

November 15, 2011

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

The Dakota County Board of Commissioners convened at 9:07 a.m. on Tuesday, November 15, 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 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.

11-534

Approval Of Agenda

Motion: Comm. Gaylord

Second: Comm. Branning

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the agenda for the County Board meeting on November 15, 2011, as presented.

ayes 6

nays none

absent: 1 Comm. Krause

The time being 9:09 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on the 2012-2016 Capital Improvement Program (Agenda Item 5.1). Paul Sikorski, Budget Manager, presented this item. Interested parties desiring to be heard were afforded the opportunity to address the County Board. The following appeared:

Bob Egan, Lakeville

11-535

Closing Of Public Hearing

Motion: Comm. Schouweiler

Second: Comm. Egan

BE IT RESOLVED, That the public hearing is closed.

ayes 6

nays none

absent: 1 Comm. Krause

The time being 9:23 a.m., and pursuant to public notice, a public hearing was conducted for the purpose of receiving comments on the Proposed Amendments To Dakota County Ordinance No. 50, Shoreland And Floodplain Management (Agenda Item 5.2). Tom Berry, Water Resources Zoning Manager, presented this item. Interested parties desiring to be heard were afforded the opportunity to address the County Board. No one appeared.

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11-536**Closing Of Public Hearing**

Motion: Comm. Egan

Second: Comm. Branning

BE IT RESOLVED, That the public hearing is closed.

eyes 6

nays none

absent: 1 Comm. Krause

11-537**Adoption Of Proposed Amendments To Dakota County Ordinance No. 50, Shoreland And Floodplain Management**

Motion: Comm. Schouweiler

Second: Comm. Workman

WHEREAS, on April 1, 1981, the Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the special flood hazard areas in Dakota County (Unincorporated Areas); and

WHEREAS, FEMA re-evaluated the flood hazards in Dakota County and on July 3, 2008, provided the County with a preliminary Flood Insurance Study (FIS) report and FIRM that identified existing flood hazards in Dakota County (Unincorporated Areas), including base flood elevations; and

WHEREAS, on June 2, 2011, FEMA formally notified Dakota County of the final flood elevation determination for Dakota County (Unincorporated Areas); and

WHEREAS, since 1980, Dakota County has participated in the National Flood Insurance Program (NFIP) administered by FEMA and as a requirement for continued NFIP eligibility, Dakota County must adopt the FIS report and FIRM by amending the floodplain regulations set forth in Dakota County Ordinance No. 50, Shoreland and Floodplain Management (Ordinance No. 50) on or before December 2, 2011; and

WHEREAS, the Dakota County Board of Commissioners desires to amend Ordinance No. 50 to: adopt the FIS report and FIRM; modify the definition section; clarify the permitted uses in the floodplain; clarify the prohibition of permanent storage of materials and equipment in the floodplain; allow the temporary placement of fill in the flood fringe; allow the placement of fill in the flood fringe through a compensatory storage requirement; require that vehicle access structures be constructed no lower than one foot below the regulatory flood elevation; and reformat the ordinance to make it consistent with other county ordinances; and

WHEREAS, it is a goal of the Dakota County Board of Commissioners to maintain county ordinance regulatory authority that effectively minimizes potential negative impacts on the public's health, safety and welfare of Dakota County residents; and

WHEREAS, the Dakota County Treasurer/Auditor has published in the official County newspaper notice of this public hearing on proposed amendments to Ordinance No. 50; and

WHEREAS, the Dakota County Board of Commissioners, held a public hearing at 9:00 a.m. on November 15, 2011, in the Board Room, Dakota County Administration Center, 1590 Highway 55, Hastings, Minnesota, for the purpose of receiving comments on the proposed amendments to Ordinance No. 50, Shoreland and Floodplain Management.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the amendments to Ordinance No. 50, effective immediately, as presented to the County Board on November 15, 2011.

eyes 6

nays none

absent: 1 Comm. Krause

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The consent agenda was then approved as follows:

Motion: Comm. Branning

Second: Comm. Workman

11-538**Approval Of Minutes**

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the minutes of the regular County Board meeting, held November 1, 2011, as presented and entered in Commissioners' Record 2011.

11-539**Authorization To Execute Contract With Lockridge Grindal Nauen For Federal Legislative Services**

WHEREAS, it is in the interest of the citizens of Dakota County that the Board of Commissioners participate in federal legislative and administrative processes to assure that County interests are considered in the adoption of federal legislation and rules and awarding of federal grants; and

WHEREAS, since 1988, the Board of Commissioners has contracted for federal legislative services and support in working with executive agencies that has resulted in benefits to Dakota County, including necessary waivers to provide innovative services, authorizations and appropriations for critical projects, and federal grants; and

WHEREAS, the Board of Commissioners desires to contract for federal intergovernmental relations services for work with the legislative and executive branches of the federal government during the calendar year 2012, and the recommended 2012 budget includes funds for this purpose; and

WHEREAS, the Lockridge Grindal Nauen Federal Relations Group has provided federal intergovernmental relations services on behalf of Dakota County since 2002 and has submitted a proposal to continue to provide such services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Administrator to execute a contract with Lockridge Grindal Nauen (Federal Relations Group) for federal intergovernmental services, for the period January 1, 2012, through December 31, 2012, in the amount of \$64,311, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the County Administrator is authorized to execute two additional one-year renewal terms, in the amount of \$65,597 for 2013 and \$66,909 for 2014, provided that that the County and Lockridge Grindal Nauen both agree, that Lockridge Grindal Nauen has satisfactorily performed the services during the prior term, that funds are included in the County budget, and that the County Attorney has approved the renewal term as to form; and

BE IT FURTHER RESOLVED, That the federal intergovernmental relations services provided to Dakota County shall include a continuing focus on the authorization and appropriation of funds to meet the transportation needs and interests of Dakota County; directed appropriations requests; health, human services, public safety, and workforce issues of interest to the Board of Commissioners; and other issues as identified in the Board's approved 2012 federal legislative program.

11-540**Adoption Of 2012 Legislative Program Recommendations**

WHEREAS, the Minnesota Legislature will convene its 2012 session on January 24, 2012; and

WHEREAS, the interests of Dakota County and its citizens will be directly affected by the decisions of the 2012 Legislature; and

WHEREAS, at its meeting on November 1, 2011, the Administration/Finance/Policy Committee of the Whole reviewed and recommended initiatives for inclusion in the 2012 Legislative Program, as follows:

- 1) Re-balance in the state-local partnership
- 2) Equity in community corrections funding

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- 3) Provide stable funding for Family Home Visiting
- 4) Support investment in the public health infrastructure
- 5) Support Outdoor Heritage funding for Riparian/Lakeshore Buffers initiative
- 6) Support parks capital investment funding through the Metropolitan Council
- 7) Data Practices Act amendment for real estate appraisals
- 8) Revision of speed limit legislation for bus shoulder applications
- 9) Revise language of bond legislation for Cedar BRT to provide flexibility in use of funds
- 10) Minnesota e-Health Initiative
- 11) Bonding requests:
 - a) Trail bridge over the Cannon River
 - b) Lake Byllesby Dam spillway capacity upgrade
 - c) Regional Morgue

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the initiatives as presented to the Administration/Finance/Policy Committee of the Whole on November 1, 2011, for inclusion in the 2012 Dakota County legislative program; and

BE IT FURTHER RESOLVED, That the Board of Commissioners continues to support positions of organizations on which Commissioners are appointed to represent the interests of Dakota County; and

BE IT FURTHER RESOLVED, That staff is directed to prepare the Legislative Program for presentation and discussion with the Dakota County Legislative Delegation.

11-541

Ratification Of Print Management Professional Services Contract With MHC Associates, Inc., Burnsville, Minnesota

WHEREAS, County staff solicited proposals for Broker Print Management Services on June 16, 2011 for the Hastings Government Center, Western Service Center and Northern service Center; and

WHEREAS, responses were received from MHC Associates, Inc. and Jerry's Enterprises, Inc. dba Great Rivers Printing on June 30, 2011; and

WHEREAS, the selection of MHC Associates, Inc. offered the best value for replacing duplicating and print services for the County; and

WHEREAS, the Operations Management Director entered into a contract for professional services at a fixed rate of \$24,000 per year for four one-years terms plus 22% markup on all copy and printed material managed by the contractor, renewal terms subject to acceptable performance in the prior term, commencing October 1, 2011; and

WHEREAS, MHC Associates, Inc. is required to seek competitive printing proposals as required by County Board Resolution No. 11-240.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies execution of the contract and first amendment of the contract with MHC Associates, Inc., for professional print brokerage services, for the period October 1, 2011, through September 30, 2012, at an annual fee of \$24,000 plus 22% markup on all successfully brokered copy and printed materials, and for three one-year renewal terms at the same compensation, provided that the County and MHC Associates, Inc. both agree, that MHC Associates has satisfactorily performed the services in the prior term, that funds are included in the County budget, and that the County Attorney has approved the renewal terms as to form.

11-542

Authorization To Execute Grant Agreements To Continue Funding Of Human Services Related Programs

WHEREAS, the term "grant agreement" describes contracts whereby the County guarantees a specific level of funding for a service; and

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WHEREAS, the grant agreements were reviewed as part of the 2012 budget process and are being recommended for funding by County staff for an additional year; and

WHEREAS, outcome and performance measures are negotiated and will be revisited during the 2012 contract period.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute grant agreements for Human Service related programs at the amounts listed in the Resolution for the period of January 1, 2012 through December 31, 2012, subject to approval by the County Attorney's Office as to form as follows:

<u>Community Agency Services</u>	<u>Contract Amount</u>
DARTS/Chore Services Coordination	\$32,726
DARTS/Volunteer Respite Coordination	\$30,170
Legal Assistance of Dakota County, Ltd./Legal Assistance	\$124,231
YMCA of Greater St. Paul/NSC Drop-in Child Care Center	\$68,007

; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said grant agreements, within the amount budgeted, to alter the number and types of clients served, type of services provided, 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 grant agreements shall contain a provision that allows the County to immediately terminate them 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.

11-543

Authorization To Execute Contracts For Emergency Cash Assistance Services

WHEREAS, the Emergency Cash Assistance (ECA) Program provides services to effectively meet the needs of clients by using a network of local agency delivered services, making the best use of scarce resources by eliminating duplication, and promoting interagency cooperation; and

WHEREAS, staff recommends that the following vendors continue to disburse ECA funds: Hastings Family Services, Inc. in Hastings; Neighbors, Inc. in South St. Paul; and 360 Communities in Burnsville; and

WHEREAS, staff recommends that the County also continue to disburse ECA funds through the Employment and Economic Assistance Department.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contracts with Hastings Family Services, Inc., Neighbors, Inc., and 360 Communities to deliver emergency cash assistance services, in an amount not to exceed \$21,552 for each agency, for the period of January 1, 2012 through December 31, 2012, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the contracts shall contain a provision that allows the County to immediately terminate the contracts 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend these contracts, within the amount budgeted, to alter the contract term and contract amounts, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form.

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11-544**Authorization To Execute Contracts With Community Agencies For Dakota Healthy Families Services**

WHEREAS, by Resolution No. 97-54 (January 28, 1997), the County Board authorized the Public Health Department to serve as the administrative lead agency for Dakota Healthy Families (DHF), including the responsibilities for employing and supervising staff and for fiscal management; and

WHEREAS, by Resolution No. 97-54 (January 28, 1997), the County Board also authorized the Public Health Department to participate with partner agencies of DHF to seek external funding for its implementation; and

WHEREAS, staff recommends continuation of contracts with two community agencies for countywide home visiting services and clinical supervision.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contracts with the following community agencies for Dakota Healthy Families services in an amount not to exceed \$262,405 with 360 Communities, and an amount not to exceed \$262,405 with Scott-Carver-Dakota CAP Agency, Inc., for the period of January 1, 2012 through December 31, 2012, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the contracts shall contain a provision that allows the County to immediately terminate the contracts 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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contracts, within the amount budgeted, to alter the types of services provided, contract term, and contract amounts, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form.

11-545**Authorization To Execute Contract Amendment With Mental Health Resources, Inc. For Supportive Housing And Independent Living Services**

WHEREAS, the Minnesota Comprehensive Adult Mental Health Services Act obligates county boards to "develop and coordinate a system of affordable and locally available adult mental health services in accordance with Minn. Stat § 245.461 to § 245.486"; and

WHEREAS, Mental Health Resources, Inc. (MHR) has a 30+ year history of community programming, and has worked with Dakota County to provide mental health services to Dakota County residents in various capacities; and

WHEREAS, in 2006, Dakota County initiated a contract with MHR to provide on-site supportive services to 16 of the 30 residents at Haralson Apartments, developed specifically for persons with mental illness.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to amend the contract with Mental Health Resources, Inc., for supportive housing and independent living services, in an amount not to exceed \$57,222, for the period of January 1, 2012 through December 31, 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 amount budgeted, to alter the number and types of clients served, type of services provided, contract amount, 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.

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11-546**Authorization To Execute Joint Powers Agreement With Intermediate School District 917 For Community Transition Interagency Committee Facilitation And Coordination Services**

WHEREAS, Minn. Stat. §125A.023, requires the development and implementation of a coordinated, multidisciplinary, interagency intervention service system; and

WHEREAS, Minn. Stat. §125A.22, requires school districts, in cooperation with the county in which the districts are located, to establish a Community Transition Interagency Committee (CTIC) for youth with disabilities; and

WHEREAS, Intermediate School District 917 and Dakota County have negotiated a Joint Powers Agreement for Dakota County to provide facilitation and coordination of the CTIC with Intermediate School District 917 compensating County staff time.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a Joint Powers Agreement with Intermediate School District 917 for Community Transition Interagency Committee facilitation and coordination services, effective upon the date of execution through June 31, 2012, or until completion by the parties of their respective obligations under this Agreement, whichever comes first, unless earlier terminated by law or according to the provisions of this Agreement, substantially as presented to the Community Services Committee of the Whole on November 8, 2011, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That upon execution of the Joint Powers Agreement by both parties, Intermediate School District 917 will pay Dakota County \$12,000 for staff time executing these responsibilities through June 31, 2012.

11-547**Authorization To Execute Contracts For Conservator And Guardianship Services**

WHEREAS, counties are obligated to provide conservator and guardian services for the indigent found to be incapable of meeting his or her own medical, financial, nutritional, or other basic needs; and

WHEREAS, by Resolution No. 08-486 (October 21, 2008), in order to contain costs, the County Board authorized staff to implement cost containment measures which will be continued through the January 1, 2012 through December 31, 2013 contract period; and

WHEREAS, the County currently contracts with four vendors to provide conservator and guardianship services: Dakota Conservators, Inc., Thomas Allen Consulting, Inc., Meridian Services, Inc., and Lutheran Social Services, Inc.; and

WHEREAS, County staff has finalized negotiations and recommends that these contracts for conservator and guardianship services be renewed for the period of January 1, 2012 through December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contracts with Dakota Conservators, Inc., Thomas Allen Consulting, Inc., Meridian Services, Inc., and Lutheran Social Services, Inc., for conservator and guardianship services at the rate of \$41.60/hour for general conservator/guardianship services and \$51.00/hour for emergency conservator/guardianship services for the period of January 1, 2012, through December 31, 2013, 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 contracts, within the amount budgeted, to alter the number and types of clients served, rates and types of services provided, 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 contracts shall contain a provision that allows the County to immediately terminate the contracts 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.

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11-548**Authorization To Amend Contracts For Chemical Dependency Rule 25 Assessment Services**

WHEREAS, Dakota County is mandated by the State of Minnesota to provide services for persons who are chemically dependent; and

WHEREAS, a recommendation for a level of treatment services is determined by a state-certified assessor using the "Rule 25," a professional assessment tool which enables public access to the State Consolidated Chemical Dependency Treatment Fund (CCDTF); and

WHEREAS, by Resolution No. 10-550 (November 2, 2010), the County Board authorized the execution of contracts for Chemical Dependency Treatment services; and

WHEREAS, staff recommends amending contracts with providers for Rule 25 assessment services at the rate of \$150 per hour for the period of January 1, 2012 through December 31, 2012; and

WHEREAS, staff recommends County funding to purchase limited transportation services provided by Loren E. Novak and Associates (DBA Journey Counseling Services) at the rate of \$9.00 per trip per client, for clients eligible for CCDTF.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contract amendments with the following chemical dependency contracted vendors for Rule 25 chemical health assessments at the rate of \$150 per hour for the period of January 1, 2012, through December 31, 2012, subject to approval by the County Attorney's Office as to form:

Avalon Programs, LLC
 CDC Centers, Inc., DBA River Ridge Treatment Center and A Woman's Way Treatment Center
 Community Drug & Alcohol Services, Inc.
 Comunicades Latinas Unidos En Servicio, Inc. DBA CLUES
 CREATE, Inc.
 Dakota County Receiving Center
 Fairview Health Services, DBA University of Minnesota Medical Center, Fairview
 Faith Family Recovery Center, LLC
 Hanson & Hanson Addiction Specialists, Inc.
 Haven Chemical Health Systems, LLC, DBA Margaret's House and Paul's Place
 Loren E. Novak and Associates, DBA Journey Counseling Services
 Nystrom & Associates, Ltd.
 Odyssey Programs, LLC
 On-Belay of Minnesota, Inc., DBA Anthony Louis Center
 Regions Hospital New Connections

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract amendment with Loren E. Novak and Associates, DBA Journey Counseling Services, at the rate of \$9.00 per trip per client, for clients eligible for CCDTF, for the period of January 1, 2012 through December 31, 2012; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contracts, within the amount budgeted, to alter the number and types of clients served, types of services provided, service rates, 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 contracts 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.

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11-549

Authorization To Execute Contracts For Treatment And Support Services For Youth And Families

WHEREAS, under the Minnesota Comprehensive Children’s Mental Health Act (Minn. Stat. § 245.487-245.4889), a variety of services are mandated for youth who are emotionally or severely emotionally disturbed; and

WHEREAS, the County meets state service mandates for this population through direct service delivery and purchased services; and

WHEREAS, staff conferred with providers of services throughout 2011 to review service provisions and revise the service grids accordingly for 2012 and 2013.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contracts for treatment and support services for youth and families at the unit rates as referenced in the Resolution for the period of January 1, 2012 through December 31, 2013, subject to approval by the County Attorney’s Office as to form, as follows:

RESIDENTIAL SERVICES

AGENCY NAME/PROGRAM	UNIT RATE
Foster Care Services for Adolescents	
<ul style="list-style-type: none"> • Family Focus, Inc. • Stivland, Inc., DBA Harbor Shelter & Counseling Center 	<ul style="list-style-type: none"> • \$57.27/day per bed, whether occupied or vacant, plus the host county administrative daily rate. • \$181.23/day/\$40.00 per round trip for transportation.
Psychiatric Hospitalization Services	
<ul style="list-style-type: none"> • Fairview Health Services Child Psychiatric Hospitalization Services: <ul style="list-style-type: none"> • Child daily rate: • Adolescent daily rate 	<ul style="list-style-type: none"> • \$779.71 per day. • \$708.86 per day.
Additional related services for medical/psychiatric diagnosis, evaluation, and treatment will be charged at the usual and customary rates.	

COMMUNITY-BASED AND IN-HOME SERVICES

AGENCY NAME/PROGRAM	UNIT RATE
Adolescent Short-Term Assessment and Treatment	
<ul style="list-style-type: none"> • Eagan Counseling Clinic, Inc., DBA Minnesota Mental Health Clinics 	<ul style="list-style-type: none"> • Services paid at the MA rate.

COMMUNITY-BASED AND IN-HOME SERVICES (continued)

AGENCY NAME/PROGRAM	UNIT RATE
Bridges Stabilizations Program	
<ul style="list-style-type: none"> • Family, Adolescents, and Children Therapy Services, Inc. (DBA FACTS) 	<ul style="list-style-type: none"> • Services will be paid at MA rates. Exception: When MA does not cover the actual time spent to complete the services or when services provided are not MA billable services, rates are \$66.73/hour (clinical license) and \$43.99/hour (non-clinical license or license eligible). • County will pay for up to two no-show or cancellations per client/family occurring with less than a 24 hour notice. The rate is based on the service that was to have been provided had the service occurred. • Transportation will be reimbursed at the prevailing IRS mileage rate within the 7 metropolitan area. Transportation outside of the metropolitan area will be paid at a flat rate of \$250 per round trip.

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Community Reintegration Services

- Family, Adolescents, and Children Therapy Services, Inc. (DBA FACTS)
- Kente' Circle, LLC
- \$66.73/hour (clinical license) and \$43.99/hour (non-clinical license or license eligible).
- Transportation without the client will be reimbursed at the prevailing IRS mileage rate. When transporting a client, transportation will be reimbursed at the prevailing IRS mileage rate plus \$.41/mile for administrative costs.

Day Treatment

- LifeSpan of Minnesota, Inc.
- Services will be paid at the MA rate.

Families First

- Associated Clinic of Psychology
- Licensed Mental Health Professional: \$89.19/hour for direct face-to-face contact with the family.
- Counselor or Therapist with Supervision by a Licensed Mental Health Professional: \$55.74/hour for direct face-to-face contact with the family.
- Up to 1 hour of transportation at the prevailing IRS mileage rate if called out on a weekend, evenings, or holidays.

Hair Follicle Testing (drug & alcohol testing)

- Accurate Testing, Inc.
- \$178.50/test (mobile) and \$153/test (on site) for adults, youth and children.
- \$51.00/hour for no-shows or cancellations with less than 24 hour' notice.
- \$51.00/hour for refusals.
- Transportation will be reimbursed at the prevailing IRS mileage rate.

In-Home Family Therapy

- Associated Clinic of Psychology
- Family, Adolescents, and Children Therapy Services, Inc. (DBA FACTS)
- Kente' Circle, LLC
- Services will be paid at the MA rate.
- Transportation without the client will be reimbursed at the MA rate. When transporting a client, transportation will be reimbursed at the prevailing IRS mileage rate plus \$.41/mile for administrative costs.

JSC and Campus Therapeutic Services

- Kente' Circle, LLC
- Services will be paid at the MA rate.

COMMUNITY-BASED AND IN-HOME SERVICES (continued)

AGENCY NAME/PROGRAM	UNIT RATE
Parenting Assessments and Psychological Evaluations • Dr. Michael Ferrarese, DBA South Suburban Psychological & Consulting Services • Dr. Frayda Rosen • Lopno and Associates, LLC	<ul style="list-style-type: none"> • Parenting Assessments (For single parent, 2-parent intact family, divorced parents, or parents living separately): The County will pay up \$94.77/hour for up to 15 hours for one person and up to 20 hours for 2 persons. • Psychological Evaluations: The County will pay for services at the MA rate for up to 10 hours of service. • \$139.36/hour for up to 2 hours of preparation time with County staff for court testimony and \$139.36/hour for up to 2 hours for Court appearance time.
Parenting Education • Family, Adolescents, and Children Therapy Services, Inc. (DBA FACTS)	Non-Degreed Staff: <ul style="list-style-type: none"> • The County will pay \$24.66/hour for direct (face-to-face) contacts and the rate of \$19.68/hour for collateral contacts. Degreed Staff: <ul style="list-style-type: none"> • The County will pay \$69.94/hour for direct (face-to-face) contacts and the rate of \$27.88/hour for collateral contacts. • Up to 1 hour for transportation per visit to and from a client's home will be reimbursed at the prevailing IRS mileage rate, not to exceed 2 times per week.

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Supervised Support and Skills Training

- Family, Adolescents, and Children Therapy Services, Inc. (DBA FACTS)
- Services will be paid at the MA rate.
- Transportation without the client will be reimbursed at the MA rate. When transporting a client, transportation will be reimbursed at the prevailing IRS mileage rate plus \$.41/mile for administrative costs.

Systemic Family Therapy (SFT) Services

- Family, Adolescents, and Children Therapy Services, Inc. (DBA FACTS)
- Kente' Circle, LLC
- New Therapists (Includes Licensed, No SFT Experience; Unlicensed, No SFT Experience, or Unlicensed, SFT Experience): One training case with an experienced therapist at the rate of \$2,229.66. \$4,459.32 per client per treatment experience for the first 5 cases.
- Unlicensed after completing New Therapist Training: \$5,574 per client treatment experience.
- Clinical License with SFT Experience & Clinical License without SFT Experience after completing New Therapist Training: \$6,689 per client per treatment experience.
- Extensions and Excess SFT Services: \$66.73/hour (clinical license) and \$43.99/hour (non-clinical license or license eligible).

; and

BE IT FURTHER RESOLVED, That service rates for contracts authorized through December 31, 2013, shall be changed, if applicable, by the inflation rate as approved by the County Board effective January 1, 2013; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contracts within the Social Services and Community Corrections budgets, to alter the number and types of clients served, types of services provided, the service expectations and rates (service grids), and the contract term, subject to the approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the contracts 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.

11-550**Approval Of Calendar Year 2012 Adult Mental Health Grant Applications And Approval To Execute Grant Renewal Agreement**

WHEREAS, the Adult Mental Health (AMH) Grant provides funding to keep Dakota County residents in community settings and assist this population in leading healthy lives; and

WHEREAS, the Department of Human Services (DHS) requires that counties submit an application for calendar year 2012 to receive Adult Mental Health grant allocations; and

WHEREAS, staff has prepared grant applications to meet DHS submission requirements.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves submission of the Adult Mental Health grant applications for calendar year 2012 to the Department of Human Services, substantially as presented to the Dakota County Committee of the Whole on November 8, 2011; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to execute the Adult Mental Health Services grant renewal agreement for calendar year 2012, subject to approval by the County Attorney's Office as to form.

11-551**Authorization To Execute Contracts For Employer Of Record, Fiscal Intermediary, And Fiscal Support Entity Services**

WHEREAS, Consumer Directed Community Support Services are available to any client across all Home and Community-Based Waivers; and

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WHEREAS, Fiscal Support Entity, Employer of Record, and Fiscal Intermediary services can be utilized for payment for other services; and

WHEREAS, payment for these services occurs through direct billing to the state by the providers via Minnesota Management Information System (MMIS); and

WHEREAS, staff recommends retaining the current providers of Fiscal Support Entity, Employer of Record, and Fiscal Intermediary services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute contracts for Employer of Record, Fiscal Intermediary, and Fiscal Support Entity services at the payment rates referenced in the Resolution for the period of January 1, 2012, through December 31, 2013, subject to approval by the County Attorney's Office as to form as follows:

FISCAL SUPPORT ENTITY		EOR/FI	
Agency Information	CDCS Waiver Service	Consumer Support Grant	Personal Support Waiver Service
Community Involvement Programs (CIP)	<p>FSE payment rates not to exceed those listed with the MN Department of Human Services for FSE services.</p> <p>Current rates are as follows:</p> <p><u>FSE with Fiscal Conduit Only services</u> - Fee based on monthly activity: Less than \$1000 - \$40.00/mo. \$1000 - \$1999 - \$50.00/mo. \$2000 - \$2999 - \$65.00/mo. \$3000 or more - \$80.00/mo.</p> <p><u>FSE with Agency w/ Choice Services:</u> 12.25% of staff payroll for taxes & Workers' Compensation plus \$150.00/mo.</p> <p><u>FSE with Payroll Model Services:</u> Actual cost of payroll taxes & insurance purchased plus \$150.00/mo.</p>	<p>20% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, liability insurance, and administrative costs for Agency with Choice services.</p> <p>2% of non payroll payments made when Contractor is also the Agency with Choice.</p> <p>4% of non payroll payments made when only Fiscal Conduit services are used.</p>	<p>20% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, liability insurance, and administrative costs for Employer of Record services.</p> <p>2% of non payroll payments made when Contractor is also the Employer of Record.</p> <p>4% of non payroll payments made when only Fiscal Intermediary services are used.</p>

FISCAL SUPPORT ENTITY		EOR/FI	
Agency Information	CDCS Waiver Service	Consumer Support Grant	Personal Support Waiver Service
Lifeworks Services, Inc.	<p>FSE payment rates not to exceed those listed with the MN Department of Human Services for FSE services.</p> <p>Current rates are as follows:</p> <p><u>FSE with Fiscal Conduit Only</u> – Monthly fee based on CDCS allocations:</p> <ul style="list-style-type: none"> • 0 - \$15,000 annually - \$70/mo. • More than \$15,000 annually - \$85/mo. <p><u>FSE with Agency w/ Choice Services:</u> Monthly fee based on CDCS allocations:</p> <ul style="list-style-type: none"> • 0 - \$15,000 annually – 14% payroll taxes & Workers' Compensation plus \$140/mo. 	<p>22% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, liability insurance, and administrative costs for Agency with Choice services.</p> <p>2% of non payroll payments made when Contractor is also the Agency with Choice.</p> <p>4% of non payroll payments made when only Fiscal Conduit services are used.</p>	<p>22% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, liability insurance, and administrative costs for Employer of Record services.</p> <p>2% of non payroll payments made when Contractor is also the Employer of Record.</p>

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FISCAL SUPPORT ENTITY			EOR/FI Personal Support Waiver Service
Agency Information	CDCS Waiver Service	Consumer Support Grant	
	<ul style="list-style-type: none"> More than \$15,000 annually – 14% payroll taxes & Workers' Compensation plus \$175/mo. <p><u>FSE with Payroll Model Services:</u> Monthly fee based on CDCS allocations:</p> <ul style="list-style-type: none"> 0 - \$15,000 annually – 9.75% payroll taxes plus 2% admin. fee for POM plus \$140/mo. More than \$15,000 annually – 9.75% payroll taxes plus 2% admin. fee for POM plus \$120/mo. 		4% of non payroll payments made when only Fiscal Intermediary services are used.
Mankato Rehabilitation Center, Inc. (MRCI)	<p>FSE payment rates not to exceed those listed with the MN Department of Human Services for FSE services.</p> <p>Current rates are as follows:</p> <p><u>FSE with Fiscal Conduit Only –</u></p> <ul style="list-style-type: none"> 0 - \$9,999 annually – \$75/mo. \$10,000 or more annually - \$85/mo. <p><u>FSE with Agency w/ Choice Services:</u> Based on CDCS allocations:</p> <ul style="list-style-type: none"> 0 - \$9,999 annually – 12% payroll costs & Workers' Compensation plus \$75/mo. \$10,000 - \$14,999 annually – 12% payroll costs & Workers' Compensation plus \$110/mo. \$15,000 or more annually – 12% payroll costs & Workers' Compensation plus \$160/mo. <p><u>FSE with Payroll Model Services:</u> 7.65% payroll taxes without unemployment; plus current unemployment tax rates, plus \$135/month plus \$10/month for each additional employee over 1</p>	<p>20% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, liability insurance, and administrative costs for Agency with Choice services.</p> <p>2% of non payroll payments made when Contractor is also the Agency with Choice.</p> <p>4% of non payroll payments made when only Fiscal Conduit services are used.</p>	<p>20% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, liability insurance, and administrative costs for Employer of Record services.</p> <p>2% of non payroll payments made when Contractor is also the Employer of Record.</p> <p>4% of non payroll payments made when only Fiscal Intermediary services are used.</p>

FISCAL SUPPORT ENTITY			EOR/FI Personal Support Waiver Service
Agency Information	CDCS Waiver Service	Consumer Support Grant	
Orion ISO, Inc.	N/A	<p>20% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, liability insurance, and administrative costs for Agency with Choice services.</p> <p>7.5% of payroll as administrative cost for parent pay, 16% of payroll for other employees for FICA, Unemployment Insurance, and administrative costs for</p>	N/A

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Agency Information	FISCAL SUPPORT ENTITY CDCS Waiver Service	EOR/FI Personal Support Waiver Service Consumer Support Grant	
		Payroll Model (fiscal agent) services. 2% of non- payroll payments made when Contractor is also the Agency with Choice or Fiscal Agent. 4% of non-payroll payments made when only Fiscal Conduit services are used.	
Partners in Community Supports, Inc. (PICS)	N/A	18.5% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, liability insurance, and administrative costs for Agency with Choice services. 8% of payroll as administrative cost for parent pay, 17% of payroll for other employees for FICA, Unemployment Insurance, and administrative costs for Payroll Model (fiscal agent) services. 2% of non-payroll payments made when Contractor is also the Agency with Choice or Fiscal Agent. 4% of non-payroll payments made when only Fiscal Conduit services are used.	N/A
Alliance Health Care, Inc.	N/A	N/A	20% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, liability insurance, and administrative costs for Employer of Record services. 2% of non-payroll payments made when Contractor is also the Employer of Record.

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FISCAL SUPPORT ENTITY			EOR/FI
Agency Information	CDCS Waiver Service	Consumer Support Grant	Personal Support Waiver Service

4% of non payroll payments made when only Fiscal Intermediary services are used.

FISCAL SUPPORT ENTITY			EOR/FI
Agency Information	CDCS Waiver Service	Consumer Support Grant	Nursing through CDCS Waiver Service

Crystal Care Support Services, Inc.

N/A

N/A

22% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, Liability Insurance, and administrative costs for Employer of Record services.

Current payment rate for RN supervision of a LPN – Two-hour minimum at a rate of \$45/hr.

Professional Resource Network, Inc.

N/A

N/A

22% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, Liability Insurance, and administrative costs for Employer of Record services.

Current payment rate for RN supervision of a LPN – Two-hour minimum at a rate of \$45/hr.

River Valley Homecare, Inc.

N/A

N/A

20% of staff payroll for FICA, Workers' Compensation, Unemployment Insurance, Liability Insurance, and administrative costs for Employer of Record services.

Current payment rate for RN supervision of a LPN – Two-hour minimum at a rate of \$45/hr.

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; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contracts, within the amount budgeted, to alter the number and types of clients served, type of services provided, 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 contracts shall contain a provision that allows the County to immediately terminate the contracts 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.

11-552**Authorization To Execute Contract With Patricia Nelson For Adult Foster Care Emergency Shelter Services**

WHEREAS, the County requests an array of services from various vendors to address the mental health and housing needs of its citizens; and

WHEREAS, staff seek to expand the availability of emergency shelter services for persons with mental illness and related conditions; and

WHEREAS, staff have identified a licensed adult foster care provider who is willing and able to provide services to include adult foster care and emergency shelter services for this population; and

WHEREAS, funding for these services is available through Group Residential Housing (GRH), Medical Assistance (MA) waivers, and funds are included in the County Administrator's 2012 recommended budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Community Services Director to execute a contract with Patricia Nelson for adult foster care emergency shelter services, at a rate not to exceed \$49.23 per client/ per day, for the period of January 1, 2012 through December 31, 2012, 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 allow payment of the amounts due; and

BE IT FURTHER RESOLVED, That the Community Services Director is hereby authorized to amend said contract within the amount budgeted, to alter the types of services provided, number of shelter beds available, service rates, and contract term, consistent with County contracting policies, subject to approval by the County Attorney's Office as to form.

11-553**Proclamation Of November 2011 As Dakota County Adoption Month**

WHEREAS, November is National Adoption Month to raise awareness about the importance of permanent families for all children; and

WHEREAS, Dakota County is responsible for finding safe, permanent families for Dakota County children who are wards of the state; and

WHEREAS, the County Board supports the need for awareness regarding the importance of permanent families for children whose lives have been disrupted by maltreatment and/or loss of their parents.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby proclaims the month of November 2011 to be observed as Adoption Month in Dakota County and recognizes adoptive families for their commitment to our children.

11-554**Adoption Of Land Conservation Vision And Program Structure And Project Evaluation Criteria**

WHEREAS, staff has conducted a comprehensive and integrated land conservation study involving current and potential land conservation and management activities and priorities in the County; and

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WHEREAS, by Resolution Nos. 10-129 (February 23, 2010), 10-536 (October 12, 2010), and 11-223 (May 3, 2011), the County Board of Commissioners scheduled and conducted a series of Land Conservation Workshops on December 1, 2010, March 16, 2010, and May 10, 2011, respectively; and

WHEREAS, the workshops included background on relevant County-adopted plans and programs, and land protection and management activities and approaches involving County parks, regional greenways/trails, natural areas, farmland, and buffer corridors along rivers, streams and undeveloped lakeshore; and

WHEREAS, by Resolution No. 10-553 (November 2, 2010), the County Board approved the Vermillion River Corridor Plan and directed staff to use the project criteria and scoring system as the basis for implementing the Riparian and Lakeshore Buffer Initiative; and

WHEREAS, the County Board desires to maintain the farmland and natural area eligibility areas established through the Farmland and Natural Areas Program (FNAP) for determining future farmland and natural area protection; and

WHEREAS, County staff has developed new farmland and natural area evaluation criteria and an associated scoring system to prioritize and focus future investments in farmland and natural area protection; and

WHEREAS, County staff presented the proposed land conservation vision and project evaluation criteria and scoring systems to current and future partners and received positive comments; and

WHEREAS, County staff has studied the future role of the Farmland and Natural Areas Program Advisory Committee (FNAPAC), the Parks and Recreation Advisory Committee (PARAC) and the Planning Commission in implementing the County's land conservation vision; and

WHEREAS, staff has developed a comprehensive Land Conservation Vision, revised the project evaluation criteria and scoring systems for farmland and natural areas, continues to explore the establishment of a dedicated stewardship fund, and has recommended that the County Board consider merging the FNAPAC and PARAC into a restructured County Planning Commission in 2012; and

WHEREAS, the County is currently undertaking a new FNAP application round for protecting farmland and natural areas.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Dakota County Land Conservation Vision and revised Farmland and Natural Areas Eligibility and Project Evaluation Criteria and Scoring System, as presented to the Physical Development Committee of the Whole on November 8, 2011; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby directs staff to use the new Farmland and Natural Areas Eligibility and Project Evaluation Criteria and Scoring System to evaluate and rank projects submitted during the current and future FNAP application rounds; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby directs staff to study the feasibility and merits of combining the Farmland and Natural Areas Program Advisory Committee, the Parks and Recreation Advisory Committee and the County Planning Commission in 2012, with membership, structure, and roles and responsibilities to be reviewed and approved by the County Board at a future date, prior to the establishment of a restructured Planning Commission.

11-555

Acceptance Of Resignation From Member Of Planning Commission

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts the resignation received from Carol Isberg, District 3 representative on the Planning Commission.

11-556

Authorization To Execute Contract With Messerli & Kramer For State Legislative Services

WHEREAS, the Dakota County Board of Commissioners and the Dakota County Regional Railroad Authority desire to participate in the State legislative and administrative processes to assure that their interests are advanced and protected; and

WHEREAS, Dakota County issued a Request for Proposals for the purpose of securing such services; and

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WHEREAS, the Dakota County Regional Railroad Authority has requested that its state intergovernmental services be provided by the firm selected by the Dakota County Board of Commissioners, at the cost of the Regional Railroad Authority; and

WHEREAS, of the six firms that submitted proposals, and following review of the proposals and interviews with four firms, the County Commissioners have recommended that the contract be awarded to Messerli & Kramer.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Administrator to execute a contract for state intergovernmental services, on behalf of Dakota County and the Dakota County Regional Railroad Authority, with Messerli & Kramer, for a one-year term effective January 1, 2012, for a retainer fee of \$96,000.00 plus preapproved expenses not to exceed \$100, subject to approval of the County Attorney's Office as to form.

11-557**Authorization To Execute Contract For Library Security Improvements**

WHEREAS, the Library Security Improvement project is an approved project in the 2011 Building Capital Improvement Program (CIP); and

WHEREAS, County security staff evaluated each library site, consulted with library and facilities staff, and developed an implementation plan for the library security improvements; and

WHEREAS, bid documents were prepared and properly advertised; and

WHEREAS, one bid was received for the Library Security Improvement project; and

WHEREAS, after review of the bid, the project team recommends award of a contract to Pro-Tec, Design.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to execute a contract with Pro-Tec, Design, for library security improvements, in an amount not exceed \$122,128.00; subject to the approval by the County Attorney's Office as to form.

11-558**Ratification Of Community Development Funding Requests To U.S. Department Of Housing And Urban Development**

WHEREAS, the Dakota County Community Development Agency (CDA) is administering the Community Development Block Grant (CDBG) program on behalf of Dakota County; and

WHEREAS, funds expended from previously approved projects for Fiscal Year 2001 - 2011 of the CDBG program must be ratified by the Dakota County Board of Commissioners; and

WHEREAS, the CDA has incurred and paid the requests for payment associated with the CDBG program.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies requisitions to the U.S. Department of Housing and Urban Development for \$462,859.22, as presented on November 15, 2011.

11-559**Approval Of Amendment To 2011 Community Development Block Grant Program**

WHEREAS, by Resolution No. 11-120 (May 3, 2011), the Dakota County Board of Commissioners approved the 2011 Community Development Block Grant (CDBG) Program Action Plan, along with the 2011 Activity Statement; and

WHEREAS, three types of substantial amendments to the 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 City of South St. Paul has requested a substantial amendment to the 2011 Rediscover South St. Paul activity to add the specific property located at 127 W. Frost Street, with no amendment to the budget; and

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WHEREAS, public notice of the substantial amendment was placed in the Dakota County Tribune on October 13, 2011, in accordance with the approved Citizen Participation Plan process; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the amendment of the 2011 CDBG Action Plan and Activity Statement to add the property at the location of 127 W. Frost Street to the 2011 Rediscover South St. Paul activity with no change in the budget of \$37,000.

11-560**Authorization To Request State Of Minnesota Authentication Of Burial Mounds Within Spring Lake Park Reserve**

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. 03-649 (December 23, 2003), the Dakota County Board of Commissioners adopted the Spring Lake Park Reserve Master Plan (SLPR) (master plan); and

WHEREAS, the MRRT is planned to connect South St. Paul to Hastings, a portion of which will traverse through SLPR; and

WHEREAS, staff is currently working on developing alternative alignments through SLPR for County Board consideration and preferred alignment adoption in 2012; and

WHEREAS, SLPR is rich in archaeological resources including the Bremer Mounds Site consisting of two known Native American burial mounds; and

WHEREAS, the SLPR master plan emphasizes the protection and interpretation of cultural sites; and

WHEREAS, Minn. Stat. § 307.08 provides protection for burial mounds by making it illegal to intentionally disturb or destroy them and describes an authentication process whereby the Minnesota Office of State Archaeologist (OSA) confirms the dimensions of the mounds and that they contain Native American burials; and

WHEREAS, the Bremer Mounds occupy a strategic location between the park boundary on one side and steep topography on the other and to determine potential MRRT alignments in this vicinity the mound locations need to be determined through the authentication process; and

WHEREAS, the authentication process is initiated by the landowner requesting the OSA to authenticate.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Board Chair to request of the Minnesota Office of the State Archaeologist the authentication of the Bremer Mounds Site within Spring Lake Park Reserve.

11-561**Approval Of Easement Acquisition For County Project 4-12 In West St. Paul**

WHEREAS, Dakota County is proceeding with County Project (CP) 4-12 for the construction of a concrete sidewalk along the north side of County Road 4 (Butler Avenue) from Carrie Street to Sperl Street in West St. Paul; and

WHEREAS, temporary construction easements are needed from seven (7) property owners to move forward with the construction of CP 4-12 in 2012; and

WHEREAS, minimum damage acquisition valuation reports established the value of each easement parcel and conditional offers are being prepared to each of the property owners; and

WHEREAS, the total value for the needed easements is \$3,350 and the Transportation Department Capital Improvement Program (CIP) budget includes adequate funding for CP 4-12 easement acquisition in 2011.

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NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves acquisition of temporary easements for CP 4-12 and authorizes payment from the 2011 Transportation Department CIP budget as follows:

Parcel No.	Owner	Opinion of Value
1	Mark Christenson	\$350
2	Stephanie Pysarsky	\$350
3	James & Cari Williamette	\$400
4	Scott Vickers	\$400
5	Jeffery Chambers	\$350
6	Robert & Mary Fox	\$1,100
7	Daniel & Jennifer Masrud	\$400
Total Value for CP 4-12:		\$3,350

11-562

Reschedule Public Hearing On Draft Dakota County 2030 Transportation Plan

WHEREAS, Dakota County is in the process of developing an updated transportation plan, the *Dakota County 2030 Transportation Plan*; and

WHEREAS, a public hearing on the draft *Dakota County 2030 Transportation Plan* was scheduled for 9:00 a.m. on November 15, 2011; and

WHEREAS, publication of the notice for the public hearing was insufficient to satisfy the requirements of State law; and

WHEREAS, the public hearing on the draft *Dakota County 2030 Transportation Plan* should be rescheduled so that sufficient notice may be given.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby cancels the public hearing on the draft *Dakota County 2030 Transportation Plan*, scheduled for November 15, 2011, and reschedules the public hearing to December 13, 2011, at 9:00 a.m., in the Board Room, Dakota County Administration Center, Hastings, Minnesota.

11-563

Approval Of Plat

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 plat, having been approved by the respective Township and submits it to the Property Taxation and Records Department for recording:

Farmall Flats Third Addition

Ravenna Township

END OF CONSENT AGENDA

ayes 6

absent: 1 Comm. Krause

nays none

The following item was on the agenda for informational purposes only: Report On Invoices Paid in October 2011.

Kristi Sebastian, Traffic Engineer, presented Item 12.1 – Authorization To Award Contract To Stonebrooke Engineering, Inc. For Design Engineering Services For County Project 50-17 And 60-21.

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11-564

Authorization To Award Contract To Stonebrooke Engineering, Inc. For Design Engineering Services For County Project 50-17 And 60-21

Motion: Comm. Egan

Second: Comm. Schouweiler

WHEREAS, to address existing and future highway needs for the intersection of County State Aid Highways (CSAH) 50 and CSAH 60, the County is in need of consultant services for design and engineering for County Project (CP) 50-17 and 60-21; and

WHEREAS, the approval of a Joint Powers Agreement, with the City of Lakeville for CP 50-17 and 60-21 will be presented to the County Board at a future meeting; and

WHEREAS, Dakota County will lead CP 50-17 and 60-21 which includes preliminary and final design, public involvement and education, access configuration review and all other aspects to complete plans for a multi-lane roundabout for CSAH 50 and CSAH 60 and expansion to a full 4-lane divided section .3 miles to the west along CSAH 60 to Orchard Trail and .5 miles to the north along CSAH 50 to Jurel Way; and

WHEREAS, the County and City will share in the engineering design and project cost of 55% County and 45% City unless otherwise stipulated for various specific items of design and construction, based on the most current Transportation County Policy; and

WHEREAS, the Dakota County Transportation Department sent a Request for Proposals (RFP) to four professional design service firms and received four proposals which were evaluated by Transportation Department and City of Lakeville engineering staff; and

WHEREAS, the County Engineer recommends awarding the contract to Stonebrooke Engineering, Inc. as the consultant selected to provide the best engineering value for the design engineering work.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with Stonebrooke Engineering, Inc. for design engineering services for County Projects 50-17 and 60-21, for an amount not to exceed \$375,000, subject to approval by the County Attorney's Office as to form.

eyes 6

nays none

absent: 1 Comm. Krause

11-565

Authorization To Approve Settlement Of Parcel 95 (324): County Project 23-64

Motion: Comm. Branning

Second: Comm. Schouweiler

WHEREAS, Dakota County, through County Project (CP) 23-64 is reconstructing County State Aid Highway (CSAH) 23 (Cedar Avenue) in Apple Valley and Lakeville as part of the Cedar Bus Rapid Transit (BRT) Project; and

WHEREAS, in Parcel 95 (324), the County condemned for highway purposes 8,452 square feet of permanent highway right of way and 870 square feet of temporary construction easement for which the County offered the landowner \$71,300 in compensation; and

WHEREAS, Cedar 140 Holdings, LLC, the fee owner of the property, rejected the offer and has countered with a demand for \$120,000 in damages; and

WHEREAS, the parties to this action have agreed to a settlement of all damages caused by the takings, including severance damages to the remaining parcel, in the amount of \$95,000, 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 of the action 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.

November 15, 2011

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the settlement agreement in the amount of \$95,000 for Parcel 95 (324) as being in the best interest of the County, and authorizes the County Attorney to arrange for final payment of the settlement amount and filing of the necessary court documents to obtain a refund of the quick take deposit and to effectuate final settlement of the court action between the parties.

ayes 6

nays none

absent: 1 Comm. Krause

11-566

Closed Executive Session: Development Of Offer To Purchase Land From St. Croix Lutheran High School

Motion: Comm. Schouweiler

Second: Comm. Egan

WHEREAS, St. Croix Lutheran High School is the owner of 5.2 acres of land adjacent to Thompson County Park at 1200 Oakdale Avenue, West. St. Paul, MN 55118; and

WHEREAS, the above-referenced 5.2 acres is included in the approved Thompson County Park boundary; and

WHEREAS, on September 19, 2006, the Dakota County Board of Commissioners, pursuant to Resolution No. 06-378, authorized County staff to secure an appraisal of the property and to enter into negotiations with St. Croix Lutheran High School regarding the sale of the 5.2 acres to Dakota County; and

WHEREAS, County staff have recently secured an updated appraisal of the property and have entered into negotiations with St. Croix Lutheran High School; 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 November 15, 2011, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, in order to develop an offer to purchase 5.2 acres of land from St. Croix Lutheran High school, located at 1200 Oakdale Avenue in the City of West St. Paul, for inclusion in the Thompson County Park.

ayes 6

nays none

absent: 1 Comm. Krause

11-567

Closed Executive Session: Workers' Compensation Petition Of James Radant

Motion: Comm. Schouweiler

Second: Comm. Egan

WHEREAS, James Radant, on behalf of himself and his two children, has filed a petition against the County of Dakota, seeking compensation under Minnesota Statutes Ch. 176, the workers' compensation statute, in connection with the death of his wife, Sheila Happe, who was a County employee at the time of her death; and

WHEREAS, the Dakota County Board of Commissioners seeks legal advice from its workers' compensation counsel McCollum Crowley Moschet (Deborah Crowley) with respect to the strategy of defending this claim, the public disclosure of which would benefit the petitioner to the detriment of the County Board's position in the matter; and

WHEREAS, pursuant to Minn. Stat. §13D.05, subd. 3(b), the County Board may by resolution 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 November 15, 2011, and recesses to Conference Room 3A, Administration Center, Hastings, Minnesota, to discuss with its workers' compensation counsel the petition of James Radant.

November 15, 2011

ayes 6
absent: 1 Comm. Krause

nays none

The time being 9:39 a.m. and pursuant to public notice and Resolution Nos. 11-566 and 11-567, the County Board convened in Conference Room 3A to hold a Closed Executive Session to discuss development of offer to purchase land from St. Croix Lutheran High School and workers' compensation petition of James Radant.

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 Willis E. Branning, District 7
- Brandt Richardson, County Administrator
- Kelly Olson, Sr. Administrative Coordinator to the Board
- Matt Smith, Deputy County Administrator
- Taud Hoopingarner, Operations Management Director
- B.J. Battig, Risk Management and Homeland Security Manager
- Deborah Crowley, Workers' compensation Counsel

The Closed Executive Session continued until 9:55 a.m., at which time Mr. Hoopingarner, Mr. Battig, and Ms. Crowley left the meeting and the following entered:

- Karen Schaffer, First Assistant County Attorney
- Al Singer, Land Conservation Manager

The Closed Executive Session continued until 10:24 a.m., at which time the Board reconvened in the Board Room with all members present, except Commissioner Krause.

11-568

Authorization To Accept Workers' Compensation Petition Filed By James Radant And Authorization To Make Payments

Motion: Comm. Egan

Second: Comm. Workman

WHEREAS, James Radant, on behalf of himself and his two children, has filed a petition against the County of Dakota, seeking compensation under Minnesota Statutes Ch. 176, the workers' compensation statute, in connection with the death of his wife, Shelia Happe, who was a County employee at the time of her death; and

WHEREAS, the Dakota County Board of Commissioners has received the advice of its workers' compensation counsel, Deborah Crowley, with respect to said petition.

NOW, THEREFORE, BE IT RESOLVED, That based upon the advice of counsel and in consideration of all of the facts and circumstances, the Dakota County Board of Commissioners hereby accepts the petition filed by James Radant as establishing a valid claim against the County of Dakota within the meaning of Minnesota Statutes Ch. 176 and authorizes its staff to make such payments pursuant thereto as may be required by law.

ayes 6
absent: 1 Comm. Krause

nays none

November 15, 2011

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

11-569

Adjournment

Motion: Comm. Schouweiler

Second: Comm. Egan

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

ayes 6

nays none

absent: 1 Comm. Krause

The County Board meeting was adjourned at 10:53 a.m.

Joseph A. Harris
Chair

ATTEST

Brandt Richardson
County Administrator