

August 23, 2011

STATE OF MINNESOTA)
COUNTY OF DAKOTA)
OFFICE OF COUNTY BOARD)

The Dakota County Board of Commissioners convened at 9:01 a.m. on Tuesday, August 23, 2011. The meeting was called to order by Chair Joseph Harris who welcomed everyone and opened the meeting with the Pledge of Allegiance. Roll was called with the following members present:

- Commissioner Joseph A. Harris, District 1
- Commissioner Kathleen A. Gaylord, District 2
- Commissioner Thomas A. 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; Karen Schaffer, First Assistant County Attorney; and Kelly Olson, Senior Administrative Coordinator to the Board.

Chair Harris asked if there was anyone in the audience who wished to address the County Board on an item not scheduled on the agenda or on any item on the consent agenda. No one appeared.

11-381

Approval Of Agenda

Motion: Comm. Gaylord

Second: Comm. Egan

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on August 23, 2011, as presented.

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At this time, Fleet Manager Kevin Schlangen presented the 2011 Government 100 Best Fleets Award and recognized the following staff: Charlie Glaser, Taud Hoopingarner, Steve Lenertz, Scott Lewison, Jeff Morgan, Joe Munson, Dave Peterson, Jim Rochel, Dustin Roeller, Lee Schmitz, Mary Wagner and Dan Wallenta.

At this time, Anita Scott, Information Technology Manager, presented the Digital Counties Survey 2011 Award and recognized the following staff: Val Ruedy, Tim Auld, Mike Baumgartner, Dan Cater, Dave Miland and Jim Strommer.

The consent agenda was then approved as follows:

Motion: Comm. Egan

Second: Comm. Branning

11-382

Approval Of Minutes

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held August 2, 2011, as presented and entered in Commissioners' Record 2011.

11-383

Support For Minnesota Accountable Government, Innovation And Collaboration (MAGIC) Act

WHEREAS, Minnesota is consistently placed at or near the bottom of national measures that assess the capacity for local government innovation in all 50 states; and

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WHEREAS, Minnesota and its counties face significant demographic trends that will require innovative approaches to program delivery in order to adequately meet the growing and changing needs of citizens; and

WHEREAS, counties with innovative ideas should be provided the requisite opportunity and flexibility to successfully implement those ideas so as to best serve their communities; and

WHEREAS, counties across Minnesota boast significant geographic, demographic and economic diversity that thus requires maximum flexibility in programmatic implementation; and

WHEREAS, counties are willing and able to identify, implement and methodically verify increased programmatic efficiencies through a process that will cultivate and sustain a strong and trusting state-local partnership; and

WHEREAS, transitioning to an outcomes-based system of program evaluation is in the best interest of every Minnesota citizen and government that desires to maximize public resources and enhance the quality of life in their community to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners recommends that the Legislature and Governor work cooperatively with all 87 counties to pass the Minnesota Accountable Government, Innovation and Collaboration (MAGIC) Act into law, thus implementing a system that will enhance and incent local government efficiency and innovation throughout Minnesota by:

1. Allowing counties to take any action not prohibited by state law to provide for the health, safety and general welfare of the public; and
2. Creating an outcomes-based waiver process whereby counties may implement pilot programs to support improvements in the delivery of state-assigned services by county government.

11-384

Adoption Of Dakota County Policy Regarding Dangerous Dogs And Potentially Dangerous Dogs In Dakota County Townships

WHEREAS, Dakota County is responsible for the registration of dangerous dogs within the Dakota County townships; and

WHEREAS, the Dakota County Sheriff has consented to administer the registration of dangerous dogs on behalf of Dakota County; and

WHEREAS, it is desirable for the County Board to adopt a written policy regarding the registration of dangerous dogs in the Dakota County townships.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Dakota County Policy Governing Dangerous Dogs and Potentially Dangerous Dogs in Dakota County Townships, as presented to the Administration/Finance/Policy Committee on August 2, 2011; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby adopts the following fee in connection with such policy:

- Annual registration fee for dangerous dogs \$250

11-385

Authorization To Execute Contract With CDC Centers, Inc. (DBA River Ridge Treatment Center) For One-Day Driving While Intoxicated Program

WHEREAS, Dakota County Community Corrections has determined a need to offer a One-Day DWI program for first time DWI offenders; and

WHEREAS, a Request for Proposal (RFP) for the purchase of a One-Day DWI educational programming was released on June 13, 2011, which resulted in the receipt of five proposals; and

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WHEREAS, staff reviewed all proposals and recommends that River Ridge Treatment Center be awarded a contract based on the quality of the program offered, their unique ability to offer a culturally sensitive program for Spanish speakers, a competitive rate, the ability to offer 20 free slots for indigent offenders and excellent references; and

WHEREAS, River Ridge Treatment Center will require program participants to fill out evaluation forms at the end of the program day and will also work with the County to develop a longitudinal study to determine what impact the One-Day DWI program has on reducing further incidents of DWI among the first time offenders.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with CDC Centers, Inc. (DBA River Ridge Treatment Center) for delivery of the One-Day DWI program for the period September 1, 2011, through August 31, 2013, with the option to renew for one additional year, at the option of the County, based on established performance criteria, at a cost of \$385.00 to be paid by the offender with a \$25.00 rescheduling fee as needed, 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 contact, to alter the number and types of clients served, type of services provided, rates and fees paid, and the contract term, 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.

11-386**Authorization To Execute Contract With Carver Court Home, LLC For Home And Community-Based Services**

WHEREAS, the Alternative Care (AC), Elderly Waiver (EW), Community Alternatives for Disabled Individuals (CADI), Community Alternatives for Care (CAC), and Traumatic Brain Injury (TBI) community-based waiver programs each serve a targeted population who is at risk of nursing home placement or hospitalization; and

WHEREAS, Dakota County staff authorizes a wide range of individual services for clients in these waiver programs based on individual client needs, which are provided by a variety of contracted service providers; and

WHEREAS, contracted service providers directly bill the Minnesota Department of Human Services (DHS) for services provided to waiver eligible clients; and

WHEREAS, waiver rate limits are established by DHS on a state fiscal year basis (July 1 – June 30); and

WHEREAS, contracts for services funded by waiver programs are written to coincide with the state fiscal year; and

WHEREAS, the execution of this contract in no way obligates Dakota County to purchase services or refer clients.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract for home and community-based services with Carver Court Home, LLC, at rates not to exceed those set forth by DHS, for the period of August 23, 2011 through June 30, 2012, 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, within the rate limits established by DHS, to alter the types of services provided, services rates, and contract term, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That this 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 continue providing these services.

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11-387**Authorization To Execute Amendments To Joint Powers Agreements With Cities And Rural Solid Waste Commission For 2012 Funds**

WHEREAS, the Dakota County Board of Commissioners supports the development and implementation of waste reduction, reuse, and recycling programs in Dakota County communities; and

WHEREAS, Dakota County receives State grants to support waste management activities in communities; and

WHEREAS, the County Board has, since 1989, provided performance-based funding for a portion of the costs incurred by cities and the Rural Solid Waste Commission (RSWC) for operating local reduction, reuse, and recycling activities through an annual application process; and

WHEREAS, effective January 1, 1992, the County and the cities/RSWC entered into separate joint powers agreements (Agreements) to provide for cooperation and funding between the County and the cities/RSWC to implement and operate a local comprehensive landfill abatement program; and

WHEREAS, each year the Agreements are amended to revise funding amounts to reflect changes in the number of housing units and waste management priorities; and

WHEREAS, proposed funds are divided into operation and education, recycling container, and Local Negotiated Initiative Funds (LNIF); and

WHEREAS, a base fund plus an allocation per household are used to determine the proposed fund allocation for operations and education; and

WHEREAS, in 2012, the recycling container funds are proposed for public area recycling; and

WHEREAS, the LNIF provides funding for cities or the RSWC to implement specific strategies that support Regional/Dakota County Solid Waste Master Plan outcomes, as part of a County/community workplan; and

WHEREAS, community funding amounts are approved by the County Board each year, as part of the Environmental Management Department budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute amendments to the existing Joint Powers Agreements with cities and the Rural Solid Waste Commission to provide community funding for 2012, as presented to the Physical Development Committee of the Whole on August 16, 2011, subject to funding levels approved by the County Board as part of the 2012 budget, and subject to approval by the County Attorney's Office as to form.

11-388**Authorization To Execute Contract Amendment With Toltz, King, Duvall, Anderson And Associates, Inc. For Engineering Services For Mississippi River Regional Trail**

WHEREAS, by Resolution No. 99-526 (September 21, 1999), the Dakota County Board of Commissioners adopted the Draft Mississippi River Regional Trail (MRRT) Development Plan; and

WHEREAS, by Resolution No. 08-617 (December 16, 2008), the County Board authorized a contract with Toltz, King, Duvall, Anderson, And Associates, Inc. (TKDA), in the amount of \$53,900, for engineering services of the MRRT central segment; and

WHEREAS, by Resolution No. 09-367 (July 21, 2009), the County Board amended the contract in the amount of \$8,300, for a new contract total of \$62,200, for additional engineering services necessary to develop and evaluate alignment alternatives; and

WHEREAS, staff administratively amended the contract to extend the term of the contract from December 31, 2009 to August 31, 2010, to allow additional public process; and

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WHEREAS, by Resolution No.10-344 (June 22, 2010), the County Board authorized the third contract amendment with TKDA, in the amount of \$29,000 to evaluate the feasibility of the new Park Lake alignment for a contract total of \$91,200, and to extend the term of the contract to March 31, 2011; and

WHEREAS, by Resolution No. 10-392 (August 10, 2010), the County Board selected the Park Lake Alignment as the preferred alignment; and

WHEREAS, by Resolution No. 10-435 (August 24, 2010), the County Board authorized the fourth contract amendment with TKDA, in the amount of \$67,700, for final design and construction documents, for a contract total of \$158,900; and

WHEREAS, by Resolution No. 11-148 (March 22, 2011), the County Board authorized the fifth contract amendment with TKDA, in the amount of \$46,400, for securing railroad authorizations required and additional detailed engineering, for a contract total of \$205,300, and extended the term to August 31, 2011; and

WHEREAS, soon after the last amendment was processed, additional issues developed that had to be resolved to meet a federal funding deadline of June 30, 2011; and

WHEREAS, the additional issues and need for engineering services included redesigning a portion of the trail to comply with new direction provided by the Minnesota Department of Transportation (Mn/DOT) regarding American with Disability Act standards, plan and right of way modifications due to a previously unknown hydrant, and providing extensive efforts to facilitate communication with the Union Pacific Railroad and Mn/DOT's Federal Aid and right of way representatives to insure state and federal approval; and

WHEREAS, staff negotiated an amount of \$10,000 for the additional services; and

WHEREAS, the 2011 Dakota County Capital Improvement Program budget includes adequate funds for the additional engineering services for the MRRT central segment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract amendment with Toltz, King, Duvall, Anderson, and Associates, Inc. for additional design and engineering of the central segment of the Mississippi River Regional Trail, in the amount not to exceed \$10,000, including reimbursements, for a contract total of \$215,300, subject to approval by the County Attorney's office as to form.

11-389

Authorization To Execute 2011-2012 Labor Agreement With Minnesota Nurses Association

BE IT RESOLVED, That the Dakota Board of Commissioners hereby authorizes the appropriate County officials to execute the Labor Agreement with the Minnesota Nurses Association for the period January 1, 2011 – December 31, 2012, in accordance with the terms and conditions of the Agreement and those contract modifications submitted to the Dakota County Board of Commissioners dated August 23, 2011, and subject to approval by the County Attorney's office as to form.

11-390

Summary Of Conclusions Of Closed Executive Session To Hold Mid-Year Review Of Performance Of County Administrator

WHEREAS, the Open Meeting Law, Minn. Stat. § 13D.05, permits a public body to close a meeting to evaluate the performance of an individual subject to its authority; and

WHEREAS, on August 2, 2011, the Dakota County Board of Commissioners held a closed executive session to hold a mid-year discussion of the performance of the County Administrator; and

WHEREAS, the mid-year review of the County Administrator did not result in a rating and was conducted for update purposes only.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners hereby reports that the mid-year review consisted of a discussion of core competency measures, the County Administrator's report on progress to date on the 2011 Board Priorities, and the challenges he foresees for the remainder of the year.

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11-391

Authorization To Purchase Excavator With Attachments

WHEREAS, to provide an efficient, effective and responsive fleet, replacement of major equipment is programmed in the Dakota County Fleet Capital Equipment Program (Fleet CEP); and

WHEREAS, outdated equipment is replaced in accordance with the Fleet CEP replacement criteria; and

WHEREAS, the excavator with attachments is recommended for purchase at this time to replace a tractor loader backhoe and a logger truck with grapple boom, because they meet the replacement criteria; and

WHEREAS, staff has determined that the proposed unit meets Dakota County energy goals, are needed to maintain the current level of service, and reduce overall lifecycle costs; and

WHEREAS, Dakota County holds a cooperative purchase agreement with the State of Minnesota that allows the County to purchase from vendors under contract with the State of Minnesota; and

WHEREAS, the cooperative purchasing agreement with the State of Minnesota allows Dakota County to take advantage of the time spent by the State to perform the competitive bidding process, reducing waste and duplication of activity.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to purchase:

- One 2011 Volvo EC160CL crawler excavator with five attachments from Nuss Truck and Equipment, for a total amount not to exceed \$176,839.00, pursuant to State of Minnesota Contract Release E-95(5) and Contract Number 27100.

11-392

Award Of Bid And Authorization To Execute Contract With Central Roofing Company For Rooftop Safety Improvements At County Buildings

WHEREAS, funding for the Rooftop Safety Improvements is included in the 2011 Building Capital Improvement Program (CIP) as follows:

\$268,000	Construction
<u>\$42,000</u>	Consultant
\$310,000	

; and

WHEREAS, bid documents were prepared by CNH Architects; and

WHEREAS, pursuant to advertisement, six bids were received on August 4, 2011; and

WHEREAS, the bid from Central Roofing Company in the amount of \$253,895 was the lowest responsible bid received; and

WHEREAS, County staff and the consultant have reviewed the contractor's ability to perform the work and recommend awarding the bid to Central Roofing Company.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Operations Management Director to execute a contract with Central Roofing Company for Rooftop Safety Improvements at County buildings in an amount not to exceed \$253,895, subject to approval by the County Attorney's Office as to form.

11-393

Request For Authorization To Purchase Fuel From State Of Minnesota Fuel Consortium Program

WHEREAS, Dakota County has experienced significant variability in spot market fuel prices in the past; and

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WHEREAS, the State of Minnesota is offering participants in the Fuel Consortium Program (the Consortium) an opportunity to purchase fuel on a fixed price basis for the period from February 1, 2012 to January 31, 2013; and

WHEREAS, the fixed prices available under the Consortium program are expected be lower than prices available through the spot market; and

WHEREAS, purchasing fuel on a fixed price basis will help assure accurate County budget planning and budget stability; and

WHEREAS, Dakota County holds a cooperative purchase agreement with the State of Minnesota that allows the County to purchase from vendors under contract with the State of Minnesota; and

WHEREAS, use of the Consortium will reduce Dakota County administrative costs associated with the competitive bidding process and avoid duplication of activity.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to purchase 80 percent (159,700 gallons) of the County's estimated unleaded fuel needs, and 80 percent (129,900 gallons) of the County's estimated diesel fuel needs for the period from February 1, 2012 to January 31, 2013, through the State Fuel Consortium Program, at the rates approved by the State of Minnesota; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners authorizes the Operations Management Director to purchase the remaining amount of fuel necessary for County fleet operations from the State Spot Price Program or through local spot price vendors.

11-394

Approval Of Amendments To Community Development Block Grant Programs

WHEREAS, near the end of the Dakota County Community Development Agency (CDA) fiscal year (June 30), CDA staff reviewed CDBG financial statements for all CDBG participants (cities, townships) and identified completed activities that did not require the use of all allocated funding and CDBG activities approved several years earlier that have never begun; and

WHEREAS, CDA staff then contacted CDBG participants to inquire about previously approved CDBG activities and new opportunities for previously dedicated funding; and

WHEREAS, through this process, a list of substantial amendments from the last seven years has been developed for the approval by the Dakota County Board of Commissioners; and

WHEREAS, three types of substantial amendments to the Community Development Block Grant (CDBG) Program are permissible by the US Housing and Urban Development Department (HUD): creation of a new activity or cancellation of an activity; increase or decrease of an activity budget by \$75,000 at one time; and change to the location and/or national objective of an activity; and

WHEREAS, the cities of Mendota, Mendota Heights, Rosemount, Hastings, Randolph, South St. Paul, and Empire Township have identified substantial amendments to previously approved CDBG activities; and

WHEREAS, the City of Mendota is requesting substantial amendments to CDBG Program years 2001, 2003, 2004, 2005, 2005, and 2010, to reallocate previously approved funding from the Park Improvements activity to the newly created Road Public Improvement activity to pave Upper D Street; and

WHEREAS, the City of Mendota Heights is requesting substantial amendments to CDBG Program years 2009 and 2010, to reallocate previously approved funding from the Public Improvement – Sewer activity to Park Improvements activity to upgrade bathroom accessibility in Kensington Park; and

WHEREAS, the City of Rosemount is requesting substantial amendments to CDBG Program years 2009 and 2010, to reallocate funding from the 2009 completed Facility Parks building activity and decrease funding from the 2010 Public Facility – Code Improvement activity and create the Assessment Abatement activity; and

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WHEREAS, the City of Hastings is requesting substantial amendments to CDBG Program years 2004 and 2005, deleting the obsolete 2009 City Wide Clearance activity and increasing the Residential Rehabilitation Fire Protection activity; and deleting the obsolete 2010 Property Clearance activity and increasing the Countywide Residential Rehabilitation activity; and

WHEREAS, the City of Randolph is requesting one substantial amendment to CDBG Program year 2010 to create the Water Use Ordinance Planning activity with remaining 2010 unallocated funding for small cities and townships; and

WHEREAS, Empire Township is requesting two substantial amendments to CDBG Program year 2010 to create the Zoning Ordinance Planning activity and the Parks & Trails Mater Planning activity with remaining 2010 unallocated funding for small cities and townships; and

WHEREAS, the City of South St. Paul is requesting one substantial amendment to CDBG Program year 2011 to identify 811 5th Street South in South St. Paul as a property to be acquired under the Rediscover South St. Paul program; and

WHEREAS, a public notice for all substantial amendments described above was placed in the Dakota County Tribune on July 7, 2011; and

WHEREAS, the 30 day public comment period was through August 7, 2011; and

WHEREAS, no public comments were received on the proposed substantial amendments.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the substantial amendments to the CDBG Program years 2001, 2003, 2004, 2005, 2009, 2010, and 2011, as presented on August 23, 2011.

11-395**Authorization For Executing Notice Of Funding Restrictions For Easements Acquired With State Funds**

WHEREAS, by Resolution No. 08-382 (August 26, 2008), the Dakota County Board of Commissioners authorized the Physical Development Director to execute an agreement with the Minnesota Department of Natural Resources (DNR) for the Vermillion River Corridor Acquisition and Restoration project; and

WHEREAS, by Resolution No. 09-182 (April 21, 2009), the Dakota County Board of Commissioners authorized the Physical Development Director to execute an amendment to the agreement with the DNR for the Vermillion River Corridor Acquisition and Restoration project; and

WHEREAS, by Resolution No. 09-414 (August 18, 2009), the Dakota County Board of Commissioners authorized the Physical Development Director to execute an agreement with the DNR for the Dakota County Habitat Protection project; and

WHEREAS, by Resolution No.10-494 (September 28, 2010), the Dakota County Board of Commissioners authorized the Physical Development Director to execute an agreement with the DNR for the Dakota County Riparian and Lakeshore Protection project; and

WHEREAS, the Vermillion River Corridor Acquisition and Restoration Agreement, funded by the state Environment and Natural Resource Trust Fund (ENRTF), requires the County to separately record a Notice of Funding Restrictions in the appropriate local government office where the conveyance of the conservation easement is filed, and the notice shall contain a legal description of the easement, reference to the underlying funding agreement, and reference to the Minnesota Law appropriating the grant funds, and the following language:

"This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement or work program controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Legislative Commission on Minnesota Resources or its successor. If the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or work program, ownership of the interest in real property shall transfer to the State."

; and

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WHEREAS, Dakota County Habitat Protection Agreement and Dakota County Riparian and Lakeshore Protection Agreement, funded by the state Outdoor Heritage Fund (OHF), requires the County to separately record a Notice of Funding Restrictions in the appropriate local government office where the conveyance of the conservation easement is filed. This notice shall contain a legal description of the easement, reference to the underlying funding agreement, and reference to the Minnesota Law appropriating the grant funds, and the following language:

"This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement or work program controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor Heritage Council or its successor or final legislative approval. The ownership of the interest in real property shall transfer to the State if (1) If the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan, or (2) restrictions are placed on the land that precludes its use for the intended purpose as specified in the appropriation."

; and

WHEREAS, the Dakota County Agricultural Society, Inc. natural area conservation easement was acquired by Dakota County and partially funded by both the ENRTF and the OHF; and

WHEREAS, the Carrie Jennings and Charles Mahler, Michael Ozmun, Ronald and Robin Bakken, Mark and Janet Otte, and Grannis/Grannis/O'Brien natural area conservation easements were acquired by Dakota County and partially funded by the OHF.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Board Chair to execute Notice of Funding Restriction documents for the Dakota County Agricultural Society, Inc., Carrie Jennings and Charles Mahler, Michael Ozmun, Ronald and Robin Bakken, Mark and Janet Otte, and Grannis/Grannis/O'Brien natural area conservation easements, to be separately recorded at the Dakota County recorder's office, subject to review and approval as to form by the County Attorney's Office.

11-396

Authorization To Expend Up To \$126,050 Of Farmland And Natural Areas Program Funds To Acquire Permanent Agricultural Conservation Easement On Paul Jr. And Lorri Gergen Property

WHEREAS, by Resolution No. 10-130 (February 23, 2010), the Dakota County Board of Commissioners preliminarily approved appraisals and negotiations for the eight highest ranked, 2010 Farmland and Natural Areas Program (FNAP) farmland projects, and authorized staff to submit a fiscal year (FY) 2010 federal Farm and Ranch Lands Protection Program (FRPP) application that included the eight projects and an additional six projects; and

WHEREAS, by Resolution No. 11-319 (June 21, 2011), the County Board of Commissioners approved funding for six of eight 2010 farmland protection projects; and

WHEREAS, Paul Jr. and Lorri Gergen, landowners of the remaining 2010 farmland protection project, have agreed to sell a permanent agricultural conservation easement to Dakota County, based on the appraised value; and

WHEREAS, staff and the FNAP Advisory Committee (AC) re-evaluated and re-scored the final farmland protection project as follows:

Landowner	Easement Acres	Township Location	Score	Rank
Paul Jr. and Lorri Gergen	58	Hampton	90	8

; and

WHEREAS, Dakota County is eligible for reimbursement of up to 50 percent of the farmland easement acquisition costs through the federal FRPP; and

WHEREAS, Dakota County has FY 2010 FRPP matching funds totaling \$1,385,800 available for reimbursement; and

WHEREAS, Paul Jr. and Lorri Gergen have agreed to donate an estimated \$19,950 of total easement value to Dakota County; and

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WHEREAS, the total estimated cost of the easement, including \$3,000 for closing and other associated acquisition costs, and \$10,000 for possible easement acreage adjustments, and less the \$19,950 value donation, is \$126,050; and

WHEREAS, the FNAP AC unanimously recommended that Dakota County acquire a permanent agricultural easement on the Paul Jr. and Lorri Gergen property.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the expenditure of up to \$126,050, including approximately \$3,000 for closing and other associated costs and \$10,000 for possible easement acreage adjustments from the Farmland and Natural Areas Program to acquire the following permanent agricultural conservation easement:

Landowner	Size In Acres	Total Acquisition Cost	Landowner Donation of 15%	Federal FRPP Funds	Net County Cost
Paul Jr. A and Lorri Gergen	58	\$133,000	\$19,950	\$66,500	\$46,550

; and

BE IT FURTHER RESOLVED, That the Physical Development Director is hereby authorized to execute the purchase agreement for the Paul Jr. and Lorri Gergen conservation easement, subject to review and approval as to form by the County Attorney's Office; and

BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to execute the Paul Jr. and Lorri Gergen agricultural conservation easement, subject to review and approval as to form by the County Attorney's Office; and

BE IT FURTHER RESOLVED, That if the total acquisition costs for the conservation easement exceed \$126,050, staff will seek County Board authority to expend any additional funds to acquire the agricultural conservation easement; and

BE IT FURTHER RESOLVED, That following acquisition of the Paul Jr. and Lorri Gergen conservation easement, Dakota County will submit the necessary forms and documentation to the United States Commodity Credit Corporation to receive a total of approximately \$66,500 in federal Farm and Ranch Lands Protection Program reimbursement funds; and

BE IT FURTHER RESOLVED, That reimbursement from the United States Commodity Credit Corporation for the Paul Jr. and Lorri Gergen easement will be returned to the Farmland and Natural Areas Program fund balance; and

BE IT FURTHER RESOLVED, That the 2011 Farmland and Natural Areas Program budget is hereby amended as follows:

Expense	
Acquisition of the Paul Jr. and Lorri Gergen easement	\$113,050
Costs associated with acreage adjustments	10,000
Closing and other associated acquisition costs	3,000
Total Expenses	\$126,050
Revenue	
FNAP Fund Balance	\$126,050
Total Revenue	\$126,050

11-397

Authorization To Execute Agreement With City Of Apple Valley For Installation And Maintenance Of Traffic Signal For County Project 31-63

WHEREAS, promoting safe and efficient operation of the highway system throughout the County is the mission of the Transportation Department; and

WHEREAS, the County is partnering with the City of Apple Valley for County Project (CP) 31-63; and

WHEREAS, the traffic control signal system is justified and the right measure to address operations at this intersection; and

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WHEREAS, the City is the lead agency on CP 31-63; and

WHEREAS, the City will pay all costs for design, construction, and inspection for the signal; and

WHEREAS, County and City costs for energy and maintenance will be in accordance with adopted County policy, such that the County and City will each be responsible for 50 percent of the signal costs, and the City will be responsible for 100 percent for the street light costs; and

WHEREAS, in accordance with Dakota County Transportation Plan policy M. 13, the County Engineer is recommending County Board authorization to permit the City of Apple Valley to install a traffic control signal system at County State Aid Highway (CSAH) 31 and 157th Street for County Project (CP) 31-63; and

WHEREAS, an agreement with the City of Apple Valley is needed for signal installation and to define energy and maintenance costs and responsibilities for CP 31-63.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the installation of a traffic control signal system at the intersection of CSAH 31 (Pilot Knob Road) and 157th Street, in accordance with Dakota County Transportation Plan policy M. 13; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with the City of Apple Valley for CP 31-63 for the installation and maintenance of a traffic signal at the intersection of CSAH 31 (Pilot Knob Road) and 157th Street, subject to approval by the County Attorney's Office as to form.

11-398

Authorization To Execute Joint Powers Agreement With Vermillion Township For Enforcement Of Local Ordinances

WHEREAS, Vermillion Township has requested that the Dakota County Board of Commissioners enter into a joint powers agreement with the Township pursuant to which the Dakota County Sheriff would enforce Township ordinances by issuing misdemeanor citations; and

WHEREAS, the Dakota County Board of Commissioners has approved a model joint powers agreement for this purpose; and

WHEREAS, Vermillion Township has submitted an inventory of township ordinances proposed to be enforced by the Dakota County Sheriff through the issuance of misdemeanor citations; and

WHEREAS, the Dakota County Board of Commissioners is willing to enter into the proposed joint powers agreement; and

WHEREAS, the Dakota County Sheriff has agreed to issue misdemeanor citations for violations of Vermillion Township ordinances, if the joint powers agreement is approved by the Dakota County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes its Chair to execute a joint powers agreement with Vermillion Township, pursuant to which the Dakota County Sheriff will enforce the following Township ordinances through the issuance of misdemeanor citations: Ordinances 522 (Nuisances) and 527 (Dogs and Cats at Large) in Article 5, for the period of January 1, 2011 through December 31, 2012, subject to approval of the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Sheriff shall report to the County Board regarding the volume of services provided to Vermillion Township pursuant to the joint powers agreement, prior to any request for a renewal of the joint powers agreement.

11-399

Approval Of Application For Assemblage Of Large Numbers Of People License For Radio Rey, Inc.

WHEREAS, an application has been submitted by Radio Rey, Inc. to hold a rodeo/concert on September 3, 2011, at Simon Arena; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed license, and the application has been reviewed for compliance with County Ordinance No. 112 and has been approved by the Public Services and Revenue Division, Physical Development Division, Public Health Department, Risk Management and Sheriff's Office; and

August 23, 2011

WHEREAS, Randolph Township has been notified of said event and does not intend to consider the matter.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application for Assemblage of Large Numbers of People license received by Radio Rey, Inc. to hold a rodeo/concert to be held September 3, 2011, at the Simon Arena and authorizes the County Property Taxation and Records Director to issue the license.

11-400**Approval Of Application For 3.2% Temporary Malt Beverage License - Radio Rey, Inc.**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following application for a temporary license to sell 3.2% Malt Beverages and authorizes the Property Taxation and Records to issue licenses upon payment of the proper fees:

Randolph Township

Radio Rey, Inc.	September 3, 2011	\$50.00	Temp On-Sale
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11-401**Approval Of Application For Assemblage Of Large Numbers Of People License For Rotary Club Of Farmington**

WHEREAS, an application has been submitted by the Rotary Club of Farmington to hold Ramble Jam 2011 on October 1, 2011, at the Dakota County Fairgrounds; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed license, and the application has been reviewed for compliance with County Ordinance No. 112 and has been approved by the Public Services and Revenue Division, Physical Development Division, Public Health Department, Risk Management and Sheriff's Office; and

WHEREAS, Castle Rock Township has been notified of said event and does not intend to consider the matter.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application for Assemblage of Large Numbers of People license received by the Rotary Club of Farmington to hold Ramble Jam 2011 to be held October 1, 2011, at the Dakota County Fairgrounds and authorizes the County Property Taxation and Records Director to issue the license.

11-402**Approval Of Application For Permit For 1-4 Day Temporary On-Sale Liquor License For Farmington Rotary Club**

WHEREAS, an application was received from the Farmington Rotary Club for a 1 day on-sale liquor license; and

WHEREAS, the application was reviewed and approved by the County Sheriff, County Attorney and Castle Rock Township.

NOW, THEREOFRE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from Farmington Rotary Club for a 1 day on-sale liquor license issued by Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division for October 1, 2011, for an event located at the Dakota County Fairgrounds; and

BE IT FURTHER RESOLVED, That the County Property Taxation and Records Department is authorized to approve application upon payment of the proper fees.

11-403**Approval Of Application For Assemblage Of Large Numbers Of People License For Valek Auction Service**

WHEREAS, an application has been submitted by Valek Auction Service to hold a farm auction on September 24, 2011, at the Dakota County Fairgrounds; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed license, and the application has been reviewed for compliance with County Ordinance No. 112 and has been approved by the Public Services and Revenue Division, Physical Development Division, Public Health Department, Risk Management and Sheriff's Office; and

August 23, 2011

WHEREAS, Castle Rock Township has been notified of said event and does not intend to consider the matter.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application for Assemblage of Large Numbers of People license received by Valek Auction Service to hold a farm auction to be held on September 24, 2011, at the Dakota County Fairgrounds and authorizes the County Property Taxation and Records Director to issue the license.

11-404

Approval Of Plats

WHEREAS, the Plat Commission examines plats prior to County Board approval; and

WHEREAS, the conditions established by the Plat Commission were met for this/these plats; and

WHEREAS, the County Surveyor has signed the plat/plats and recommends approval.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following plats, having been approved by the respective City Councils and submits them to the Property Taxation and Records Department for recording:

The Greenway 4 th Addition	City of Lakeville
MMR First Addition	City of Lakeville
Valley Ridge Senior Housing	City of Burnsville

END OF CONSENT AGENDA

ayes 7

nays none

The following items were on the agenda for informational purposes only: Item 8.3 – Report On Invoices Paid In July 2011.

At this time, an appointment was made to the Human Services Advisory Committee.

11-405

Appointment To Human Services Advisory Committee

Motion: Comm. Egan

Second: Comm. Harris

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints the following individual to the Human Services Advisory Committee for a two-year term ending December 31, 2011:

District	Name
3	Linda Feist

ayes 7

nays none

Kurt Chatfield, Planning Supervisor, presented Item 14.1 – Authorization To Execute Contract With Hoisington Koegler Group, Inc. For Master Planning Services For Rosemount Interpretive Regional Greenway and Vermillion Highlands Regional Greenway.

11-406

Authorization To Execute Contract With Hoisington Koegler Group, Inc. For Master Planning Services For Rosemount Interpretive Regional Greenway And Vermillion Highlands Regional Greenway

Motion: Comm. Krause

Second: Comm. Egan

August 23, 2011

WHEREAS, by Resolution No. 08-162 (April 15, 2008), the Dakota County Board of Commissioners adopted the Dakota County 2030 Park System Plan; and

WHEREAS, a Master Plan is a requirement to secure Metropolitan Council funding for the construction and operations related to regional greenways; and

WHEREAS, consulting services are necessary to master plan the Rosemount Interpretive Regional Greenway and Vermillion Highlands Regional Greenway; and

WHEREAS, proposals for the necessary master planning services for the Rosemount Interpretive Regional Greenway and Vermillion Highlands Regional Greenway were requested and received from five consulting firms; and

WHEREAS, based on its qualifications and lower consulting costs per hour, the firm of Hoisington Koegler Group, Inc. (HKGI, Inc.) is recommended in an amount not to exceed \$75,800, including reimbursable expenses; and

WHEREAS, the 2011 Dakota County Parks and Open Space Capital Improvement Program (CIP) included \$20,000 for regional trail/greenway master planning; and

WHEREAS, Dakota County has Blue Cross/Blue Shield Active Living funds in the amount of \$60,000 available for master planning the Rosemount Interpretive Regional Greenway and Vermillion Highlands Regional Greenway.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with HKGI, Inc. to develop separate master plans for the Rosemount Interpretive Regional Greenway and Vermillion Highlands Regional Greenway in an amount not to exceed \$ 75,800 including reimbursable expenses, subject to approval by the County Attorney's Office as to form.

ayes 7

nays none

11-407

Authorization To Approve Settlement Of Parcel 91 (324): County Project 23-64

Motion: Comm. Egan

Second: Comm. Schouweiler

WHEREAS, Dakota County, through County Project 23-64, is constructing Cedar Avenue and multiple cross streets in Apple Valley and Lakeville to create a bus rapid transit (BRT) corridor along County State Aid Highway (CSAH) 23; and

WHEREAS, in Parcel 91 (324), the County condemned for highway purposes 2,415 square feet of permanent trail, drainage, utility and wall easement, and 1,198 square feet of temporary construction easement for which the County offered compensation of \$27,000; and

WHEREAS, 14420 Glenda Drive, LP, the owner of the parcel, rejected the offer and has countered with a demand for \$84,000 plus statutory interest as compensation for the taking of these easement s and attorneys' fees and costs, if the matter proceeds to litigation; and

WHEREAS, the parties to this action have agreed to a settlement of all damages caused by the takings for an amount of \$40,000 and \$0 for attorneys' fees and costs, subject to approval by the County Board; and

WHEREAS, the County Attorney and Transportation Department staff recommend approval of the settlement agreement as being a fair and equitable settlement for both parties in view of the impacts to the property, real estate market data, the time, additional expense and risk involved in continued litigation and believe that the settlement represents an appropriate allocation of the prospects for success if the matter is allowed to proceed to a commissioners' hearing.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners approves the settlement agreement for Parcel 91 (324) in the amount of \$40,000 and \$0 attorneys' fees and costs, as being in the best interest of the County, and authorizes the County Attorney to arrange for final payment of the settlement amount and file the necessary court documents to effectuate final settlement of the condemnation action between the parties.

August 23, 2011

ayes 7

nays none

11-408

Closed Executive Session: Develop Offer For Purchase Of Property Owned By Estate Of Herbert Volkert

Motion: Comm. Schouweiler

Second: Comm. Krause

WHEREAS, the Estate of Herbert Volkert is the owner of property located on Mississippi Trail in Nininger Township and within the boundaries of Spring Lake Regional Park Reserve; and

WHEREAS, on June 21, 2011, the Dakota County Board of Commissioners, pursuant to Resolution No. 11-300, authorized County staff to secure an appraisal of the property and to enter into negotiations with the owner for the purchase of the property; and

WHEREAS, staff have secured an appraisal of the property; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the County Board meeting of August 23, 2011, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota in order to develop an offer for the purchase of the property owned by the Estate of Herbert Volkert on Mississippi Trail in Nininger Township, within the boundaries of Spring Lake Regional Park Reserve.

ayes 7

nays none

11-409

Closed Executive Session: Claims Pursuant To Host Fee Agreements With BFI Waste Systems North America, LLC And Burnsville Sanitary Landfill, Inc.

Motion: Comm. Schouweiler

Second: Comm. Krause

WHEREAS, Dakota County has entered into host fee agreements with BFI Waste Systems of North America, LLC (for Pine Bend Sanitary Landfill) and with Burnsville Sanitary Landfill, Inc. (for Burnsville Sanitary Landfill); and

WHEREAS, Dakota County has certain claims which it may assert for amounts unpaid but due and owing pursuant to such agreements; and

WHEREAS, the Dakota County Board of Commissioners seeks legal advice from the County Attorney with respect to the prosecution of such claims, the public disclosure of which would benefit the owners of the landfills and their counsel, to the detriments of Dakota County's position in the matters; and

WHEREAS, pursuant to Minn. Stat. §13D.05, subd. 3(b), the County Board 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 of August 23, 2011, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, in order to discuss with the County Attorney the legal strategy of prosecuting Dakota County's claims pursuant to its host fee agreements with BFI Waste Systems North America, LLC and Burnsville Sanitary Landfill, Inc.

ayes 7

nays none

The time being 9:33 a.m. and pursuant to public notice and Resolution Nos. 11-408 and 11-409, the County Board convened in Conference Room 3A to hold Closed Executive Sessions to discuss: Develop Offer For Purchase Of Property Owned By Estate Of Herbert Volkert and Claims Pursuant To Host Fee Agreements With BFI Waste Systems North America, LLC And Burnsville Sanitary Landfill, Inc.

August 23, 2011

The following were present:

- Commissioner Joseph A. Harris, District 1
- Commissioner Kathleen A. Gaylord, District 2
- Commissioner Thomas A. 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
- Brandt Richardson, County Administrator
- Karen Schaffer, First Assistant County Attorney
- Kathy Keena, Assistant County Attorney
- Kelly Olson, Sr. Administrative Coordinator to the Board
- Lynn Thompson, Physical Development Director
- Al Singer, Physical Development Division
- Steve Sullivan, Physical Development Division
- Bill Peterson, County Assessor

The Closed Executive Session continued until 10:32 a.m., at which time Mr. Singer, Mr. Sullivan and Mr. Peterson left the closed session and Jeff Harthun, Physical Development Division, and Dave Magnuson, Physical Development Division, entered.

The Closed Executive Session continued until 10:51 a.m., at which time the Board reconvened in the Board Room with all members present.

Inter-agency announcements and reports were then presented. The County Administrator's Report followed.

At this time, the following representatives from the Minnesota Inter-County Association presented the 2011 End-Of-Session Report: Executive Director Keith Carlson, Nancy Silesky, and John Tuma. This item was for information only.

**11-410
Adjournment**

Motion: Comm. Gaylord

Second: Comm. Schouweiler

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adjourns to Tuesday, September 13, 2011.

ayes 7

nays none

The County Board meeting was adjourned at 11:56 a.m.

Joseph A. Harris
Chair

ATTEST

Brandt Richardson
County Administrator