservation; and

WHEREAS, the 2024 Facilities CIP Adopted Budget includes funding for Parking Lots Seal & Repair; and

WHEREAS, three bids were received for the 2024 preservation of paved trails and facilities projects on June 25, 2024; and

WHEREAS, the bid of McNamara Contracting, Inc. in the amount of \$1,379,518.00 was the lowest responsive and responsible bid received; and

WHEREAS, an amendment to the 2024 Transportation CIP Budget is necessary to shift funds from the set-asides to the individual projects; and

WHEREAS, staff recommends awarding the bid to and authorizing the execution of a contract with McNamara Contracting, Inc. and amending the 2024 Transportation CIP.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid and authorizes the Physical Development Director to execute a contract with McNamara Contracting, Inc. for the 2024 preservation of paved trails and facilities projects, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2024 Transportation Capital Improvement Program Adopted Budget is hereby amended as follows:

**Expense**

2024 Paved Trails and Facilities Projects

\$802,967

Pedestrian & Bicycle Facilities (County Funds)

(\$802,967)

**Total Expense**

**\$0**

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: Location Map

**BOARD GOALS**

☐ A Great Place to Live

☐ A Healthy Environment

☒ A Successful Place for Business and Jobs

☐ Excellence in Public Service

**CONTACT**

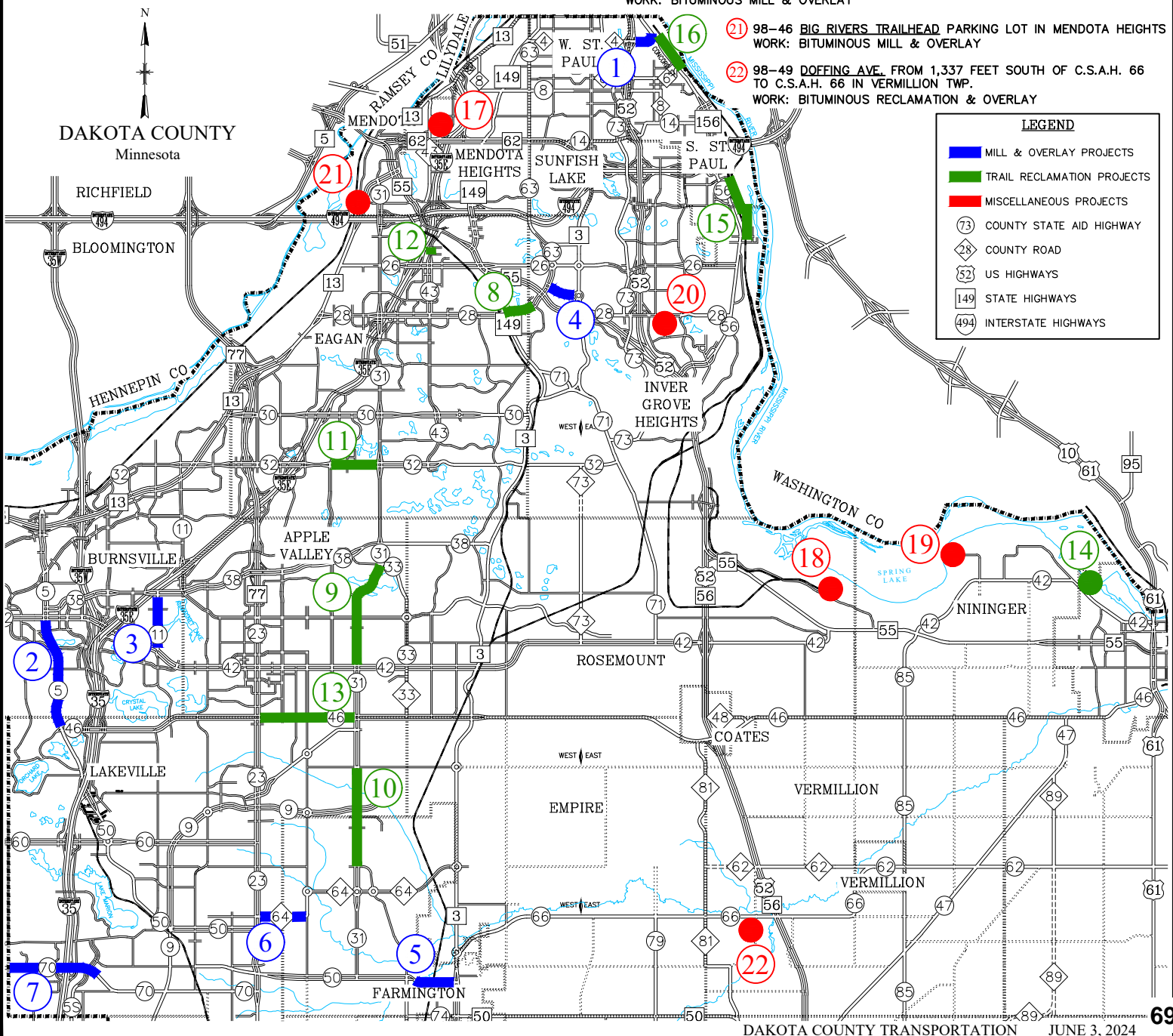
Department Head: Erin Laberee

Author: Kevin Krech



## 2024 PAVEMENT PRESERVATION

- ① 04-20 C.R. 4 FROM T.H. 52 TO CONCORD STREET IN SOUTH ST. PAUL  
WORK: BITUMINOUS MILL & OVERLAY
- ② 05-57 C.S.A.H. 5 FROM C.S.A.H. 46 TO C.S.A.H. 42 IN BURNSVILLE  
WORK: BITUMINOUS MILL & OVERLAY, AND SIGNAL SYSTEM & PEDESTRIAN CURB RAMP IMPROVEMENTS
- ③ 11-31 C.S.A.H. 11 FROM C.S.A.H. 42 TO C.S.A.H. 38 IN BURNSVILLE  
WORK: BITUMINOUS MILL & OVERLAY
- ④ 28-70 C.S.A.H. 28 FROM C.S.A.H. 63 TO T.H. 3 IN INVER GROVE HEIGHTS  
WORK: BITUMINOUS MILL & OVERLAY, BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑤ 50-36 C.S.A.H. 50 FROM VERMILLION RIVER BRIDGE TO T.H. 3 IN FARMINGTON  
WORK: BITUMINOUS MILL & OVERLAY
- ⑥ 64-26 C.R. 64 FROM C.S.A.H. 23 TO FLAGSTAFF AVE. IN FARMINGTON  
WORK: BITUMINOUS MILL & OVERLAY
- ⑦ 70-24 C.S.A.H. 70 FROM SCOTT/DAKOTA COUNTY LINE TO 850 FEET EAST OF KENRICK AVE. IN LAKEVILLE  
WORK: BITUMINOUS MILL & OVERLAY, BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑧ 28-71 C.S.A.H. 28 FROM T.H. 149 TO 77TH ST. IN INVER GROVE HEIGHTS  
WORK: BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑨ 31-116 C.S.A.H. 31 FROM C.S.A.H. 42 TO C.S.A.H. 33 IN APPLE VALLEY  
WORK: BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑩ 31-117 C.S.A.H. 31 FROM 190TH ST. TO 170TH ST. IN FARMINGTON AND LAKEVILLE  
WORK: BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑪ 32-114 C.S.A.H. 32 FROM JOHNNY CAKE RIDGE RD. TO C.S.A.H. 31 IN APPLE VALLEY AND LAKEVILLE  
WORK: BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑫ 43-58 C.S.A.H. 43 FROM KEEFE ST. TO KENNETH ST. IN EAGAN  
WORK: BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑬ 46-62 C.S.A.H. 46 FROM C.S.A.H. 23 TO C.S.A.H. 31 IN APPLE VALLEY AND LAKEVILLE  
WORK: BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑭ 98-33 MISSISSIPPI RIVER GREENWAY DAM TRAIL IN HASTINGS  
WORK: BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑮ 98-48 MISSISSIPPI RIVER GREENWAY 65TH ST. TO HARDMAN AVE. S. IN INVER GROVE HEIGHTS AND SOUTH ST. PAUL  
WORK: BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑯ 98-50 MISSISSIPPI RIVER GREENWAY KAPOSIA LANDING PARK IN SOUTH ST. PAUL  
WORK: BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑰ 98-41 ASPEN HOUSE PARKING LOT IN MENDOTA HEIGHTS  
WORK: BITUMINOUS MILL & OVERLAY
- ⑱ 98-42 SPRING LAKE PARK FAHEY TRAILHEAD TRAILS IN ROSEMOUNT  
WORK: BITUMINOUS TRAIL RECLAMATION & SURFACING
- ⑲ 98-43 SPRING LAKE PARK SCHAAR'S BLUFF TRAILHEAD TRAILS AND EAST/WEST PARKING LOTS IN NININGER TOWNSHIP  
WORK: BITUMINOUS TRAIL RECLAMATION & SURFACING, MILL & OVERLAYS
- ⑳ 98-45 INVER GLEN LIBRARY PARKING LOT IN INVER GROVE HEIGHTS  
WORK: BITUMINOUS MILL & OVERLAY
- ㉑ 98-46 BIG RIVERS TRAILHEAD PARKING LOT IN MENDOTA HEIGHTS  
WORK: BITUMINOUS MILL & OVERLAY
- ㉒ 98-49 DOFFING AVE. FROM 1,337 FEET SOUTH OF C.S.A.H. 66 TO C.S.A.H. 66 IN VERMILLION TWP.  
WORK: BITUMINOUS RECLAMATION & OVERLAY
- 





# Board of Commissioners

## Request for Board Action

Item Number: DC-3470

Agenda #: 9.3

Meeting Date: 7/9/2024

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

**TITLE**

**Authorization To Award And Execute Contract With New Look Contracting, Inc. For Signal Reconstruction At Pilot Knob Road And Corporate Center Drive In City Of Eagan, County Project 31-103**

**PURPOSE/ACTION REQUESTED**

Award bid and authorize execution of a contract with New Look Contracting, Inc. for County Project (CP) 31-103 in the City of Eagan.

**SUMMARY**

To promote a safe and efficient transportation system, Dakota County and the City of Eagan are partnering on CP 31-103. The signal reconstruction will occur at County State Aid Highway (CSAH) 31 (Pilot Knob Road) and Corporate Center Drive (Attachment: Location Map).

County Project 31-103 will replace the aging signal system, construct additional turn lanes, and install Americans with Disabilities Act (ADA) compliant ramps, lighting, curb and gutter, sidewalks/trails, and storm sewer at the intersection of CSAH 31 and Corporate Center Drive.

The County is the lead agency for the project with construction anticipated to begin in summer 2024.

By Resolution No. 23-075 (February 28<sup>th</sup>, 2023), the County Board authorized the execution of a joint powers agreement (JPA) with the City of Eagan to define costs and responsibilities for CP 31-103.

The County issued the project advertisement, and five responsive bids were received and tabulated for CP 31-103 on Friday, June 21st, 2024.

<u>Bidder</u>	<u>Total Amount</u>
New Look Contracting, Inc.	\$1,315,829.75
McNamara Contracting, Inc.	\$1,329,973.00
Park Construction Company	\$1,368,700.93
Meyer Contracting Inc.	\$1,406,729.98
Urban Companies	\$1,560,995.68

The engineer's estimate for CP 31-103 is \$974,678. Staff reviewed the bids, and the lowest

responsible bid is \$1,315,829.75 from New Look Contracting, Inc., which is 35 percent above the estimate. Signal system, signing and striping, and grading were the largest work categories contributing to the discrepancy from estimated to bid cost. The current bidding climate as well as small quantities for several items are believed to have influenced the bid cost, as the costs were largely consistent across the contractors. Staff has reviewed the bids and determined the bids competitive.

The County and City will be responsible for the local share at a cost split of 85 percent County and 15 percent City for the turn lane installation and 50 percent County and 50 percent City for signal installation in accordance with the 2040 Dakota County Transportation Plan Cost Policy F.1 per the executed JPA.

### RECOMMENDATION

Staff recommends awarding the bid to New Look Contracting, Inc.

### EXPLANATION OF FISCAL/FTE IMPACTS

The 2024 Transportation Capital Improvement Program Adopted Budget contains a total budget of \$937,833, with \$822,521 remaining for CP 31-103. An additional amount of \$493,308.75 will be needed and has been requested from the 2024 Transportation Capital Improvement Program Traffic Signal - New/Replacement set-aside to CP 31-103 through an administrative amendment. The referenced set-aside has sufficient funds to accommodate this transfer.

☐ None                      ☒ Current budget                      ☐ Other  
☐ Amendment Requested                      ☐ New FTE(s) requested

### RESOLUTION

WHEREAS, to promote a safe and efficient transportation system, Dakota County and the City of Eagan are partnering on County Project (CP) 31-103; and

WHEREAS, the project will occur at County State Aid Highway (CSAH) 31 (Pilot Knob Road) and Corporate Center Drive; and

WHEREAS, CP 31-103 will replace the aging signal system, construction of additional turn lanes, and install Americans with Disabilities Act (ADA) compliant ramps, lighting, curb and gutter, sidewalks/trails, and storm sewer at the intersection of CSAH 31 and Corporate Center Drive; and

WHEREAS, the County is the lead agency for CP 31-103, with construction anticipated to begin in summer 2024; and

WHEREAS, the County and City will be responsible for the local share at a cost split of 85 percent County and 15 percent City for the turn lane installation and 50 percent County and 50 percent City for signal installation in accordance with the 2040 Dakota County Transportation Plan Cost Policy F.1, per the executed joint powers agreement (JPA); and

WHEREAS, the project was advertised, and five bids were received and tabulated on Friday, June 21, 2024; and

WHEREAS, the bid from New Look Contracting, Inc. in the amount of \$1,315,829.75 was the lowest responsible bid received; and

WHEREAS, staff recommends awarding the bid to New Look Contracting, Inc.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with New Look Contracting, Inc. for County Project 31-103, in the amount of \$1,315,829.75 based on their low bid, subject to approval by the County Attorney's Office as to form.

### **PREVIOUS BOARD ACTION**

23-075; 2/28/23

### **ATTACHMENTS**

Attachment: Location Map

### **BOARD GOALS**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> A Great Place to Live         | <input type="checkbox"/> A Healthy Environment        |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input type="checkbox"/> Excellence in Public Service |

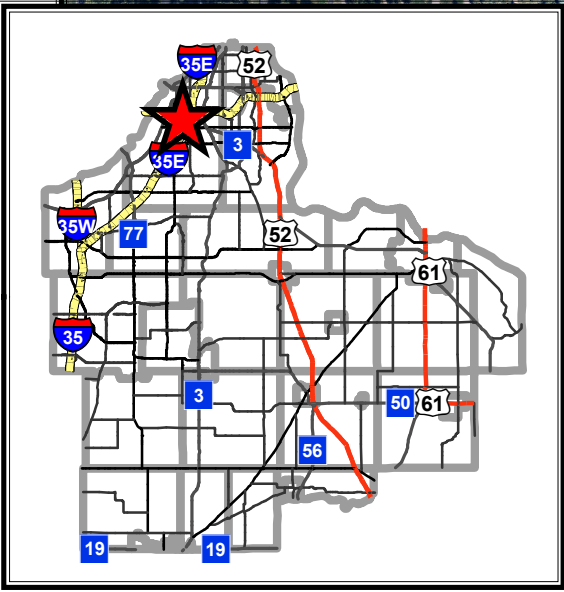
### **CONTACT**

Department Head: Erin Laberee

Author: Tyler Krage



Prepared by Dakota County Physical Development Division



**County Project 31-103  
Signal Replacement**





# Board of Commissioners

## Request for Board Action

Item Number: DC-3497

Agenda #: 9.4

Meeting Date: 7/9/2024

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Contract With Kimley-Horn and Associates, Inc. For Design And Right Of Way Services For Delaware Avenue Reconstruction And Butler Avenue Safe Routes To School Improvements In Mendota Heights And West St. Paul, County Projects 63-33 And 4-18**

### PURPOSE/ACTION REQUESTED

Authorize execution of a contract with Kimley-Horn and Associates, Inc. (Kimley-Horn) for consulting services for County Project (CP) 63-33, County State Aid Highway (CSAH) 63 (Delaware Avenue) Reconstruction and CP 4-18, County Road (CR) 4 (Butler Avenue) Safe Routes to School (SRTS) Improvements, in the cities of Mendota Heights and West St. Paul (Attachment: Project Location Map).

### SUMMARY

To promote a safe and efficient transportation system, Dakota County is proceeding with (CP) 63-33, the Delaware Avenue Reconstruction, and CP 4-18, the Butler Avenue SRTS Improvements. County Project 63-33 is the preliminary and final design, right of way acquisition, and reconstruction of CSAH 63 (Delaware Avenue) from Marie Avenue to Trunk Highway 149 (Dodd Road) on the border of Mendota Heights and West St. Paul. The CSAH 63 reconstruction will include roadway modernization, intersection and safety improvements, and drainage improvements and will add separated pedestrian and bicycle infrastructure to the corridor. County Project 4-18 was identified as part of the Dakota County School Travel Safety Assessment, and will add trail and sidewalk to County Road 4 between CSAH 63 and Manomin Avenue in West St. Paul. The Butler Avenue SRTS Improvements will improve safety and accessibility for area students and residents to walk, bike, and roll to St. Joseph's Catholic School, Heritage STEM Middle School, and other nearby destinations. Due to the adjacent project areas, these projects will be designed and constructed in coordination with each other. Preliminary and final design, public engagement, and right of way acquisition are scheduled for the remainder of 2024 into mid-2026, with construction in 2027.

Scope of Work and Issues to be Addressed. The scope of work for CP 63-33 and CP 4-18 includes preliminary and final design, public engagement, agency coordination, corridor evaluation, traffic analysis, drainage design, data collection, permits, approvals, surveys, identification of right of way needs, appraisals, and right of way acquisition services. The current design of Delaware Avenue in the project area is over 60 years old, currently has many substandard design elements, and lacks off street multimodal facilities. Butler Avenue in the project area also lacks off street multimodal facilities. These projects will bring the roadways up to modern design standards and add multimodal

infrastructure which will connect the existing trails and sidewalks on many connecting City and County roadways.

The project area has constrained existing right of way, and a wide variety of improved properties exist adjacent to the project area. Regular coordination, meetings, and negotiations with over 100 individual property owners from single occupancy homes to the Dodge Nature Center and the Somerset Country Club will be required to secure permanent and temporary easements necessary for construction. County and City staff assessed these potential needs along with the projected Physical Development real estate specialist workload and recommended soliciting for a full scope of right of way acquisition services in conjunction with the preliminary and final design proposals. This approach will ensure right of way acquisition service availability within the project schedule and ensure quality coordination between the design team and right of way process.

**Consultant Selection and Roles.** Dakota County issued a Request for Proposal (RFP) for the above-noted services on March 29, 2024. The County's cost-share in the contract is 85 percent. Three (3) proposals were received on April 24, 2024, and were evaluated by staff representing a wide range of engineering design and project management experience from the County and cities of Mendota Heights and West St. Paul. The Kimley-Horn team was selected as the preferred professional engineering consultant based on the following criteria: project understanding, project approach, public involvement, team expertise, quality control, performance on similar projects, and best-value cost. The consultants submitted cost proposals as follows:

<u>Consultant</u>	<u>Engineering Cost</u>	<u>Hours</u>	<u>Engineering Cost/Hour*</u>	<u>Right of Way Cost</u>	<u>Total Cost</u>
Bolton & Menk	\$1,143,463	7,367	\$155.21	\$915,170	\$2,123,663
Kimley-Horn	\$811,425	5,083	\$155.99	\$1,021,475	\$1,832,900
TKDA	\$869,018	5,404	\$154.43	\$921,290	\$1,790,308

\*Consultant expenses reported not included in cost/hour

The proposals were evaluated to determine whether the work plan, hours, and rate structure were sufficient and reasonable to successfully complete the final design and related work. The proposal from Kimley-Horn provided the most responsive and complete work plan, including the hours needed to successfully complete work. The Kimley-Horn costs proposed were considered the most realistic among the three proposals, and the total contract cost was within the range anticipated by staff. City of Mendota Heights and City of West St. Paul staff concur with the selection. More documentation of the proposal process, review team, evaluation criteria and results, and best-value cost evaluation is included (Attachment: Consultant Evaluation Summary).

## RECOMMENDATION

Staff recommends execution of a contract with Kimley-Horn and Associates, Inc. for professional design services for CP 63-33 and CP 4-18 for actual costs not to exceed \$1,832,900.

## EXPLANATION OF FISCAL/FTE IMPACTS

The adopted 2024 Transportation Capital Improvement Program (CIP) Budget includes \$2,938,050, including carryovers, for CP 63-33 and CP 4-18 for consulting services and right of way acquisition. Sufficient funds are available for this contract and additional work if needed.

- ☐ None
 ☒ Current budget
 ☐ Other  
☐ Amendment Requested
 ☐ New FTE(s) requested

**RESOLUTION**

WHEREAS, To promote a safe and efficient transportation system, Dakota County is proceeding with County Project 63-33, County State Aid Highway (CSAH) (Delaware Avenue) Reconstruction, and County Project 4-18, County Road (CR) 4 (Butler Avenue) Safe Routes to School Improvements in the Cities of Mendota Heights and West St. Paul; and

WHEREAS, County Project 63-33 is the reconstruction of CSAH 63 (Delaware Avenue) from Marie Avenue to Trunk Highway (TH) 149 (Dodd Road), which will include roadway modernization, intersection and safety improvements, drainage improvements, and will add separated pedestrian and bicycle infrastructure to the corridor; and

WHEREAS, County Project 4-18 was identified as part of the Dakota County School Travel Safety Assessment and will add trail and sidewalk to CR 4 (Butler Avenue) between CSAH 63 and Manomin Avenue to improve safety and accessibility for area students and residents to walk, bike, and roll to St. Joseph's Catholic School and Heritage STEM Middle School and other nearby destinations; and

WHEREAS, County staff sent a Request for Proposal to three qualified professional consultants; and

WHEREAS, the proposals received were evaluated by County and City staff; and

WHEREAS, the proposal from Kimley-Horn and Associates, Inc. has the best value costs for the Project and provides all the services needed; and

WHEREAS, City staff from West St. Paul and Mendota Heights concur with the selection; and

WHEREAS, the adopted 2024 Transportation Capital Improvement Program Budget includes \$2,938,050, including carryover, for County Project 63-33 and County Project 4-18 engineering consulting services and right of way acquisition; and

WHEREAS, the County's cost share is 85 percent of the consultant contract; and

WHEREAS, staff recommends entering into a consultant contract with Kimley-Horn and Associates, Inc. for a total contract amount of \$1,832,900.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Kimley-Horn and Associates, Inc. to perform final engineering design and right of way acquisition services for County Project 63-33 and County Project 4-18 in an amount not to exceed \$1,832,900, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: Project Location Map

Attachment: Consultant Evaluation Summary



**BOARD GOALS**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> A Great Place to Live         | <input checked="" type="checkbox"/> A Healthy Environment |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input type="checkbox"/> Excellence in Public Service     |

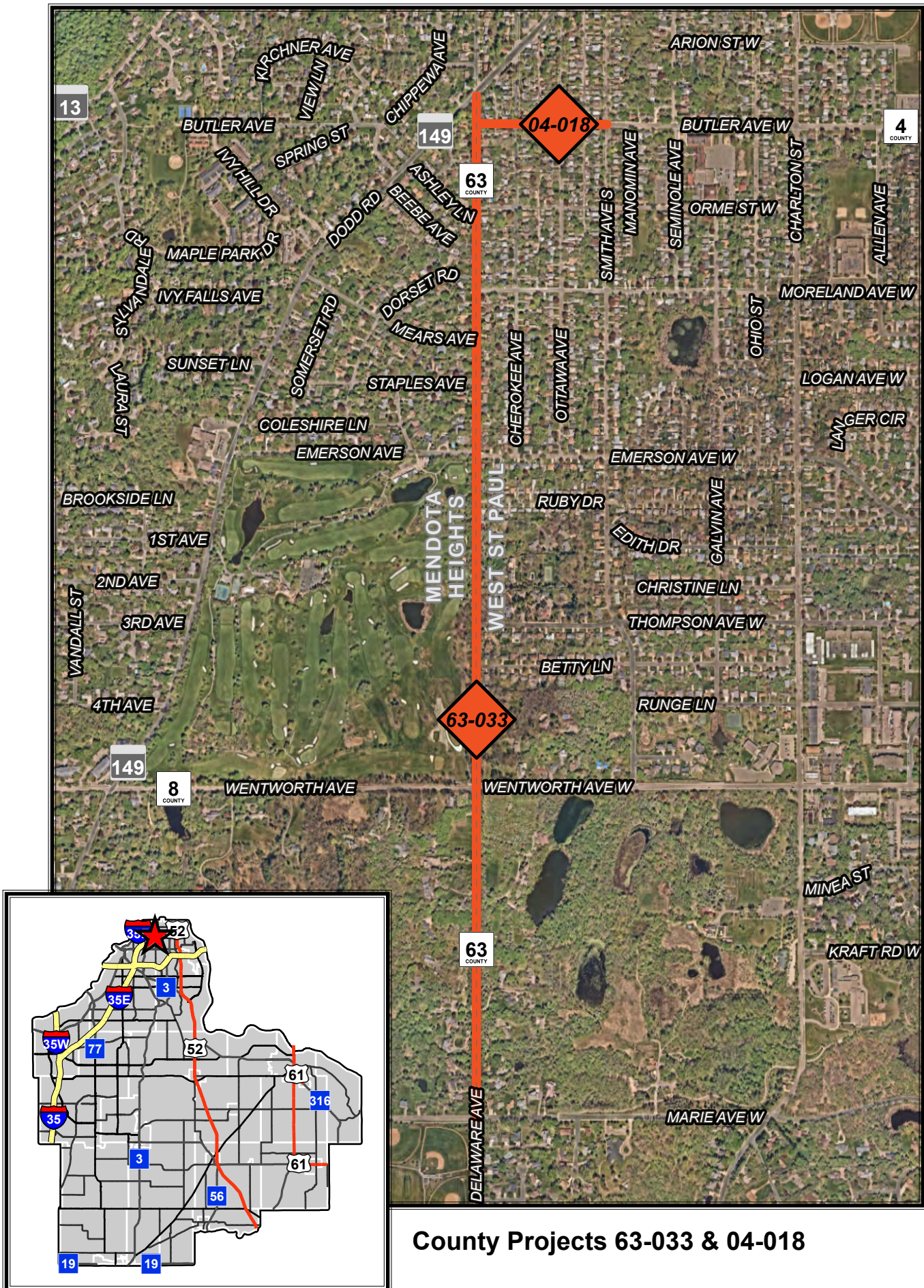
**PUBLIC ENGAGEMENT LEVEL**

- |   |                                  |                                  |                              |
|---|----------------------------------|----------------------------------|------------------------------|
| <input checked="" type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input type="checkbox"/> N/A |
|---|----------------------------------|----------------------------------|------------------------------|

**CONTACT**

Department Head: Erin Laberee

Author: Bryce LeBrun





## **Consultant Evaluation Summary For County Project CP 63-33/4-18**

### **Consultant Services Description:**

County Project (CP) 63-33 is the Delaware Avenue Reconstruction and CP 4-18 is the Butler Avenue Safe Routes to School (SRTS) Improvements. CP 63-33 includes the preliminary and final design, right of way acquisition, and reconstruction of County State Aid Highway (CSAH) 63 (Delaware Avenue) from Marie Avenue to Trunk Highway (TH) 149 (Dodd Road) on the border of Mendota Heights and West St. Paul. CP 4-18 was identified as part of the Dakota County School Travel Safety Assessment and will add trail and sidewalk to County Road (CR) 4 (Butler Avenue) between CSAH 63 and Manomin Avenue in West St. Paul.

### **Scope of Consultant Services:**

The scope of work for County Project 63-33 and 4-18 (hereafter referred to as “the project”) includes public engagement, agency coordination, data collection, traffic analysis, drainage analysis and design, right of way identification and acquisition services, preliminary and final design, and funding application support. The Delaware Avenue reconstruction portion will include roadway modernization, intersection and safety improvements, drainage improvements, and will add separated pedestrian and bicycle infrastructure to the corridor. The Butler Avenue SRTS Improvements will improve safety and accessibility for area students and residents to walk, bike, and roll to St. Joseph’s Catholic School and Heritage STEM Middle School and other nearby destinations.

County and City staff assessed anticipated right of way acquisition needs to complete the project. The project area has constrained existing right of way, and a wide variety of improved properties exist adjacent to the project area. Regular coordination, meetings, and negotiations with over 100 individual property owners from single occupancy homes to the Dodge Nature Center and the Somerset Country Club will be required to secure permanent and temporary easements necessary for construction. County and City staff assessed these potential needs along with the projected Physical Development real estate specialist workload and recommended soliciting for a full scope of right of way acquisition services in conjunction with the preliminary and final design proposals. This approach will ensure right of way acquisition service availability within the project schedule and ensure high quality coordination between the design team, project schedule, and right of way process.

### **Deliverables:**

The contract’s technical deliverables include a quality control plan, a public involvement plan and materials, property owner/stakeholder tracking, topographical survey data, an environmental site assessment, utility coordination, right of way exhibits, appraisals and review, traffic analysis reports and memos, an alternatives analysis/preliminary engineering design memorandum, geotechnical reports, project permitting, preliminary and final plans, specifications and estimates, and a complete bid package. The contract deliverables will also include project management services and public/agency engagement as outlined below.

### **Public and Agency Engagement:**

This project will include efforts to engage with the general public and with agencies, including representatives of the City of Mendota Heights, City of West St. Paul, MnDOT and the public in the project area. Dakota County and the consultant will implement public outreach using direct mailings, flyers, signage, social media, scheduled public open house meetings, online survey and mapping tools, stakeholder meetings, renderings/visualizations, and other communications. The size and complexity of

the project will require a stand-alone web page to house project materials and information in a manner that is well maintained, accessible and digestible for the general public.

**Schedule:**

The contract schedule is planned from June 2024 through at least March 2027. Preliminary and final design, public engagement, and right of way acquisition are scheduled for the remainder of 2024 into mid-2026, with construction in 2027.

**Consultant Selection Summary:**

The Request for Proposals (RFP) for the required consultant services was released on March 29, 2024 and was sent to the following three (3) consultant firms: Bolton & Menk, Kimley-Horn, and TKDA. These three firms were invited to submit proposals because of proven expertise and ability to deliver complex reconstruction projects in similar project areas. Proposals from all three consultants were submitted to the County by the due date of April 24, 2024.

**Review Team and Process:**

The three (3) proposals were reviewed by staff from Dakota County and the Cities of Mendota Heights and West St. Paul, including staff representing experience and expertise in project management, engineering design, right of way acquisition, traffic engineering project management, and bicycle and pedestrian safety. Proposals were reviewed and ranked independently by review team members. The review team members met on May 21, 2024, to discuss the proposals, share information regarding individual member evaluations and reach consensus on a recommended consultant. The consensus reached by the proposal review team supported negotiating a contract with Kimley-Horn.

**Evaluation Criteria:**

The proposals were evaluated and ranked based on the following criteria:

1. Understanding of the Scope of Work (15%) – Understanding of project objectives & scope. Ability to complete work. Overall proposal presentation. Deliverables & attention to main issues raised in RFP and other issues raised not in RFP.
2. Project Approach (30%) – Reasonable proposed approach & methodology. Constraints/risk identification. Schedule & work plan. Estimate of work accuracy & efficiency. Quality & clarity.
3. Project Team and Expertise of Key Personnel (20%) – Personnel/team suitability for project, previous Dakota County/City experiences. Lead firm & consultant design experience. Qualifications & efficiency in resource utilization.
4. Quality Control (15%) – Explanation of how consultant to deliver on project timeline. Work plan presentation, org chart, staffing schedule quality. Quality control summary statement.
5. Past Performance on similar projects (5%) – Previous experience with at least three similar projects & project details. Knowledge of local issues with project, understanding of stakeholder participation. Proven innovative design approaches/techniques.
6. Fee Estimate – fee estimate in relation to the other criteria above, including understanding and explanation of budget priorities and relationships between tasks, special approaches, options for negotiation/amendment, value vs. cost to be provided, and presentation of the fee estimate/breakdown

**Evaluation Results:**

Dakota County and City staff scored the Kimley-Horn proposal highest on average based on the evaluation criteria above. All proposals were evaluated based on this objective and others, to determine whether the work plan, hours, and rate structure were sufficient and reasonable to successfully

complete the required work. Reviewers appreciated the detailed work plan provided in the firm's proposal, which presented a strong understanding of the key issues and challenges of the project, and provided an integrated approach to delivering all tasks by a qualified team with recent relevant experience on similar projects. The selection team highly valued the Kimley-Horn team's clearly-displayed project understanding, including a highly-detailed issues map, and approach to the Butler Avenue portion of the project. In particular, the Kimley-Horn proposal provided a detailed and robust approach to preliminary design, public/stakeholder engagement, utility coordination, and right of way acquisition, as well as a detailed schedule with clear milestones identified, all of which will be critical to project success. The Kimley-Horn team also displayed excellent relevant experience on similar projects as well as experience with stakeholders and the nearby community. Staff also agreed with Kimley-Horn's proposed optional task to add interactive mapping to the public engagement scope, and incorporated those costs and hours into the contract.

**Summary of Proposed costs:**

Consultant	Total Cost	Engineering Cost	Right of Way Cost	Consultant Hours	Cost Per Hour
Bolton & Menk	\$2,123,668	\$1,143,463	\$915,170	7,367	\$155.21
Kimley-Horn	\$1,832,900	\$811,425	\$1,021,475	5,083	\$155.99
TKDA	\$1,790,306	\$869,018	\$921,290	5,404	\$154.43

Note: Cost Per Hour does not include tasks/hours for subconsultants and is based on the proposing consultant's hours/costs.

Right of way acquisition costs are reported separately from engineering costs. This cost encompasses the full scope of right of way acquisition services including independent appraisals, appraisal review, right of way subconsultant time for correspondence, negotiation, documentation, etc. These costs were comparable across the three proposals and after review, staff finds them reasonable and justified.

**Recommendation:**

Staff recommends the consulting engineering firm Kimley-Horn and Associates Inc. be awarded a contract for County Project 63-33, the County State Aid Highway 63 (Delaware Avenue) Reconstruction and County Project 4-18, the County Road 4 (Butler Avenue) Safe Routes to School Improvements. Given the scope of the needed work and issues to be addressed, the Kimley-Horn proposal, project team, and subconsultants offered the best approach, detailed work plan, previous project experience, and balanced cost-to-value from among the three (3) received proposals.



# Board of Commissioners

## Request for Board Action

Item Number: DC-3517	Agenda #: 9.5	Meeting Date: 7/9/2024
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**DEPARTMENT:** Transportation  
**FILE TYPE:** Consent Action

**TITLE**  
**Authorization To Award Bid And Execute Construction Contract With McNamara Contracting, Inc., And Execute Contract With SRF Consulting Group, Inc. For Construction Administration Services For Pedestrian Crossing Safety Improvements In Eagan And West St. Paul, County Project 97-217**

**PURPOSE/ACTION REQUESTED**  
The purpose of this action is to award bid and authorize execution of a construction contract with McNamara Contracting, Inc., and also authorize execution of a contract with SRF Consulting Group, Inc. (SRF) to administer construction-related activities, including administration, inspection, and survey services for pedestrian crossing improvements in Eagan and West St. Paul, County Project (CP) 97-217 (Attachment: Project Location Map).

**SUMMARY**  
To promote a safe and efficient transportation system, Dakota County is proceeding with County Project (CP) 97-217. The project includes pedestrian improvements at three locations: two locations in Eagan and one location in West St. Paul. The purpose of the project is to improve safety at these crossing locations by shortening pedestrian crossings and adding signage to improve drivers' attention to crossing and pedestrian activity. Construction is planned to start in summer of 2024 and be substantially complete by December 2024.

County Project 97-217 construction bids were received and tabulated on July 2, 2024.

Five bidders submitted bids as follows:

<u>Bid Name</u>	<u>Total Amount</u>
McNamara Contracting Inc.	\$386,905.00
New Look Contracting Inc.	\$418,510.50
Park Construction Company	\$443,126.25
JL Theis Inc.	\$505,506.50
Urban Companies LLC	\$571,174.40
Engineer's Estimate	\$246,431.08

The lowest responsive and responsible bid for CP 97-217 is \$386,905.00 from McNamara Contracting Inc., which is 57 percent over the engineer's estimate of \$246,431.08. Staff has reviewed

the bids and determined that the bid was competitive at the time of bidding.

By Resolution No. 23-207 (May 23, 2023), the County Board authorized a contract with SRF Consulting Group, Inc. for construction administration services not to exceed the amount of \$49,040.50 for CP 97-217. This contract (Contract #C0035928.1) expired on October 1, 2023, due to challenges in finalizing the plans for construction.

County staff is preparing for the project to be constructed in 2024. County construction staff is unavailable to administer the construction contract due to 2024 construction season project workload; therefore, staff requested SRF Consulting Group, Inc. to provide a revised proposal for the required construction administration services for the project. SRF Consulting Group, Inc. was the project consultant for preliminary and final design, therefore, staff has determined that their proposal is reasonable and provides the best transition from design to construction. SRF Consulting Group, Inc. would also be able to address any design revisions needed for final plan approvals.

SRF Consulting Group Inc. prepared an updated construction administration proposal based on the scope of work provided by the County in the amount of \$51,714.00 (Attachment: SRF Construction Admin Proposal). There were also some additional design services needed to revise the final plans to prepare for construction included in the SRF final proposal in the amount of \$18,712. The total proposal amount is \$70,426.00. A construction administration contract is necessary to complete CP 97-217 construction in 2024 due to County staff construction season workloads. Sufficient funding is available for the contract.

## RECOMMENDATION

Staff recommends awarding the bid and authorizing execution of a construction contract with McNamara Contracting, Inc. in the amount of \$386,905.00.

Staff also recommends authorizing a contract with SRF Consulting Group, Inc. for construction administration and design services in the amount of \$70,426.00.

## EXPLANATION OF FISCAL/FTE IMPACTS

The adopted 2024 Transportation Capital Improvement Program Budget includes \$625,000 for construction in 2024 including carryover from previous years for design, right of way acquisition, construction, and construction administration. There is currently \$505,050.79 of funding remaining, which is sufficient funding for the contracts.

☐ None      ☒ Current budget      ☐ Other  
☐ Amendment Requested      ☐ New FTE(s) requested

## RESOLUTION

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with Dakota County Project (CP) 97-217; and

WHEREAS, CP 97-217 will construct pedestrian improvements at three locations, two in Eagan and one in West St. Paul; and

WHEREAS, the purpose and need for the project is to improve pedestrian safety at various intersections; and

WHEREAS, to address the purpose and need for the project, safety will be improved by shortening pedestrian crossings and adding signing to improve driver attention to crossing and pedestrian activity; and

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

WHEREAS, construction is scheduled to begin in summer of 2024; and

WHEREAS, the 2024 Transportation Capital Improvement Program (CIP) Adopted Budget includes a total budget of \$625,000 for CP 97-217, including carryover from previous years for design, right of way acquisition, construction, and construction administration; and

WHEREAS, pursuant to advertisement, five bids were received for CP 97-217 on July 2, 2024; and

WHEREAS, McNamara Contracting, Inc.'s bid in the amount of \$386,905.00 was the lowest responsive and responsible bid received; and

WHEREAS, the 2024 CIP Adopted Budget includes sufficient funds for the Project; and

WHEREAS, staff recommends awarding the bid to McNamara Contracting, Inc.; and

WHEREAS, construction administration services are needed to complete construction in 2024; and

WHEREAS, By Resolution No. 23-207 (May 23, 2023), the County Board authorized a contract with SRF Consulting Group, Inc. for construction administration services not to exceed the amount of \$49,040.50 for CP 97-217; and

WHEREAS, the previous contract with SRF Consulting Group, Inc. for construction administration services (Contract #C0035928.1) expired on October 1, 2023, due to challenges in finalizing the plans for construction; and

WHEREAS, SRF Consulting Group, Inc. was the project consultant for preliminary and final design, therefore, staff has determined that their proposal is reasonable and provides the best transition from design to construction; and

WHEREAS, staff requested SRF Consulting Group, Inc. provide a revised construction administration services proposal because County construction staff is unavailable due to the 2024 construction workload; and

WHEREAS, the cost of SRF Consulting Group, Inc. revised proposal to provide construction administration and final design services for CP 97-217 is \$70,426.00; and

WHEREAS, the adopted 2024 CIP Adopted Budget includes sufficient funds for the construction administration services contract; and

WHEREAS, County staff recommends execution of a contract with SRF Consulting Group, Inc. for construction administration and design services for CP 97-217 in the amount of \$70,426.00.



NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with McNamara Contracting, Inc. for County Project 97-217 in the amount of \$386,905.00 based on their low bid, 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 contract with SRF Consulting Group, Inc. to perform construction administration and design services for County Project 97-217 in an amount not to exceed \$70,426.00, subject to approval by the County Attorney's office as to form.

### **PREVIOUS BOARD ACTION**

23-207; 3/28/23

### **ATTACHMENTS**

Attachment: Project Location Map

Attachment: SRF Construction Admin Proposal

### **BOARD GOALS**

☒ A Great Place to Live

☐ A Healthy Environment

☐ A Successful Place for Business and Jobs

☐ Excellence in Public Service

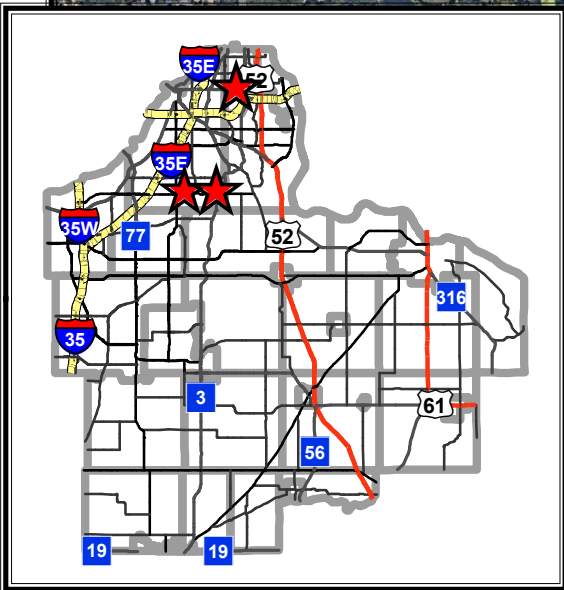
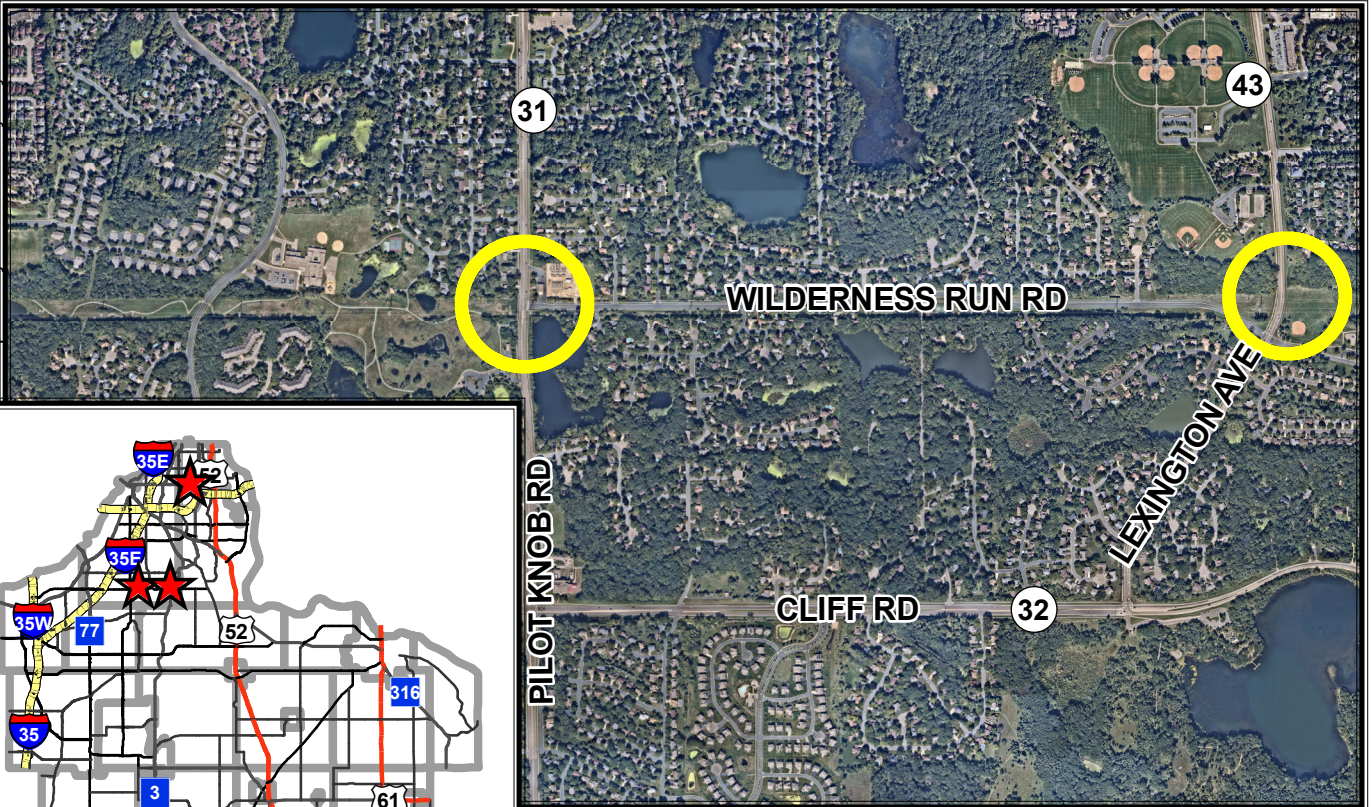
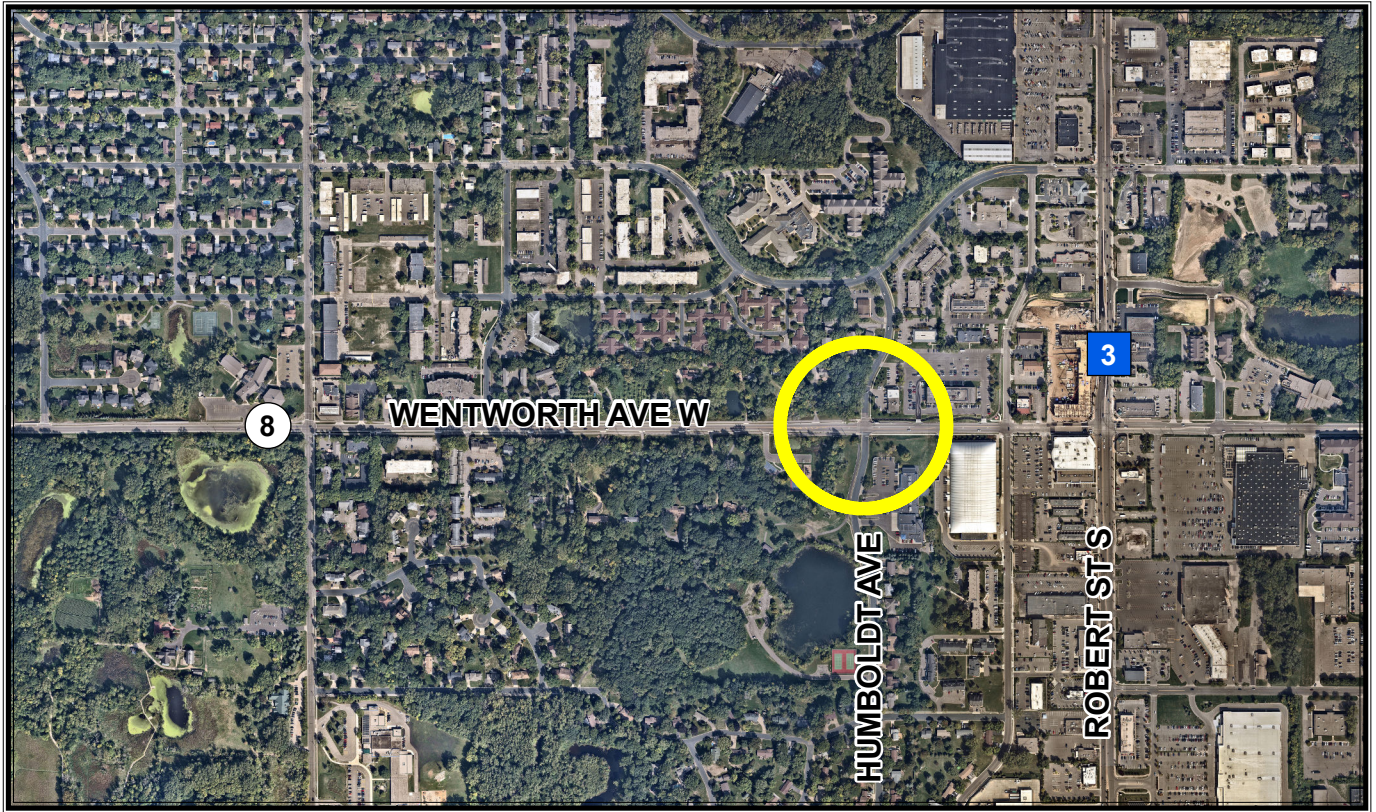
### **CONTACT**

Department Head: Erin Laberee

Author: Hassan Hussein



Prepared by Dakota County Physical Development Division



## County Project 97-217 Pedestrian Improvements





16134.01

June 14, 2024

John Sass  
Transportation Project Manager  
Dakota County  
14955 Galaxie Ave  
Apple Valley, MN 55124

Subject: Construction Management services and additional design for Pedestrian Crossing Safety Enhancements (CP 97-217), Dakota County

Dear John Sass:

With the expiration of the previous design contract between Dakota County and SRF Consulting Group, Inc (SRF) that was entered into on October 6, 2022 and expired in October of 2023 a new contract is required to complete the project. SRF is pleased to provide an updated In-construction Services proposal for completion of the Pedestrian Crossing Safety Enhancements project. We have also included the additional design services required to obtain city and agency approvals and preparation for bidding.

### **Construction Services - \$51,714**

This work will include contract administration, construction inspection, coordination of materials sampling, construction survey, design support and as-built plans. See attached scope of work spreadsheet.

It should be noted that in-construction services costs are highly dependent on factors beyond our control such as weather, contractor efficiency, contractor quality, and unforeseen site conditions; and as such, this is only an estimate of the cost of our services to be provided.

### **Design Services - \$18,712**

Based on discussions, our work includes:

- An exhibit to modify the right turn lane radii at Lexington Ave and Wilderness Run Road in the City of Eagan.
- Plan modifications to incorporate the above-mentioned changes and additional striping information.
- Preliminary assessment of the lighting needs for the two (2) intersections, Lexington Ave. and Wilderness Run Road and Wentworth Ave W. and Humbolt Ave.
- Tabulations and Statement of Estimated Quantities update
- Confirm design modifications and signage
- Updates to Division S, specs and bid package

[www.srfconsulting.com](http://www.srfconsulting.com)

3701 Wayzata Boulevard, Suite 100 | Minneapolis, MN 55416-3791 | 763.475.0010

*Equal Employment Opportunity / Affirmative Action Employer*

**Basis of Payment/Budget**

We propose to be re-imbursed for our services on an hourly basis for the actual time expended. Other direct project expenses such as printing, supplies, reproduction, etc, will be billed at cost and mileage will be billed at the current allowable IRS rate for business miles. Invoices are submitted on a monthly basis for work performed during the previous month. Payment is due within 30 days.

Based on our understanding of the project the cost of services is not to exceed \$70,426 which includes both time and expenses.

**Schedule**

We are ready to begin immediately and will complete this work within a mutually agreed-upon time schedule.

**Changes in Scope of Services**

It is understood that if the scope or extent of work changes, the cost will be adjusted accordingly. Before any out-of-scope work is initiated, however, we will submit a budget request for the new work and will not begin work until we receive authorization from you.

**Acceptance/Notice to Proceed**

A signed copy of this proposal, mailed or emailed to our office, will serve as acceptance of this proposal and our notice to proceed. The email address is [pcorkle@srfconsulting.com](mailto:pcorkle@srfconsulting.com)

We sincerely appreciate this opportunity and look forward to continued work with you on this project. Please feel free to contact us if you have any questions or need additional information.

John Sass  
Dakota County

June 14, 2024  
Page 3

Sincerely,  
SRF CONSULTING GROUP, INC.

Patrick Corkle  
Senior Director

PTC

**Approved (Dakota County)**

\_\_\_\_\_  
*(signature)*

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**This cost proposal is valid for a period of 90 days. SRF reserves the right to adjust its cost estimate after 90 days from the date of this proposal**

**Attachment A – Detailed Scope of Work/Hours/Fee Estimate**

*H:\Projects\16000\16134\16134 Construction Services and Design Proposal.docx*

## SRF Consulting Group, Inc.

Client: Dakota County  
 Project: Pedestrian Crossing Safety Enhancements  
 Construction Administration Services

Subconsultants: Braun

## Work Tasks and Person-Hour Estimates



16134.PP

TASK NO.      SUMMARY OF TASKS

- 1.0** Contract Administration
- 2.0** Construction Inspection
- 3.0** Material Sampling and Testing Coordination
- 4.0** Construction Survey
- 5.0** Design Support
- 6.0** As-Built Plans

Project Overview:

SRF Consulting Group, Inc. (SRF) has been assisting the County in preparing the final design of the Pedestrian Crossing Safety Enhancements project. The project is nearing the bidding phase, and the County has requested SRF to provide construction administrative to oversee the project through construction. Services would include construction contract administration, construction inspection, construction staking, materials compliance, as-built plans and design support necessary for shop drawing review and plan clarifications. The project includes State-Aid funding. Construction is assumed to be substantially completed by December 1, 2024.

<u>TASK NO.</u>	<u>TASK DESCRIPTION</u>	<u>PROF. VIII-VII</u>	<u>PROF. V</u>	<u>PROF. IV</u>	<u>PROF. II</u>	<u>TECH. IV</u>	<u>TECH. III</u>	<u>TECH. I</u>	<u>TOTALS</u>	<u>EST. FEE</u>
	<b><u>General Assumptions</u></b>									
a.	It is the goal of this contract to provide Contract Administration, Construction inspection, Construction Staking, and materials compliance services for this project.									
b.	Project utilizes State-aid funds									
c.	Primary construction anticipated to be July 15, 2024 to August 12, 2024 (4 weeks)									
e.	It is assumed that SRF field staff will generally be working 9 hour days, 5 days per week, during active construction.									
	<b><u>Dakota County Responsibilities:</u></b>									
a.	Assign a Project Manager to the project who will be the primary point of contact for all project communications and coordination.									
	<b><u>SRF will provide the following services:</u></b>									
<b>1.0</b>	<b><u>Contract Administration</u></b>									
	<u>Assumptions:</u> Assume 5 hours/week during active construction and 20 hours for preparation and final for Project Engineer and design support.									
1.1	Contract Administration	3	-	45	-	-	-	-	48	\$7,863.00
	- Schedule and conduct a preconstruction conference and weekly construction meetings, including private utilities for the project.									
	- Review Construction Contractor's Schedule for compliance with the contract specifications and provide recommendations for acceptance or rejection of baseline and update schedules to the County Project Manager.									
	- At least once each month, tabulate the quantity of each pay item satisfactorily completed to date. Quantities will be based on daily records or calculations. The tabulation will be used for preparation of the Monthly Pay Voucher using OneOffice software.									
	- In the event that the construction contractor for the project submits a claim for additional compensation, SRF will analyze the submittal for consistency with the project specifications and prepare a recommendation to the County Project Manager covering validity and reasonableness of the charges and conduct negotiations leading to recommendations for settlement of the claim. SRF will maintain complete and accurate records of work involved in claims.									

TASK NO.	TASK DESCRIPTION	PROF. VIII-VII	PROF. V	PROF. IV	PROF. II	TECH. IV	TECH. III	TECH. I	TOTALS	EST. FEE
	<ul style="list-style-type: none"> <li>- Review shop drawings and maintain a complete log of all submittals of shop drawings, noting the dates of first submittal and subsequent reviews and re-submittals, approvals, etc.</li> <li>- Assist with coordination between the construction contractor and utility companies to assure that conflicting utilities are removed, adjusted or protected in-place in a timely manner to minimize delays to construction operations.</li> <li>- Videotape and/or photograph the preconstruction conditions throughout the project limits. Provide a photo record of project activities, with heavy emphasis on potential claim items/issues, and on easement areas.</li> <li>- Prepare construction contract change documents and obtain state-aid approval for participating items. Contract changes will be developed using the County's standard template in addition to being entered in OneOffice.</li> <li>- Obtain, review, distribute, and close-out all required Project permits ensuring contractor permitted activities meet requirements.</li> <li>- Perform periodic quality control reviews of project documentation, inspection, and survey procedures.</li> <li>- Prepare final project documentation package and provide a copy to the County. This documentation may include: final quantities, final quantity cost splits, letter stating conformance of project with project requirements, and material certification documentation.</li> <li>- Provide weekly construction updates to be posted on the County's project webpage. Communicate as necessary with impacted businesses and residences.</li> </ul>	-	-	-	-	-	-	-	0	\$0.00
	<b>SUBTOTAL - TASK 1</b>	<b>3</b>	<b>0</b>	<b>45</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>48</b>	<b>\$7,863.00</b>
<b>2.0</b>	<b>Construction Inspection</b>									
	<u>Assumptions:</u> Assume 45 hours/week during construction (assume 4 weeks)									
2.1	<p>Construction Observation</p> <ul style="list-style-type: none"> <li>- Provide daily observation of the construction contractors operations as necessary to ensure the contractors operations are consistent with the project contract documents. Complete daily diaries using OneOffice software.</li> </ul> <p>Maintain on a daily basis complete and accurate records of activities and events relating to the project</p> <ul style="list-style-type: none"> <li>- Attend, and when necessary, direct meetings necessary for close coordination during day-to-day progress of the work or as required to carry out the construction contract.</li> <li>- Perform daily reviews of construction signing, detour signing, and construction traffic control maintenance. Keep a diary of reviews and recommendations made to the construction contractor for remedial action to be taken.</li> <li>- Prepare and submit such periodic, intermediate and final data and records as may be required by the County and State, and as are applicable to the project.</li> <li>- Collect documentation, in accordance with the State's Contract Administration Manual, for work quantities completed. Measure and compute quantities of all materials incorporated in the work and items of work completed, and record data on item record account sheets.</li> <li>- Perform reviews of temporary and permanent erosion control measures on the project for compliance with applicable permits and specifications. Keep a diary of reviews and recommendations made to the construction contractor for remedial action to be taken.</li> <li>- Final Inspection – conduct final inspection with County and State Aid staff and recommend project acceptance.</li> </ul>	-	-	-	-		180		180	\$23,940.00

TASK NO.	TASK DESCRIPTION	PROF. VIII-VII	PROF. V	PROF. IV	PROF. II	TECH. IV	TECH. III	TECH. I	TOTALS	EST. FEE
	<ul style="list-style-type: none"> <li>- Prepare final documentation of construction pay item quantities, as per the approved plans, Specifications, Special Provisions, and Contract Administration Manual.</li> <li>- Prepare Final Payment Voucher – generate a final voucher and submit to the County Project Manager for review and approval.</li> </ul>									
	<b>SUBTOTAL - TASK 2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>180</b>	<b>0</b>	<b>180</b>	<b>\$23,940.00</b>
<b>3.0</b>	<b>Material Sampling and Testing Coordination</b>									
	<u>Assumptions:</u> Hours for coordinating materials sampling and testing are included in tasks 1 and 2									
3.1	Material Sampling and Testing Coordination <ul style="list-style-type: none"> <li>- Field sampling and testing of grading, concrete and bituminous materials will be performed by others under a subagreement with SRF.</li> <li>- Materials testing will be done in accordance with the current State Schedule of Materials Control and State Standard Specifications or as modified by the contract special provisions. Where the State Schedule of Materials Control specifies laboratory/Agency testing, those tests will be performed at the identified Mn/DOT District Materials Laboratory. SRF will be responsible for delivering the samples to the identified Mn/DOT District Materials Laboratory.</li> <li>- Produce the necessary concrete, bituminous and grading and base reports and submit them as required during the same week that the construction work is done, or as needed to keep the project on schedule.</li> <li>- Make certain that test report records or certificates of compliance have been received, prior to the incorporation of materials in the work, for materials tested off the project site.</li> <li>- SRF will coordinate with testing firm to prepare a materials certification binder for the Project and include a copy with the final project documentation.</li> </ul>	-	-	-	-	-	-	-	0	\$0.00
	<b>SUBTOTAL - TASK 3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>\$0.00</b>
<b>4.0</b>	<b>Construction Survey</b>									
	<u>Assumptions:</u> SRF surveyors will set all stakes and marks necessary for the construction contractor to build the project.									
4.1	Construction Survey <ul style="list-style-type: none"> <li>- Establish control points</li> <li>- Construction limits</li> <li>- Right of way and easements</li> <li>- Limits for removals</li> <li>- Alignment and grades for private utility relocates</li> <li>- Alignment and grades for roadway subgrade</li> <li>- Alignment and grades for storm sewer</li> <li>- Alignment and grades for curb and gutter</li> <li>- Zero points for pedestrian curb ramps</li> <li>- Final grades for top of aggregate base</li> <li>- Alignment and grades for walks and trails</li> </ul>	-	-	4	-	40	-	40	84	\$10,348.00
	<b>SUBTOTAL - TASK 4</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>40</b>	<b>0</b>	<b>40</b>	<b>84</b>	<b>\$10,348.00</b>
<b>5.0</b>	<b>Design Support</b>									
	<u>Assumptions:</u>									



[illegible]

TASK NO.	TASK DESCRIPTION	PROF. VIII-VII	PROF. V	PROF. IV	PROF. II	TECH. IV	TECH. III	TECH. I	TOTALS	EST. FEE
<u>SRF ESTIMATE OF DIRECT NON-SALARY EXPENSES:</u>										
	MILEAGE:	Personal Vehicles		1500	Miles @	\$0.670				\$1,005.00
	SUPPLIES:	Survey Materials								\$240.00
									<b>SRF EXPENSES:</b>	<b>\$1,245.00</b>
<u>SUBCONSULTANTS:</u>										
	Braun Intertec									\$5,478.00
									<b>SUBCONSULTANTS:</b>	<b>\$5,478.00</b>



# Board of Commissioners

## Request for Board Action

Item Number: DC-3505

Agenda #: 9.6

Meeting Date: 7/9/2024

**DEPARTMENT:** Parks, Facilities, and Fleet Management

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Agreement With Great River Energy On Veterans Memorial Greenway Bridge Over Highway 3 In Eagan, County Project P00147**

### PURPOSE/ACTION REQUESTED

Authorize execution of a relocation agreement with Great River Energy (GRE) for removing and replacing existing electric transmission poles associated with bridge construction for the Veterans Memorial Greenway Project.

### SUMMARY

To provide a safe and efficient greenway system, Dakota County is proceeding with the Veterans Memorial Greenway (VMG) Phase II segment, which includes the construction of about two miles of shared-use trail. The final design includes a 10' shared-use trail, bridge over State Trunk Highway 3, earthwork and elements of the basic and enhanced memorial nodes, greenway wayfinding, and a new trailhead parking lot off Dodd Road. The VMG Phase II project is scheduled to start construction in 2025. (Attachment: Location Map).

GRE operates a transmission line within the Northern States Power easement and along a portion of State Highway 3 and CP Railroad right of way. With Xcel Energy transmission lines overhead, the bridge location must utilize the space that currently has GRE utility pole infrastructure for bridge piers and abutments. Since GRE has an easement with Northern States Power, the County is partially responsible for the costs to relocate the transmission line poles and any necessary pole relocation work, as it is a project-related impact.

In spring 2023, the County and GRE entered into an engineering review agreement to review the project's impacts on GRE's facilities. GRE has reviewed the project impacts and requires the relocation of one pole and the construction of a new 65' wood pole with guy wires 45' from railroad tracks. Based on this review, GRE has provided an estimate on the relocation costs of \$437,958.08, and 50 percent of the associated costs are to be paid for by the County as identified in the modification/relocation agreement. Staff has reviewed the engineering determination agreement and proposed costs (Attachment: Draft Relocation Agreement).

### RECOMMENDATION

Staff recommends the execution of the modification/relocation agreement with GRE for the necessary pole relocation work required based on the P00147 bridge work on their facilities to proceed in an amount not to exceed \$218,979.04.

**EXPLANATION OF FISCAL/FTE IMPACTS**

The adopted 2024 Parks Capital Improvement Program Budget includes a budget of for design and construction of \$27,825,491 including state and federal funds in the amount of \$14,995,000 and County funds of \$12,830,491. Relocation costs are not to exceed \$218,979.04. Sufficient funds are available for the modification/relocation agreement.

☐ None      ☒ Current budget      ☐ Other  
☐ Amendment Requested      ☐ New FTE(s) requested

**RESOLUTION**

WHEREAS, to provide a safe and efficient greenway system, Dakota County is proceeding with the Veterans Memorial Greenway County Project (P00147); and

WHEREAS, County Project P00147 will entail the construction of about two miles of shared use trail, including a bridge over State Trunk Highway 3, in Eagan and Inver Grove Heights; and

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

WHEREAS, Great River Energy (GRE) operates a transmission line within Northern States Power easement; and

WHEREAS, County Project P00147 alignment was selected to minimize impacts on GRE's transmission line and parallel Xcel Energy transmission lines; and

WHEREAS, despite the alignment, the project is encroaching on GRE's facilities, including the transmission poles where the bridge crossing of Trunk Highway 3 needs to occur because of the parallel Xcel Energy transmission lines that have height restrictions for a bridge crossing; and

WHEREAS, Dakota County and GRE entered into an engineering review agreement for the review of the County Project's impact on GRE's facilities; and

WHEREAS, GRE has completed their review and requires the replacement of three poles along the project corridor and a realignment of infrastructure; and

WHEREAS, GRE estimates that the cost to complete the new poles and relocation work is \$437,958.08, with the County to pay 50 percent of the costs; and

WHEREAS, to proceed with County Project P00147, Dakota County must enter into a relocation agreement with GRE to complete the necessary work on GRE's facilities for the project; and

WHEREAS, the 2024 Parks Capital Improvement Program Budget has sufficient funding for the necessary GRE work within the Veterans Memorial Greenway project; and

WHEREAS, staff recommends execution of a relocation agreement with GRE for the estimated County cost amount of \$218,979.04.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby

authorizes the Physical Development Director to execute a relocation agreement with Great River Energy for the necessary work on Great River Energy's facilities for County Project P00147 in the amount of the actual costs currently estimated at \$218,979.04, subject to approval by the County Attorney's Office as to form.

**PREVIOUS BOARD ACTION**

20-430; 9/1/20  
22-201; 5/24/22  
22-376; 9/6/22  
22-567; 12/13/22  
23-076; 2/28/23  
23-320; 7/18/23  
23-575; 12/19/23  
24-188; 4/9/2024

**ATTACHMENTS**

Attachment: Project Location Map  
Attachment: Draft Relocation Agreement

**BOARD GOALS**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> A Great Place to Live         | <input checked="" type="checkbox"/> A Healthy Environment |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input type="checkbox"/> Excellence in Public Service     |

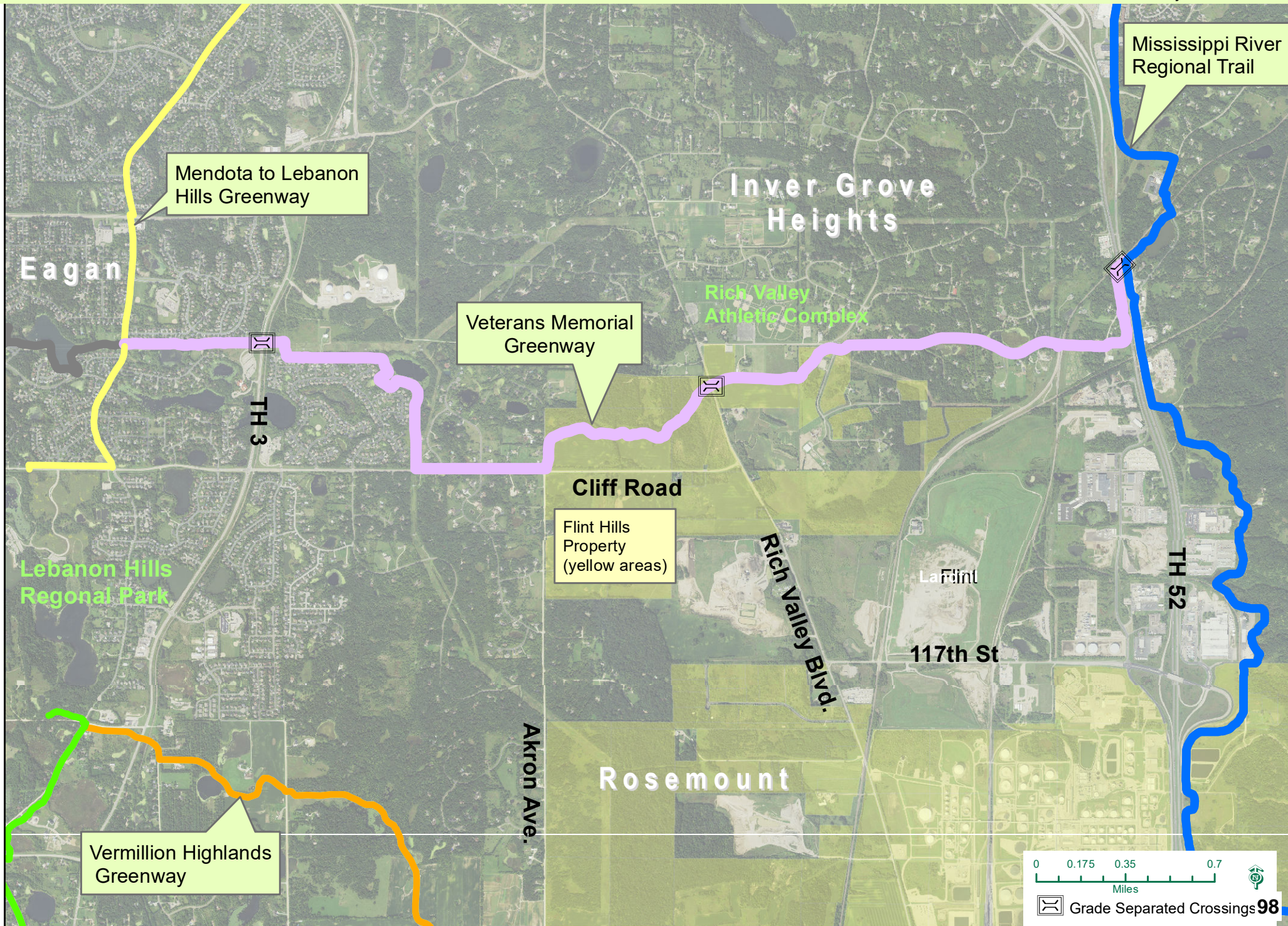
**CONTACT**

Department Head: Taud Hoopingarner  
Author: Tony Wotzka



# Veterans Memorial Greenway - Dakota County

Attachment:  
Project Location





## **RELOCATION AGREEMENT**

The County of Dakota (“County”), a political subdivision of the State of Minnesota and GREAT RIVER ENERGY, agree to the following facts, terms, and conditions regarding the described project:

The County prepared plans and specifications to issue a contract, for the construction of a trail project being identified as DCA20367 Veterans Memorial Greenway trail project located in the County of Dakota (“the project”); and

1. Certain transmission line facilities (DA-WW) owned and operated by GREAT RIVER ENERGY (“the facilities”) are currently located in part in road right-of-way and on private property and within the limits of the project where GREAT RIVER ENERGY has property rights; and
2. The County and GREAT RIVER ENERGY have determined that the facilities owned and operated by GREAT RIVER ENERGY need to be relocated. GREAT RIVER ENERGY has requested reimbursement of the actual cost it incurs in relocating GREAT RIVER ENERGY’S facilities and the County agrees to reimburse GREAT RIVER ENERGY for all associated costs.

NOW, THEREFORE, IT IS AGREED:

### **ARTICLE 1 - APPLICABLE LAWS, POLICIES AND PROCEDURES**

THIS AGREEMENT is made in accordance with applicable federal, state, and local laws and ordinances, and any other applicable laws or regulations, including any supplements or amendments thereto, and are made a part hereof by reference with the same force and effect as though fully set forth herein.

### **ARTICLE 2 – PLANS**

RELOCATION PLANS will be provided by GREAT RIVER ENERGY to the County as soon as they are 100% complete, indicating the facilities involved and the location of new facilities, as related to the project.

### **ARTICLE 3 – ESTIMATE**

ACTUAL COST BASIS, the estimated cost of the work that will be performed by GREAT RIVER ENERGY is \$437,958.08. This estimate of cost requires GREAT RIVER ENERGY to pay 50% of the estimated cost and the County to pay 50% of the estimated cost. Payment of the estimated cost is required prior to any construction work starting. The breakdown of estimated cost for the work to be completed is as follows:

Labor	\$ 100,131.87
Material	\$ 137,076.20
TP&C	\$ 5,000.00
Other	\$ 15,000.00
Consulting/Contracting	\$ 137,750.00
Heavy Equipment	\$ 43,000.00
ESTIMATE TOTAL	\$ 437,958.08

**50% TOTAL DUE WITH AGREEMENT \$218,979.04**

### **ARTICLE 4 – RELOCATION**

All work to relocate the facilities will be coordinated to accommodate the contractor's base work operations within reason, which GREAT RIVER ENERGY and the County have reviewed and agreed to:

- **PERMITS.** The scope of GREAT RIVER ENERGY'S relocation project may require GREAT RIVER ENERGY to acquire permits from the County, MnDOT, Corp of Engineers and/or Minnesota DNR. GREAT RIVER ENERGY will provide to the County one copy of any permit application that is required for the project upon request, including copies of the "proposed" sketches associated with each permit application associated with this project before GREAT RIVER ENERGY begins relocating its facilities.
- **ABANDONED FACILITIES.** GREAT RIVER ENERGY will remove those existing facilities and materials which need to be removed because of project requirements and there shall be no "abandoned facilities".



## **ARTICLE 5 - TIME SCHEDULING**

**STARTING DATE.** GREAT RIVER ENERGY will relocate in the first quarter of 2025 and construction by the County is to begin in the second quarter of 2025. If GREAT RIVER ENERGY'S relocation is delayed or may not be completed by the second quarter of 2025, GREAT RIVER ENERGY will coordinate with the County Engineer as soon as those circumstances are known. All work to relocate the facilities will coordinate with the contractor's base work operations, which GREAT RIVER ENERGY and the County have reviewed and agreed upon.

**COORDINATION.** In the event that GREAT RIVER ENERGY'S construction is not complete by the second quarter of 2025, GREAT RIVER ENERGY will coordinate all relocation work with the County Engineer and the contractor's operations manager regarding this project, if needed. GREAT RIVER ENERGY will relocate its transmission lines in coordination with the County's construction, line strikes or unforeseen delays in delivery of necessary materials, or other unforeseen contingencies, or because of GREAT RIVER ENERGY'S need to transfer electrical energy without interruption.

If the County requires GREAT RIVER ENERGY to relocate or adjust its electric transmission line for any reason in the future, the County will reimburse GREAT RIVER ENERGY for its costs where the transmission line is located within GREAT RIVER ENERGY's easements and inside road right of way per this relocation.

## **ARTICLE 6 – PAYMENT**

**ACTUAL COST BASIS.** The County will pay the **actual costs** of such construction. Such actual costs shall include the wages (including fringe benefits) of all employees of GREAT RIVER ENERGY devoting time toward design, engineering, construction, administration, or any other activity associated with said project; costs of any necessary right of way; overhead costs associated with surveying, construction and other operations in the field (including but not limited to charges for mileage, equipment rental or cost, etc.); and material cost for all items associated with said construction. The County agrees that said costs include overhead charges based on material and labor costs associated with said project.

Upon execution of the Relocation Agreement, the County will pay, in advance, \$218,979.04 to GREAT RIVER ENERGY, representing 50% of the estimated cost for relocating GREAT RIVER ENERGY'S facilities. If there are any increases anticipated outside the original scope of work, GREAT RIVER ENERGY will notify the County in advance before conducting any additional work not included in the original scope of work and shall amend this Agreement as needed.

Dakota County  
DCA20367  
GRE Project No. 209911

Upon completion of the relocation project, GREAT RIVER ENERGY will furnish the County with one original invoice supported by an itemized statement of costs for relocating said GREAT RIVER ENERGY'S facilities. The County will pay GREAT RIVER ENERGY any excess of the actual costs over the estimate prepared by GREAT RIVER ENERGY, subject to the notification requirement above. Should the initial estimate deposit exceed the cost, any overpayment will be refunded to the County along with interest accrued from the day the deposit was received to the day the overpayment amount is refunded.

#### **ARTICLE 7. – INDEMNIFICATION**

GREAT RIVER ENERGY agrees it will defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, cost and damages which the County, its officers or employees may hereinafter sustain, incur or be required to pay arising out of the negligent or willful acts or omissions of GREAT RIVER ENERGY out of GREAT RIVER ENERGY'S performance or failure to adequately perform its obligations pursuant to this contract.

Subject to exceptions and limitations provided by law, including but not limited to those contained in Minnesota Statutes, Chapter 466 the County agrees it will defend, indemnify and hold harmless GREAT RIVER ENERGY, its officers and employees against any and all liability, loss, cost and damages which GREAT RIVER ENERGY, its officers or employees may hereinafter sustain, incur or be required to pay arising out of the negligent or willful acts or omissions of the County or its contractor and out of the County or its contractor's performance or failure to adequately perform obligations pursuant to this contract.

IN WITNESS WHEREOF, GREAT RIVER ENERGY and the County have caused this Agreement to be executed by its duly authorized officers.

#### **GREAT RIVER ENERGY**

By: \_\_\_\_\_  
Daniel Leshner  
Its: Manager, Transmission Permitting  
and Land Rights

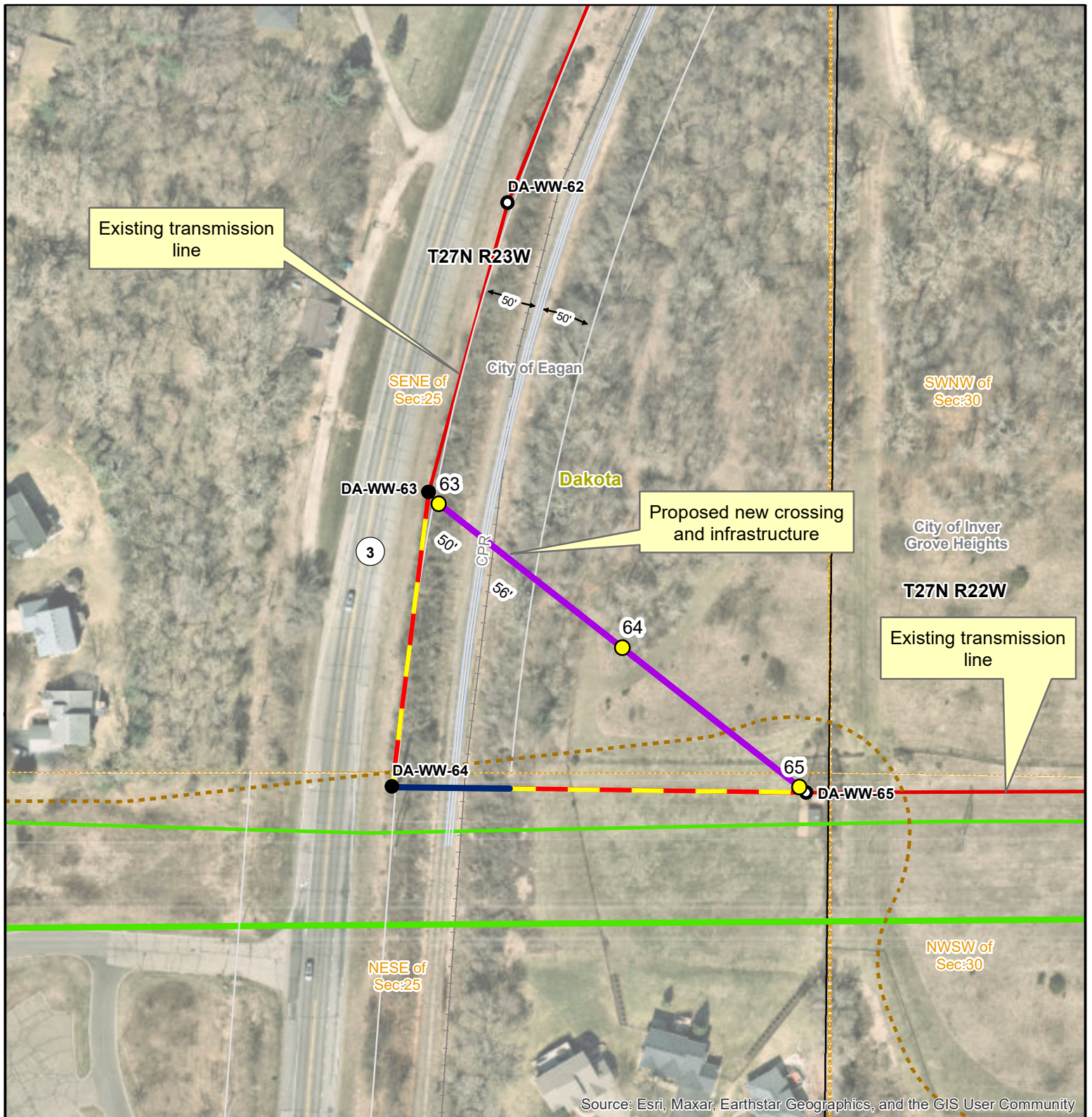
Date: \_\_\_\_\_

#### **COUNTY OF DAKOTA**

By: \_\_\_\_\_

Its:

Date: \_\_\_\_\_



- Proposed transmission line
- Existing crossing
- Proposed infrastructure to be removed
- Existing transmission line
- Existing Non-GRE transmission line
- - - Trail centerline
- Railroad centerline
- Railroad track
- Proposed infrastructure
- Proposed infrastructure to be removed
- Existing transmission structure



**GREAT RIVER ENERGY®**



0 50 100 FEET

DATE: 5/28/2024

SCALE: 1:2000

DWN BY:

CKT BY:

APPD BY:

Section: 25  
Township: 27N  
Range: 22W  
County: Dakota  
State: MN



# Board of Commissioners

## Request for Board Action

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**Item Number:** DC-3370

**Agenda #:** 9.7

**Meeting Date:** 7/9/2024

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**DEPARTMENT:** Parks, Facilities, and Fleet Management

**FILE TYPE:** Consent Action

### TITLE

**Proclamation Of July As Park And Recreation Month And Proclamation Of July 19, 2024 As Park And Recreation Professionals Day**

### PURPOSE/ACTION REQUESTED

Proclaim the month of July as Park and Recreation Month and proclaim July 19, 2024, as Park and Recreation Professionals Day.

### SUMMARY

Since 1985, the United States has celebrated Park and Recreation Month in July to promote building strong, vibrant, and resilient communities through the power of parks and recreation and to recognize the more than 160,000 full-time park and recreation professionals - along with hundreds of thousands of part-time and seasonal workers and volunteers - who maintain the country's local, state, and community parks.

Through efforts by the National Recreation and Parks Association (NRPA), the U.S. House of Representatives passed an official resolution for Park and Recreation Month in 2009 and introduced the resolution in 2017 and 2018.

Park and recreation agencies nationwide are recognizing the month with summer programs, events, contests, commemorations, and celebrations.

The services that park and recreation professionals provide are vital to our communities by protecting open spaces and natural resources, helping fight obesity, improving mental health, and providing activities and resources for all people. Park and Recreation Month encourages everyone to reflect on the significant value park and recreation professionals bring to communities.

This year's Park and Recreation Month theme, "Where You Belong", celebrates the many ways park and recreation professionals across the country foster a sense of belonging in their community by providing welcoming and inclusive programs, essential services for all ages and abilities, and safe, accessible spaces to build meaningful connection. During Park and Recreation Month, NRPA encourages park and recreation agencies to showcase the ways in which they contribute to strong, vibrant, and resilient communities all year and how community members can support their local agency's work.

This July, with Board approval, Dakota County calls on the community to unite and share the many reasons why Dakota County Parks truly embodies the essence of belonging.



**RECOMMENDATION**

To showcase the ways in which Dakota County Parks contribute to strong, vibrant, and resilient communities all year and recognize the skilled work of park and recreation professionals to strengthen community cohesion and resilience, connect people with nature and each other, and provide and promote opportunities for healthful living, social equity, and environmental sustainability, staff recommends the Dakota County Board of Commissioners proclaim July as Park and Recreation Month and proclaim July 19, 2024 as Park and Recreation Professionals Day.

**EXPLANATION OF FISCAL/FTE IMPACTS**

None.

- |  |   |                                |
|--|---|--------------------------------|
| <input checked="" type="checkbox"/> None     | <input type="checkbox"/> Current budget       | <input type="checkbox"/> Other |
| <input type="checkbox"/> Amendment Requested | <input type="checkbox"/> New FTE(s) requested |                                |

**RESOLUTION**

WHEREAS, the Dakota County Board of Commissioners recognizes that the parks and recreation field is a diverse and comprehensive system that improves personal, social, environmental, and economic health; and

WHEREAS, the Board of Commissioners recognizes the importance and benefits of park and recreation services that enrich the lives of its citizens and help make the community a desirable place to live, work, and visit; and

WHEREAS, parks and recreation promote health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS, parks and recreation promote time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

WHEREAS, parks and recreation encourage physical activities by providing space for popular outdoor activities, hiking trails, and many other activities designed to promote active lifestyles; and

WHEREAS, park and recreation programming and education activities, such as outdoor education programming and environmental education, are critical to childhood development; and

WHEREAS, parks and recreation increase a community's economic prosperity through increased property values, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation is fundamental to the environmental well-being of the community; and

WHEREAS, parks and recreation are essential and adaptable infrastructures that make communities resilient in the face of natural disasters and climate change; and

WHEREAS, parks and natural recreation areas ensure the ecological beauty of the community and

provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, Dakota County recognizes the benefits derived from parks and recreation resources; and

WHEREAS, the Board of Commissioners supports the skilled work of park and recreation professionals to strengthen community cohesion and resilience, connect people with nature and each other, and provide and promote opportunities for healthful living, social equity, and environmental sustainability; and

WHEREAS, the Board of Commissioners values the essential services that park and recreation professionals and volunteers perform to provide recreational and developmental enrichment for the community's children, youth, adults and older adults; and to ensure our parks and recreational spaces are clean, safe, inclusive, welcoming and ready to use.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners recognizes July as Park and Recreation Month in Dakota County; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners does hereby proclaim July 19, 2024, as "Park and Recreation Professionals Day" in Dakota County.

### **PREVIOUS BOARD ACTION**

None.

### **ATTACHMENTS**

Attachment: Where You Belong Toolkit

### **BOARD GOALS**

☒ A Great Place to Live

☐ A Successful Place for Business and Jobs

☒ A Healthy Environment

☐ Excellence in Public Service

### **CONTACT**

Department Head: Taud Hoopingarner

Author: Niki Geisler



# Board of Commissioners

## Request for Board Action

Item Number: DC-3522

Agenda #: 10.1

Meeting Date: 7/9/2024

**DEPARTMENT:** Sheriff

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Add 1.0 Full-Time Equivalent Senior Program Services Assistant To Support Gun Permit Duties And Amend Sheriff's Office 2024 Budget**

### PURPOSE/ACTION REQUESTED

Authorize the Sheriff to add 1.0 Full-Time Equivalent (FTE) to serve as a Senior Program Services Assistant to support gun permits duties and amend the Sheriff's Office 2024 budget.

### SUMMARY

Dakota County Sheriff's Office requests an additional 1.0 Full-Time Equivalent (FTE) Senior Program Services Assistant for gun permit processing. In 2020-2021, the Dakota County Sheriff's Office processed 8,000-10,000 new gun permits annually. This was approximately double the amount of gun permit applications received before COVID. These permit holders are now due for their 5-year renewal and will result in a significant workload increase for the Sheriff's Office. In anticipation of nearly doubling our annual permit renewal work, and to reduce the current backlog of 10,000 annual renewals, the additional FTE is required to meet existing permit application mandates and timelines. Annual background checks must be completed on each Dakota County permit-to-carry holder. As the total number of permit holders increases, so does the time needed to complete these checks.

Minnesota State Statute mandates that our Office process all applications and notify the applicant of the results within 30 days for permits to carry and seven days for permits to purchase. There are currently 5.0 full-time Program Services Assistants (PSAs) assigned to processing gun permit Applications at the Western Service Center and Hastings Law Enforcement Center Sheriff's Office. This request of adding a 1.0 FTE will bring the total FTE's to 6.0. These positions are entirely funded through gun permit revenue.

The Sheriff's Office is requesting a 2024 budget amendment for five months in the amount of \$42,764 to be covered through gun permit revenue.

### RECOMMENDATION

The Sheriff recommends authorizing the addition of 1.0 Full-Time Equivalent (FTE) to serve as a Senior Program Services Assistant to support gun permits duties and amend the Sheriff's Office 2024 budget.

### EXPLANATION OF FISCAL/FTE IMPACTS

The Sheriff's Office requests a 2024 budget amendment to account for adding a 1.0 FTE to the current Sheriff's staffing level. Salary and benefit costs to fund that position for five months, from

August 1<sup>st</sup>, 2024, through December 31, 2024, total approximately \$42,764. The position will be entirely funded by gun permit revenue and no additional levy County dollars are requested. The continued funding of this position through gun permit revenue will be included in the County Manager's 2025 recommended budget.

☐ None ☐ Current budget ☐ Other  
☒ Amendment Requested ☒ New FTE(s) requested

## RESOLUTION

WHEREAS, the Sheriff is mandated by State Statute to process permit to carry for the entire County and to either issue the permit or deny it based on available evidence within a 30-day time frame; and

WHEREAS, during the years of 2020-2021 gun permit application numbers approximately doubled, resulting in the five-year renewal process of these applications to begin in 2024; and

WHEREAS, the Sheriff has an existing backlog of approximately 10,000 annual renewal applications; and annual background checks must also be conducted on all active permit holders; and

WHEREAS, the Sheriff's Office is requesting the addition of 1.0 Full-Time Equivalent (FTE) to support the increasing of gun permit applications and process the existing backlog of annual renewal permits; and

WHEREAS, the funding needed to add the 1.0 FTE Program Services Assistant is entirely funded from existing revenue in the gun permit account.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby increases the Sheriff's Full-Time Equivalent complement by 1.0 Full-Time Equivalent for a Program Services Assistant effective August 1, 2024; and

BE IT FURTHER RESOLVED, That the 2024 Sheriff's Office budget is amended as follows:

### Expense

1.0 FTE Program Services Assistant, Grade 105 (5 Months)	\$42,764
<b>Total Expense</b>	<b>\$42,764</b>

### Revenue

Gun Permit Revenue	\$42,764
<b>Total Revenue</b>	<b>\$42,764</b>

## PREVIOUS BOARD ACTION

None.

## ATTACHMENTS

Attachment: None.

## BOARD GOALS



☐ A Great Place to Live

☒ A Successful Place for Business and Jobs

☐ A Healthy Environment

☐ Excellence in Public Service

## **CONTACT**

Department Head: Joe Leko

Author: Nina Langer



# Board of Commissioners

## Request for Board Action

Item Number: DC-3581

Agenda #: 11.1

Meeting Date: 7/9/2024

**DEPARTMENT:** Library

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Accept Donation Of Statue**

### PURPOSE/ACTION REQUESTED

Authorize accepting the donation by the City of South St. Paul of the statue known as Lucy to be installed outside of Kaposia Library.

### SUMMARY

Pursuant to Policy 1570 Gift Acceptance and adopted Donation Plan (Resolution No. 24-101, February 27, 2024), the Dakota County Board of Commissioners delegated to the County Manager or their designee, the Dakota County Library Advisory Committee, the authority to accept gifts of personal property up to \$1,500 in value for public library purposes. Gifts to Dakota County libraries with a value greater than \$1,500 are presented to the County Board for approval and acceptance.

For many years a statue of Lucy, from the Peanuts cartoon, stood in front of the South St. Paul Public Library. It had originally been donated to the City of South St. Paul by former Commissioner Nancy Schouweiler and her husband Greg.

After sitting outside of the library for over 9 years, the statue was in poor condition, and no one considered moving it to the new library. However, a local artist, Jaclee Slaba volunteered to repair and restore the statue. Once those repairs are complete, the city is offering to donate the statue to the county to sit out front of the Kaposia Library.

The City of South St. Paul is hosting a lemonade stand at community events to raise the funds needed for any expenses associated with the restoration and moving of the statue.

The statue is 6 feet tall and 4 feet wide, weighs 300 pounds and has been valued at \$3,000.

There will be an event for the unveiling of the restored Lucy on a date to be determined.

### RECOMMENDATION

The Dakota County Library Director recommends acceptance of this gift. Letters of thanks have been prepared for Commissioner signatures.

### EXPLANATION OF FISCAL/FTE IMPACTS

- ☒ None ☐ Current budget ☐ Other  
☐ Amendment Requested ☐ New FTE(s) requested

## RESOLUTION

WHEREAS, the library has received the offer from the City of South St. Paul of a donation of a statue known as Lucy; and

WHEREAS, staff have determined the statue is suitable for a library; and

WHEREAS, the statue has been valued at \$3,000; and

WHEREAS, the City will cover all costs for restoration and moving of the statue: and

WHEREAS, staff recommend the Board of Commissioners accept the donation of the statue.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners give authorization to accept the donation of the statue.

## PREVIOUS BOARD ACTION

None.

## ATTACHMENTS

Attachment: Photo of Lucy in 2019

Attachment: Photo of Lucy being repaired

Attachment: Gift Agreement

Attachment: Thank You letter

## BOARD GOALS

☒ A Great Place to Live

☐ A Successful Place for Business and Jobs

☐ A Healthy Environment

☐ Excellence in Public Service

## CONTACT

Department Head: Margaret Stone

Author: Margaret Stone







## **GIFT AGREEMENT**

This gift agreement (this “Gift Agreement”), effective on the date on which the last party has executed the Gift Agreement (“Effective Date”), is between the County of Dakota, a Political subdivision of the State of Minnesota, by its library, having its principal business at 1340 Westcott Road, Eagan, Minnesota 55123, (the “Donee”), and the city of South St. Paul (the “Donors”) The Donee and Donor may each be referred to as a “Party” and collectively as the “Parties.”

### **Background**

- A. The statue depicting the Peanuts cartoon character known as Lucy was donated to the City of South St. Paul by Nancy and Greg Schouweiler to be displayed at the South St. Paul Library. (The Work)
- B. The City library has become part of the County library system with a new building.
- C. The City wishes to donate the statue to the County for display at the new Kaposia Library in South St. Paul.
- D. The Work weighs approximately 300 pounds and is 6 feet high, and 4 feet wide.
- E. The Work is approximately valued at \$3,000.
- F. The Donee is willing to accept the charitable donation under the terms and is subject to the conditions in this Gift Agreement.

Accordingly, the Parties agree as follows:

Both Donee and Donor acknowledge and agree that valid consideration has been given in return for the promises and conditions outlined in this Gift Agreement.

The Donors will arrange to have the Work repaired and refurbished to the satisfaction of the Donee prior to donation. The Donors hereby irrevocably and unconditionally give, transfer, and assign, by way of gift, without limitation or restriction, to the Donee, its successors, and assign all rights, titles, and interests in, arising from, and to the Work.

The Donors hereby certify the following: (i) that the Donors are the sole owner of the Work; (ii) have good and complete rights, title, and interest in and to the Work; (iii) have full authority to give, transfer and assign right, title, and interest in and to the Work to the Donee; (iv) the subject of this gift is free and clear of all encumbrances and restrictions; and (v) to the best of the Donors’ and Artist’s knowledge the Work has not been imported or exported into or from any country contrary to its laws.

The Donors agree that Donee may use the Work as it deems most beneficial, including, however, not limited to, mounting outside of the Kaposia Library.

The Donee reserves the right to use an image of the sculpture as it appears in the Dakota County Library for promotions or other educational purposes. The Donee also reserves the right to move to another location or de-accessed the Work for any reason. If the Work is de-accessed, the Donee will offer the Donor the first right to request the Work be returned to the Donor before the Donee takes any other action.

To the greatest extent allowed by law, in the performance of or failure to perform this Gift Agreement, the Donors shall indemnify, defend, (in the case of third-party claims, with counsel satisfactory to Donee), and hold harmless Dakota County and Donee, its officers, agents, and employees, from and against any actual or alleged loss, litigation cost, (including, but not limited to, reasonable attorney fees and costs and expenses of defense), costs, settlement, judgment, demands, damage, liability, lien, debt, injury, harm, fees, fines, penalties, interest, expenditure, diminution in value, disbursement, action, claim, proceeding, or dispute of any sort, (collectively “Losses”), whether or not involving a third-party, which are attributable to the Donors’, or Donors’ agents’, independent contractors’, employees’, or delegates’, actual or alleged:

- A. Intentional, willful, or negligent acts or omissions.
- B. Actions or omissions that give rise to strict liability; or
- C. Negligent or intentional misrepresentation, breach of warranty, covenant, contract, or subcontract whether or not well-founded in fact or law, known or unknown, foreseen, or unforeseen, fixed or contingent, and howsoever originating or existing, and whether or not based upon statute, common law, or equity. This indemnity provision survives the expiration or termination of this Gift Agreement.

The indemnification, defense, and hold harmless obligations of this section do not apply to the extent that liability is the direct or proximate result of the negligence or fault of the Donee or any third party for whom the Donors are not legally liable. This limitation is not a waiver on the part of the Donee of any immunity or limits on liability under Minn. Stat. Ch. 466, or other applicable State or Federal law.

The Parties shall promptly provide notice in writing and reasonable detail of:

- A. Any demand, action, suit, or proceeding against the Party providing notice; or
- B. Any event or fact that may give rise to indemnification under this section by the Artist or Donors.

The Donors shall promptly provide notice to the Donee of any proposed settlement, and Donors may not, without the Donee’s prior written consent, (which the Donee will not unreasonably withhold, condition, or delay), settle such claim or consent to entry of any third-party judgment. Nothing in this section precludes the Donors from allowing the Donee to undertake control of the defense.

Neither Party shall be liable to the other Party for any loss or damage resulting from a delay or failure to perform due to unforeseeable acts or events outside the defaulting party’s reasonable control, providing the defaulting party gives notice to the other Party as soon as possible. Acts and events may include acts of God, acts of terrorism, war, fire, flood, epidemic, acts of civil or military authority, and natural disasters.

Any amendments to this Gift Agreement are only valid when reduced to writing, specifically identified as an amendment, and signed by the Parties.

Each Party agrees that the electronic signatures of the Parties included in this Gift Agreement are intended to authenticate this writing and to have the same force and effect as wet ink signatures.

The laws of Minnesota govern all matters related to this Gift Agreement, without giving effect to the principles of conflict of law. Venue and jurisdiction for any litigation related to this Gift Agreement must be in those courts located within Dakota County, State of Minnesota, or U.S. District Court, District of Minnesota.

The Donors shall not assign or delegate any interest, right, duty, or obligation related to this Gift Agreement without the Donee's prior written consent. The Donee may void any purported assignment, delegation, or subcontract in violation of this section.

This Gift Agreement constitutes the sole and entire agreement between the Parties and supersedes and merges all prior agreements, proposals, negotiations, discussions, and understandings between the Parties relating to the subject matter of this Gift Agreement. No Party has relied on or can rely on any statement or representation that is not expressly contained in this Gift Agreement as an inducement to enter into this Gift Agreement.

To evidence the Parties' acceptance of the Agreement, they have executed it as of the date set forth below:

**Donee**

By:

\_\_\_\_\_  
[Name, Title]  
[Department]

Date                      of                      Signature:

\_\_\_\_\_

**Donor**

*(I represent and warrant that I am authorized by law to execute this contract and legally bind the Contractor.)*

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Date of Signature: \_\_\_\_\_



July 9, 2024

James Francis, Mayor  
125 3<sup>rd</sup> Avenue N  
South St. Paul, MN 55075

Dear Mayor Francis and City Council Members:

Thank you for your donation of the Peanut's Statue of Lucy. This will be a wonderful addition to the Kaposia Library. I am pleased that this statue will still be able to be enjoyed by the public for years to come.

County Board members join me in thanking you for your generous support.

Best Regards,

Joe Atkins, Chair  
Commissioner, District 2  
Dakota County Board of Commissioners

**County Board of Commissioners**

**P** 651-438-4418 **W** [www.dakotacounty.us](http://www.dakotacounty.us)  
**A** Dakota County Administration Center • 1590 Highway 55 • Hastings • MN 55033





# Board of Commissioners

## Request for Board Action

Item Number: DC-3599

Agenda #: 11.2

Meeting Date: 7/9/2024

**DEPARTMENT:** Public Services and Revenue Administration

**FILE TYPE:** Consent Action

### TITLE

**Approval Of Application For Exempt Permit For Dakota County Agricultural Society To Hold Raffle**

### PURPOSE/ACTION REQUESTED

Approve the application from Dakota County Agricultural Society for an Exempt Permit to hold a raffle at the Dakota County Fairgrounds in Castle Rock Township on August 12, 2024.

### SUMMARY

Gambling licenses are governed by the Minnesota Gambling Control Board. Nonprofit organizations may conduct raffles, bingo and other forms of lawful gambling according to Minnesota law. Lawful gambling consists of the operation, conduct or sale of bingo, raffles, paddle wheels, tip-boards and pull-tabs. Before approving the permit, the Minnesota Gambling Control Board requires county approval of an application when the gambling premises is located in a township. An application was received from the Dakota County Agricultural Society for an Exempt Permit to hold a raffle at the Dakota County Fairgrounds in Castle Rock Township on August 12, 2024. This organization is exempt from all requirements that apply to licensed gambling but must comply with the requirements set forth in Minn. Stat. §349.166, subd. 2(a).

### RECOMMENDATION

Staff recommends approval of the application.

### EXPLANATION OF FISCAL/FTE IMPACTS

- ☒ None ☐ Current budget ☐ Other  
☐ Amendment Requested ☐ New FTE(s) requested

### RESOLUTION

WHEREAS, gambling licenses are issued by the Minnesota Gambling Control Board; and

WHEREAS, the Minnesota Gambling Control Board requires County approval of an application when the gambling premises are located in a township; and

WHEREAS, as application for an Exempt Permit to hold a raffle at the Dakota County Fairgrounds in Castle Rock Township has been submitted by the Dakota County Agricultural Society; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having

jurisdiction over the proposed gambling activity.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from the Dakota County Agricultural Society for an Exempt Permit to hold a raffle at the Dakota County Fairgrounds in Castle Rock Township on August 12, 2024.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

None.

**BOARD GOALS**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> A Great Place to Live         | <input type="checkbox"/> A Healthy Environment        |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input type="checkbox"/> Excellence in Public Service |

**CONTACT**

Department Head: Teresa Mitchell

Author: Sarah Kidwell



# Board of Commissioners

## Request for Board Action

Item Number: DC-3591

Agenda #: 12.1

Meeting Date: 7/9/2024

**DEPARTMENT:** Enterprise Finance and Information Services Administration

**FILE TYPE:** Regular Action

### TITLE

**Recognition Of Apple Valley City Administrator Tom Lawell As 2024 James F. Miller Leadership Award Winner**

### PURPOSE/ACTION REQUESTED

Recognize Apple Valley City Administrator Tom Lawell who was awarded the 2024 James F. Miller award by the League of Minnesota Cities at their annual conference held last week.

### SUMMARY

Apple Valley City Administrator Tom Lawell was named the League of Minnesota Cities 2024 James F. Miller Leadership Award recipient at the League's annual conference in June.

The leadership award is the League's highest honor for appointed city officials and is given annually to recognize outstanding service. It is named for former League executive director James F. Miller who retired in 2015 after 22 years of service.

Lawell became Apple Valley's City Administrator in 1999 and has brought expertise in economic planning, strategic planning, intergovernmental relations, financial management, human resources, transportation, and public safety while serving the city. Throughout his career, he has driven the departments he leads toward fiscal stability, enhanced collaboration, and rigorous accountability.

Lawell's financial guidance has helped fortify Apple Valley's tax base and helped the city earn triple-A bond ratings from Moody's Investors Service and Standard and Poor's. Beyond Apple Valley, Lawell was instrumental in empowering cities throughout Minnesota to establish robust financial infrastructures and has been an influential member of the League's Fiscal Future Policies Committee for over two decades.

Under Lawell's leadership, Apple Valley's population has expanded from 45,000 to over 56,500, and the city has gained over 2,650 housing units. During his tenure, Apple Valley saw the rise of key infrastructure such as the city's municipal center, Apple Valley Transit Station, Fire Station Number Three and Eastview High School.

Lawell played an integral role in ensuring Apple Valley took part in the area's coordinated response program, in which city police officers, Dakota County Social Services, and crisis intervention teams work together to respond to crisis incidents.

Lawell is a member of the International City/County Managers Association, Minnesota City/County

Managers Association, and Metro Area Managers Association, and serves as chair of the Dakota County City/County Managers Association, Metro Cities Municipal Revenues Policy Committee, and the Municipal Legislative Commission's Operating Committee.

## RECOMMENDATION

Staff recommends the Dakota County Board of Commissioners recognize Apple Valley City Administrator Tom Lawell as the recipient of the 2024 James F. Miller Award by the League of Minnesota Cities.

## EXPLANATION OF FISCAL/FTE IMPACTS

- ☒ None ☐ Current budget ☐ Other  
☐ Amendment Requested ☐ New FTE(s) requested

## RESOLUTION

WHEREAS, the League of Minnesota Cities recognizes the outstanding work performed by an appointed official each year with the James F. Miller Leadership Award; and

WHEREAS, Apple Valley City Administrator Tom Lawell was the recipient of this award for 2024; and

WHEREAS, Tom Lawell has been a longtime leader in Dakota County government for over 25 years; and

WHEREAS, Tom Lawell has been a tremendous partner with Dakota County and all cities in his time as Apple Valley City Administrator; and

WHEREAS, all residents of Dakota County have benefited from the work performed by Tom Lawell as a leader in Dakota County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recognizes and congratulates Apple Valley City Administrator Tom Lawell for being named the League of Minnesota Cities 2024 James F. Miller Leadership Award recipient.

## PREVIOUS BOARD ACTION

None.

## ATTACHMENTS

Attachment: None

## BOARD GOALS

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

## CONTACT

Department Head: Tom Novak

Author: David McKnight





# Board of Commissioners

## Request for Board Action

Item Number: DC-3590

Agenda #: 13.1

Meeting Date: 7/9/2024

**DEPARTMENT:** Office of the County Manager

**FILE TYPE:** Regular Action

### TITLE

**Closed Executive Session: Discuss Legal Strategy On Opioid Drug Crisis And County Litigation Options In Multi-District Litigation**

### PURPOSE/ACTION REQUESTED

Hold a closed executive session.

### SUMMARY

The Dakota County Attorney has advised that prior to closing a County Board meeting, pursuant to the Open Meeting Law, Minn. Stat. Ch. 13D, the County Board must resolve by majority vote to close the meeting.

### RECOMMENDATION

The County Manager has recommended that a closed executive session be held pursuant to attorney-client privilege during the Dakota County Board meeting of July 9, 2024, to discuss the following:

- the legal strategy related to the opioid drug crisis and litigation options available to the Dakota County.

### EXPLANATION OF FISCAL/FTE IMPACTS

Fiscal impact will be discussed in closed session.

- ☒ None      ☐ Current budget      ☐ Other  
☐ Amendment Requested      ☐ New FTE(s) requested

### RESOLUTION

WHEREAS, Dakota County has filed a lawsuit against opioid drug manufacturers and distributors seeking compensation for the extensive costs to the County caused by the opioid addiction epidemic and the harm inflicted upon Dakota County residents by this crisis; and

WHEREAS, Dakota County's lawsuit along with approximately 2,000 other lawsuits commenced by local governments and Indian Tribes have been consolidated into a Multi District Litigation group that is managed by the Federal District Court for the Northern District of Ohio; and

WHEREAS, the Dakota County Attorney has requested to meet with the Dakota County Board of Commissioners to discuss legal strategy related to the opioid drug crisis and to obtain direction on litigation options, the public disclosure of which would be detrimental to Dakota County; and

WHEREAS, pursuant to Minn. Stat. § 13D.05, subd. 3(b), the County Board by resolution may close a meeting as permitted by the attorney-client privilege.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board meeting on July 9, 2024, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, to discuss with the County Attorney legal strategy related to the opioid drug crisis and litigation options available to the Dakota County.

**PREVIOUS BOARD ACTION**

None.

**ATTACHMENTS**

Attachment: None.

**BOARD GOALS**

- |   |  |
|---|--|
| <input type="checkbox"/> A Great Place to Live                    | <input type="checkbox"/> A Healthy Environment                   |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input checked="" type="checkbox"/> Excellence in Public Service |

**PUBLIC ENGAGEMENT LEVEL**

- |  |                                  |                                  |   |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/> N/A |
|--|----------------------------------|----------------------------------|---|

**CONTACT**

Department Head: Tom Novak

Author: Jeni Reynolds





# Board of Commissioners

## Request for Board Action

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**Item Number:** DC-3587

**Agenda #:** 16.1

**Meeting Date:** 7/9/2024

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### Information

See Attachment for future Board meetings and other activities.

## July 8, 2024

Monday

- |                     |  |
|---------------------|--|
| 12:00 PM - 12:00 PM | Dakota-Scott Workforce Development Board Executive Committee Meeting - CANCELED --                             |
| 2:30 PM - 2:30 PM   | Dakota County Board of Commissioners Workshop -- Western Service Center, 14955 Galaxie Ave, Apple Valley, L139 |

## July 9, 2024

Tuesday

- |                     |   |
|---------------------|---|
| 9:00 AM - 9:00 AM   | Dakota County Board of Commissioners Meeting -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast<br><a href="https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx">https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx</a> |
| 9:30 AM - 9:30 AM   | Dakota County General Government and Policy Committee Meeting (or following CB) -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings   |
| 11:00 AM - 11:00 AM | Special Dakota County Board of Commissioners Meeting -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings  |

## July 10, 2024

Wednesday

- |                     |   |
|---------------------|---|
| 10:00 AM - 10:00 AM | Metropolitan Emergency Services Board Committee Meeting -- Metro Counties Government Center, 2099 University Ave, St. Paul            |
| 4:00 PM - 4:00 PM   | Vermillion River Watershed Planning Commission Meeting -- Dakota County Extension & Conservation Center, 4100 220th St. W, Farmington |

## July 11, 2024

Thursday

- |                   |  |
|-------------------|--|
| 7:30 AM - 7:30 AM | I-35W Solutions Alliance Board Meeting - CANCELED -- |
|-------------------|--|

## July 12, 2024

Friday

- |                   |   |
|-------------------|---|
| 8:00 AM - 8:00 AM | National Association of Counties Annual Conference -- Tampa Convention Center, 333 S Franklin Street, Tampa, FL |
|-------------------|---|

## July 13, 2024

Saturday

- |                   |   |
|-------------------|---|
| 8:00 AM - 8:00 AM | National Association of Counties Annual Conference -- Tampa Convention Center, 333 S Franklin Street, Tampa, FL |
|-------------------|---|

## July 13, 2024 Continued

Saturday

## July 14, 2024

Sunday

8:00 AM - 8:00 AM

National Association of Counties Annual Conference -- Tampa Convention Center, 333 S Franklin Street, Tampa, FL

## July 15, 2024

Monday

8:00 AM - 8:00 AM

National Association of Counties Annual Conference -- Tampa Convention Center, 333 S Franklin Street, Tampa, FL

## July 19, 2024

Friday

8:30 AM - 8:30 AM

Dakota-Scott Workforce Development Board Meeting - CANCELED --

## July 22, 2024

Monday

4:00 PM - 4:00 PM

Public Open House: County State Aide Highway 42 ADA Improvements and Resurfacing -- Apple Valley City Hall, 7100 147th St W., Apple Valley

## July 23, 2024

Tuesday

9:00 AM - 9:00 AM

Dakota County Physical Development Committee of the Whole -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings

1:00 PM - 1:00 PM

Dakota County Community Services Committee of the Whole -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings

## July 24, 2024

Wednesday

9:15 AM - 9:15 AM

Metropolitan Mosquito Control District Executive Committee Meeting -- Metropolitan Mosquito Control District 2099 University Ave. W, St. Paul

1:00 PM - 1:00 PM

Dakota County Community Development Agency Meeting -- CDA, 1228 Town Centre Drive, Eagan, Boardroom

## July 24, 2024 Continued

Wednesday

2:00 PM - 2:00 PM

**Dakota County Community Development Agency Board Meeting - Economic Development Strategic Planning Workshop -- CDA, 1228 Town Centre Drive, Eagan, Boardroom**

## July 25, 2024

Thursday

1:00 PM - 1:00 PM

**Vermillion River Watershed Joint Powers Board Meeting -- Dakota County Extension & Conservation Center, 4100 220th St. W, Farmington**

7:00 PM - 7:00 PM

**Dakota County Planning Commission Meeting -- Western Service Center, 14955 Galaxie Ave, Conference Room 106, Apple Valley**

## July 30, 2024

Tuesday

9:00 AM - 9:00 AM

**Dakota County Board of Commissioners Meeting -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast**  
<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>

9:30 AM - 9:30 AM

**Dakota County Regional Railroad Authority (or following CB) -- Administration Center, 1590 Highway 55, Boardroom, Hastings**

10:00 AM - 10:00 AM

**Dakota County Board of Commissioners Workshop (or following RRA) -- Administration Center, 1590 Highway 55, Conference Room 3A, Hastings**



# Board of Commissioners

## Request for Board Action

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<b>Item Number:</b> DC-3588	<b>Agenda #:</b> 17.1	<b>Meeting Date:</b> 7/9/2024
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Adjournment