

MINUTES

DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE OF THE WHOLE

June 14, 2011

14955 Galaxie Avenue, Conference Room L139, Apple Valley, Minnesota

1. CALL TO ORDER AND ROLL CALL

Commissioner Paul Krause, Chair of the Physical Development Committee of the Whole, called the meeting to order at 10:40 a.m., following the Community Services Committee and the Legislative Update. Commissioners in attendance:

- Commissioner Joseph A. Harris, District 1
- Commissioner Kathleen Gaylord, District 2
- Commissioner Thomas Egan, District 3
- Commissioner Nancy Schouweiler, District 4
- Commissioner Liz Workman, District 5
- Commissioner Paul J. Krause, District 6
- Commissioner Willis E. Branning, District 7

Also in attendance were:

- Brandt Richardson, County Administrator
- Lynn Thompson, Division Director
- Jay Stassen, Assistant County Attorney
- Jeanne Nash Hoffmann, Administrative Coordinator

2. INTRODUCTION OF NEW STAFF

Lynn Thompson introduced Andrea Long, the new Financial Analyst with Physical Development Division.

3. AUDIENCE

Chair Krause asked if anyone in the audience wished to address the Committee on an item not on the agenda or if anyone wished to discuss an item on the Consent Agenda. At this time, Don Marthaler, William Callister and Don Diensen, Randolph Township Board of Supervisors, addressed the Committee regarding the poor quality of Harry Avenue in Randolph Township. Harry Avenue serves as an entrance to Lake Byllesby Park Reserve. They explained the cost of upgrading and maintaining Harry Avenue with the Township's limited financial resources. The representatives requested that the County take over Harry Avenue between County Roads 86 and 88 since Harry Avenue provides benefits to park users. Brian Sorenson, Assistant County Engineer responded to questions. Commissioner Krause thanked the Randolph representatives for attending and asked that County staff look into the issue including the possibility of obtaining outside funding for repair of the road.

4. APPROVAL OF THE AGENDA

Motion by Commissioner Egan, Second by Commissioner Gaylord, and passed on a 7-0 vote to approve the agenda as presented on June 14, 2011.

5. CONSENT/INFORMATION AGENDA

Motion by Commissioner Gaylord, Second by Commissioner Workman, and passed on a 7-0 vote to approve the consent agenda.

5.1 – Minutes Of The May 10, 2011 Meeting

5.2 – Authorization To Release Draft Minnesota River Greenway And North Creek Greenway Master Plans For Public Review

WHEREAS, the 2008 Dakota County Park System Plan identified the Minnesota River and North Creek corridors as priority regional greenways; and

WHEREAS, the Dakota County Board of Commissioners have adopted the Greenway Guidebook that establishes a collaborative approach for developing a comprehensive integrated network of greenways in Dakota County; and

WHEREAS, the contract for consulting services was executed with HKGI, Inc., to prepare the Minnesota River and the North Creek greenway master plans; and

WHEREAS, a technical advisory committee was formed for each greenway master plan project with staff from host cities and other agencies; and

WHEREAS, staff have met with key stakeholders and landowners to develop preferred concept alignments along the corridors and held a public open house for concept alignments; and

WHEREAS, greenway corridor alignments were reviewed by the Physical Development Committee at their meeting on May 10, 2010; and

WHEREAS, draft plans have been developed to satisfy the Metropolitan Council requirements for regional park and trail plans.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the release of the draft master plans for the Minnesota River Greenway and the North Creek Greenway for a 30-day public review and comment period commencing June 21, 2011.

5.3 – Authorization To Execute Host Site Agreement With Minnesota Pollution Control Agency For Minnesota Green Corps

WHEREAS, the Dakota County Board of Commissioner reviewed the *Dakota County Energy Efficiency and Greenhouse Gas Reduction Report* and adopted a statement of five foundational energy principles, a target of reducing greenhouse gas emissions in government operations by 15% by 2015; and

WHEREAS, the County Board has established annual goals to reduce energy use in County facilities and operations; and

WHEREAS, the Minnesota Pollution Control Agency (MPCA), in partnership with the AmeriCorps Program, has developed the Minnesota GreenCorps Program, a statewide initiative to preserve and protect Minnesota's environment while training a new generation of environmental professionals; and

WHEREAS, the Minnesota GreenCorps Program is funded through the Corporation for National and Community Service, Serve Minnesota, and MPCA, along with in-kind local resources; and

WHEREAS, Dakota County has applied to host a MN GreenCorps Energy Conservation Member, a program of the Minnesota Pollution Control Agency for the 2011-2012 program year; and

WHEREAS, the pre-scoped position description and MN GreenCorps Program goals align with Dakota County energy goals and will support implementation of energy conservation and efficiency strategies; and

WHEREAS, if the MPCA selects Dakota County, the organization is committed to implementing the proposed project as described in the host site application in accordance with the pre-scoped position description; and

NOW, THEREFORE, BE IT RESOLVED, That if the MPCA selects Dakota County as a 2011-2012 Minnesota GreenCorps host site, the Dakota County Board of Commissioners hereby authorizes the Dakota County Operations Management Director to execute a host site agreement with the MPCA to carry out MN GreenCorps Energy Conservation Member activities, subject to approval of the County Attorney's Office as to form.

5.4 – Authorization To Execute Joint Powers Agreement With City Of Inver Grove Heights For County Cost Share To Prepare Architectural Feasibility Study And Site Engineering Plan For Mississippi River Regional Trailhead Building

WHEREAS, the Mississippi River Regional Trail (MRRT) is planned to connect South St. Paul to Hastings; and

WHEREAS, on September 21, 1999, the County Board adopted the draft development plan for the MRRT; and

WHEREAS, the development plan includes partnering with the City of Inver Grove Heights (City) placing a regional trailhead within Heritage Village City Park (park) at an estimated cost of \$247,000; and

WHEREAS, the City has recently updated the master plan for the park which includes the regional trailhead building and traditional City park recreational uses; and

WHEREAS, the park master plan is being implemented with the opening of the MRRT north segment and the Rock Island pier; and

WHEREAS, the City is interested in additional improvements and preparing an architectural feasibility study for the park buildings and site engineering plan to provide basic public access need such as parking, restrooms, trails and landscaping; and

WHEREAS, the City has requested that the County enter into a JPA that provides joint participation and cost sharing for the architectural feasibility study and site engineering plan; and

WHEREAS, the park master plan proposes a City operated visitor center and two picnic shelters and the County trailhead building; and

WHEREAS, the City has solicited proposals from six architecture firms to prepare a feasibility study that: (1) establishes a common architectural theme, (2) prepares floor plans, elevations and cost estimates for each building, (3) solicits public comment at an open house and (4) provides presentations to the City Council and County Board; and

WHEREAS, the selected firm is Partners and Sirney Architects, the lowest responsible proposer at \$18,530; and

WHEREAS, Dakota County's share for the architectural feasibility study associated with the trailhead building is \$5,000 based on associated scope of work; and

WHEREAS, the City has also entered into contract with Short, Elliot, Hendrickson, Inc. for a fee of \$156,000 to do a feasibility report, phase one site improvements design and preparation of associated construction documents; and

WHEREAS, the phase one improvements associated with the regional trailhead are site improvements including: sanitary sewer, water, electric, parking lot and preparation of the building pad; and

WHEREAS, the total estimated phase one site improvement expense is \$627,000 with the regional trailhead portion \$183,000; and

WHEREAS, Dakota County's share is \$25,000 for the consultant preparing the site engineering plan based on the associated cost estimate; and

WHEREAS, the County share for the architectural feasibility study and site engineering plan totals \$30,000; and

WHEREAS, adequate funds are available from the County's 2011 Parks and Open Space Capital Improvement Program.

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 City of Inver Grove Heights, as presented to the Physical Development Committee of the Whole on June 14, 2011, subject to approval by the County Attorney's Office as to form, and contingent upon approval by the Inver Grove Heights City Council.

5.5 – Plat Commission Update

This was an information item; no action was requested.

6. REGULAR AGENDA

6.1 – Update On Facility Operations By Spectro Alloys Corporation Representatives

Greg Palen, Todd Siebenaler, and Larry Carr, representatives from Spectro Alloys Corporation briefed the Committee on Spectro Alloys operations, which are located at 13220 Doyle Path in Rosemount. They explained the products they produce, the company's core values, and their safety record. Discussion was held. The Spectro Alloys representatives assured the Committee that they had satisfied all outstanding license issues under the federal and state rules. There are however, still some unsettled older issues they are working through with the PCA. An MPCA representative in the audience indicated that the inspection done at Spectro Alloys in July 2010 did not find any major issues. This was an information item; no action was requested.

6.2 – CAPX2020 Update And Recommendation Of Preferred Route For CAPX2020 La Crosse Utility Powerline

Office of Planning and Analysis Senior Planner John Mertens briefed the Committee. Discussion was held on recent information regarding security risks if the CAPX2020 utility powerline is placed over the Byllesby Dam; further discussion was held on the federal regulations restricting utility powerline usage over farmland easements; the preferred route and alternates would affect Farmland and Natural Areas Program easements.

Motion by Commissioner Branning, Second by Commissioner Harris to substitute Option 3 for the Option 1 motion that was on the table died on a 4 nays, 3 ayes vote.

Motion by Commissioner Schouweiler to amend Option 1 that was on the table with a deletion of "or along Trunk Highway 56," was withdrawn.

Motion by Commissioner Egan, Second by Commissioner Gaylord and passed on a 5-2 vote (with Commissioners Harris and Branning casting the opposing votes, to recommend that the County Board adopted the following resolution.

WHEREAS, a consortium of energy utilities called CAPX2020 is working on two high-voltage transmission line projects that terminate in Dakota County just north of the City of Hampton; and

WHEREAS, one of the transmission lines is proposed from Hampton, Minnesota to La Crosse, Wisconsin; and

WHEREAS, two of the four routes being considered for the La Crosse project could significantly affect Lake Byllesby Regional Park and/or the Byllesby Dam; and

WHEREAS, Dakota County has an opportunity to provide comments through a series of public hearings held by an administrative law judge to collect testimony about preferred route options.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recommends that the La Crosse project follow alignments that do not pass through Lake Byllesby Regional Park either at the dam or along Trunk Highway 56; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes a letter to be signed by the County Board Chair to the Administrative Law Judge recommending "Option 1."

The time being 12:25 p.m., the Committee recessed. They reconvened at 1:00 p.m. with all members present.

6.3 – Approval Of Surface Transportation Program, Congestion Mitigation/Air Quality Program, And Highway Safety Improvement Program Project Submittals For Transportation Advisory Board Federal Funding Solicitation Process

Assistant County Engineer Brian Sorenson briefed this item. **Motion by Commissioner Egan, Second by Commissioner Workman** and passed on a 7-0 vote to recommend that the County Board adopt the following resolution.

WHEREAS, the Transportation Advisory Board (TAB) is requesting project submittals for federal funding under the Surface Transportation Program (STP), Congestion Mitigation/Air Quality Program (CMAQ), Transportation Enhancements Program (TE), and Bridge Improvement Replacement (BIR); and

WHEREAS, the Minnesota Department of Transportation (Mn/DOT) is administering the solicitation process for the Highway Safety Improvement Program (HSIP) and Rail Crossing Safety; and

WHEREAS, these federal funding programs provide up to 80 percent of project construction costs; and

WHEREAS, this federal funding of projects reduces the burden on local taxpayers for regional improvements; and

WHEREAS, the grantee must provide at least 20 percent construction match and maintain the project for its useful life; and

WHEREAS, project submittals are due on July 18, 2011; and

WHEREAS, all the STP and HSIP projects are consistent with the approved Dakota County Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following projects for submittal to the TAB and Mn/DOT for federal funding:

Surface Transportation Program

1. Reconstruct County State Aid Highway (CSAH) 9 from CSAH 60 to CSAH 23
2. Construct intersection improvements at CSAH 9 and Highview Avenue
3. Construct intersection improvements at CSAH 31 & County Road (CR) 64
4. Reconstruct CSAH 86 between CSAH 47 and Trunk Highway (TH) 52
5. Construct Interchange improvements at TH 52 & CSAH 42
6. Construct Bike Path along the north side of CSAH 42 between Nicollet Avenue and Elm Drive

Congestion Mitigation and Air Quality Program

7. Signal System Management for the CSAH 42 & CSAH 23 corridors
8. Signal System Coordination for the CSAH 32 corridor

Highway Safety Improvement Program

9. Construct intersection improvements at CSAH 32 & Nicols Road
10. Construct intersection improvements at CSAH 32 & Johnny Cake Ridge Road
11. Construct intersection improvements (roundabout) at CSAH 8 & CSAH 73

; and

BE IT FURTHER RESOLVED, That, subject to federal funding award, the Dakota County Board of Commissioners will consider these projects for inclusion in the 2010-2014 Dakota County Capital Improvement Program.

6.4 – Approval Of Regional Greenway And Transportation Enhancement Project Submittals For Transportation Advisory Board Federal Funding Solicitation Process

Office of Planning and Analysis Senior Planner John Mertens briefed this item. **Motion by Commissioner Schouweiler, Second by Commissioner Workman** and passed on a 7-0 vote to recommend that the County Board adopt the following resolution:

WHEREAS, the Transportation Advisory Board (TAB) is requesting project submittals for federal funding under the Surface Transportation Program (STP) and Transportation Enhancements Program (TE); and

WHEREAS, these federal programs fund up to 80 percent of project right of way and construction costs; and

WHEREAS, federal funding of projects reduces the burden on local taxpayers for regional improvements; and

WHEREAS, non-federal funds must be at least 20 percent of the project costs; and

WHEREAS, project submittals are due on July 18, 2011; and

WHEREAS, all projects proposed are consistent with the adopted Dakota County Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following County lead projects for submittal to the TAB and Mn/DOT for federal funding:

- 1) Minnesota River Greenway between I-494 and CSAH 28 (assisted by Minnesota Department of Natural Resources {MN DNR})
- 2) Minnesota River Greenway between County State Aid Highway (CSAH) 28 and TH 77 (assisted by MN DNR)
- 3) Big Rivers Regional Trail trailhead facilities (assisted by MN DNR)
- 4) North Creek Greenway overpass and trail at CSAH 38 at Minnesota Zoo (assisted by Minnesota Zoo)
- 5) Mississippi River Regional Trail trailheads at Heritage Park and Pine Bend Bluffs (assisted by Inver Grove Heights)
- 6) Construct trail and sidewalk along CSAH 73 (Oakdale Avenue) and Marie Avenue in West St. Paul (assisted by West St. Paul and limited to the County's 55/45 cost share policy for the local share of the project along CSAH 73)

; and

BE IT FURTHER RESOLVED, That, subject to federal funding award, the Dakota County Board of Commissioners would be asked to consider authorization to execute the grant agreement at a future meeting; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby supports the city lead submittals:

- 7) North Creek Greenway underpass and trail at CSAH 42 (lead agency: Apple Valley)
- 8) North Creek Greenway from Lakeville to downtown Farmington (lead agency: Farmington)
- 9) North Creek Greenway trailhead and trail at East Lake Park in Lakeville (lead agency: Lakeville)
- 10) New Park to Vermillion River Greenway (lead agency: Empire Township)
- 11) Vermillion River Greenway between Vermillion Falls and downtown Hastings (lead agency: Hastings)
- 12) North Urban Regional Trail realignment with Robert Street pedestrian bridge (lead agency: West St. Paul)
- 13) Mississippi River Regional Trail/bridge between Kaposia Landing and Harriet Island, Dakota County segment (lead agency: St. Paul – through the STP process)

; and

BE IT FURTHER RESOLVED, That, subject to federal funding award of the city lead projects, the Dakota County Board of Commissioners will consider, at a future meeting, entering into joint powers agreement agreements with the cities that provides the 20% local construction match for these projects; and

BE IT FURTHER RESOLVED, That, subject to federal funding award, the Dakota County Board of Commissioners will consider these projects for inclusion in the 2012-2016 Dakota County Capital Improvement Program.

6.5 – Authorization To Submit 2012 Bonding Initiatives For Governor Dayton's Consideration

Office of Planning and Analysis Director Heidi Welsch briefed this item. Discussion was held on the "moving" bonding dollar amounts for Cedar Avenue. Staff was directed to provide "talking points" that can be used when discussing the Cedar Avenue bonding request and explaining why the dollar amounts fluctuate. Because of the possible state shut down and the potential financial impacts with the Cedar Avenue project, staff was directed to put this item on the June 21, 2011 Regular County Board agenda.

Motion by Commissioner Schouweiler, Second by Commissioner Gaylord and passed on a 7-0 vote to recommend that the County Board adopt the following resolution:

WHEREAS, the State of Minnesota Office of Management and Budget has requested state bonding proposals from local governments for the 2012 Legislative Session; and

WHEREAS, Dakota County has identified priority needs for appropriations for capital projects from the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Administrator to cause proposed project applications to be prepared and submitted to the State of Minnesota Office of Management and Budget for the purposes of receiving capital budget appropriations to Dakota County for:

- Cedar Avenue Transitway construction (continuation)-- \$3,000,000 - \$4,000,000
- Lake Byllesby Dam Spillway Capacity Upgrade-- \$1,550,000
- Trail Bridge Over the Cannon River-- \$1,500,000
- Regional Morgue Facility-- \$7,000,000
- Robert Street Transitway-- \$200,000

6.6 – Closed Executive Session: Discuss Development Of Counteroffer To Acquire Scott and Sandra Cunningham Property

Motion by Commissioner Harris, Second by Commissioner Schouweiler and passed on a 7-0 vote to adopt the following resolution and recess the Committee meeting at 1:40 p.m. to conduct the closed session. Motion carried.

WHEREAS, the Scott and Sandra Cunningham property is located in Inver Grove Heights, Minnesota and within the Mississippi River Regional Trail (MRRT) – Central Segment trail corridor; and

WHEREAS, County acquisition of the Scott and Sandra Cunningham property is a high priority in-holding for construction the trail and County staff and recommends County acquisition; and

WHEREAS, County staff believe that Scott and Sandra Cunningham are willing sellers; and

WHEREAS, by Resolution No. 11-149 (March 22, 2011), the County Board authorized County staff to negotiate terms and conditions for the acquisition of the Scott and Sandra Cunningham property located in Inver Grove Heights; and

WHEREAS, Minn. Stat. § 13D.05, subd. 3, authorizes a public body to close a meeting to develop offers or counter offers for the purchase of real property.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board Physical Development Committee of the Whole meeting on June 14, 2011, and recesses to Conference Room L139, Western Service Center, Apple Valley, Minnesota, in order to develop a counteroffer for the purchase of the Scott and Sandra Cunningham property located in Inver Grove Heights.

Motion by Commissioner Egan, Second by Commissioner Schouweiler and passed on a unanimous voice vote to close the closed session at 2:40 p.m. and reconvene the Committee in conference room L139.

DIRECTOR'S REPORT

No update was provided.

ADJOURNMENT

Motion by Commissioner Harris, Second by Commissioner Workman to adjourn the Physical Development Committee of the Whole meeting at 2:41 p.m. Motion carried.

Respectfully submitted:

Jeanne Nash Hoffmann
Administrative Coordinator