

HENNEPIN COUNTY

MINNESOTA

FINAL BOARD AGENDA

BOARD OF HENNEPIN COUNTY COMMISSIONERS

TUESDAY, JULY 9, 2019

1:30 PM

Chair: Marion Greene, District 3

Vice-Chair: Mike Opat, District 1

Members: Irene Fernando, District 2

Angela Conley, District 4

Debbie Goettel, District 5

Jan Callison, District 6

Jeff Johnson, District 7

1. Pledge of Allegiance

2. Approval of Agenda

3. Hennepin Highlights

A. Water quality inspections - Joe Jurusik, Public Health

4. Minutes from Previous Meeting

A. 6-18-2019 Minutes

5. Referral of Correspondence and Department Communications

A. Correspondence

19-N0067

Professional and Personal Service Agreements/Amendments of \$50,000 or less which have been approved by Department Director, Assistant/County Administrator. Report Number: 19RAA-06

19-N0068

LTR- Steve Grove, Commissioner, Minnesota Employment and Economic Development - RE: Grant Awards - Contamination Cleanup and Investigation.

19-N0069

LTR - Amy Spong, Deputy State Historic Preservation Officer, Minnesota Department of Administration State Historic Preservation Office - RE: Nominations to the National Register of Historic Places.

19-N0070

LTR- Committee for the Abolition of Library Fines, RE: Library fines.

19-N0071

LTR - Robert J. Fletcher, Land Resources Branch, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission - RE: Northern States Power Company, Project No. 2056-031.

19-N0072

LTR - David Bernhardt, Secretary of the Interior, United States Department of the Interior- RE: Payments in Lieu of Taxes (PILT) Program.

19-N0073

Claim - 1. Karin Livingston - RE: Claim - Slip and fall accident at the North Point Health and Wellness Center, February 21, 2019. 2. James A. Heuer, Jr., Attorney - RE: Summons

- Cynthia Sudheimer, as Trustee for the Next-of-Kin of James Duane Anderst, deceased, Plaintiff, vs. Northdale Construction Co. Inc., and Hennepin County, Defendants.

B. Department Communications

19-0287

Claims Register for the period ending July 12, 2019

19-0288

Claims Register for the period ending July 19, 2019

19-0289

Claims Register for the period ending July 26, 2019

Referred to Public Works Committee

19-0280

Grant temporary and permanent easements in favor of the City of Minnetonka for trail, drainage, utility and roadway purposes on property located at 12601 Ridgedale Dr, Minnetonka, (recv \$1)

19-0281

Negotiate Agmt PR00001257 with Mpls Parks and Recreation Bd for contaminated soil cleanup associated with construction of Survivors Memorial using funds from Brownfields Gap Financing Prgm, 07/30/19 --07/30/20, NTE \$30,000

19-0282

Negotiate agmts for award of 2019 Cost Participation and Partnerships (CP 2183500) project funds, total combined est. \$525,000; amend project budgets; transfer funds (CP 2999966, CP 2999957)

Referred to Administration, Libraries and Budget Committee

19-0275

Citizen Advisory Board Applicants and Appointments - Workforce Innovation and Opportunity Act

19-0276

Sale of approximately \$200,000,000 of general obligation transportation sales tax revenue bonds; fixing the form and specifications thereof; and providing for execution, delivery and payment

19-0277

Authorization to adopt Laws of Minnesota 2019, 1st Special Session, Chapter 6, Article 7, Section 6, as requested by the City of Champlin, for the purpose of extending the maximum duration of the Mississippi Crossings Tax Increment Financing District (County No. 2405) by five years, to December 31, 2049

Referred to Health and Human Services Committee

19-0278

Human Services & Public Health resolution, including contracts and amendments to contracts with providers – Report 1911

19-0279

Agmt A199722 with MN DEED–Rehab Services, accepting grant funding to provide extended employment services, 07/01/19–06/30/20, \$210,367 (recv)

6. Commendations

7. Commissioner Communications/Updates

8. Claims Register

8.A. **19-0272**

Claims Register for the period ending June 21, 2019

8.B. **19-0273**

Claims Register for the period ending June 28, 2019

8.C. **19-0274**

Claims Register for the period ending July 5, 2019

9. Consent

9.A. **19-0252**

Set Bassett Creek Watershed Mgmt Commission 2020 max levy at \$1,500,000 for projects to improve water quality

9.B. **19-0253**

Approve amendment to Elm Creek Watershed Mgmt Commission Plan; set Elm Creek Watershed Mgmt Commission 2020 max levy at \$448,935 for projects to improve water quality

9.C. **19-0254**

Approve amendment to Shingle Creek and West Mississippi Watershed Mgmt Commissions plan; set Shingle Creek Watershed Mgmt Commission 2020 max levy at \$551,990 and West Mississippi Watershed Mgmt Commission 2020 max levy at \$53,025 for projects to improve water quality

9.D. **19-0255**

Agmt A199657 with the State of MN to provide grant funding for the Hennepin County Sheriff's Office Boat and Water Safety Activities, 01/01/19-06/30/20, \$115,905 (recv)

9.E. **19-0256**

Agmt A199682 with the MN Dept of Public Safety for Radiological Emergency Preparedness Grant, 07/01/19-06/30/21, \$234,000 (recv); supp appr of \$52,165 to the 2019 Emergency Management budget

9.F. **19-0258**

Human Services & Public Health resolution, including contracts and amendments to contracts with providers – Report 1910

9.G. **19-0259**

Acceptance of the 2018 Health and Human Services' Special Gift Fund Annual Report

9.H. **19-0260**

Agmt A199662 with the MN Dept of Human Services for medicated assisted therapy and social supports to county residents diagnosed with opioid use disorder, 07/01/19-09/29/20, \$937,990 (recv); supp appr of \$300,000 to the 2019 HSPH budget

9.I. **19-0261**

Agmt A199677 with the MN Dept of Human Services for Naloxone training and Naloxone kit distribution services, 07/01/19-12/31/20, \$250,000 (recv); supp appr of \$97,207 and incr staff complement by 1.0 FTE grand funded pos for 2019 budget

9.J. **19-0262**

Agmt A199673 with the MN Dept of Human Services accepting grant funding for the Projects for Assistance in Transition from Homelessness, 07/01/19-06/30/21, \$1,030,000 (recv)

9.K. **19-0265**

Neg Lease Agmt LS00000004 with East Side Neighborhood Services, Inc. for rental space utilized by HHS at 1700 Second Street NE, Mpls, 08/01/19–07/31/22, (\$7,200 first year rent and operating costs)

9.L. 19-0266

Neg Agmt PR00001250 with SRF Consulting Group, Inc. for development of a wayfinding plan for the METRO Blue Line Extension corridor, 07/09/19-02/01/20, NTE \$100,000

10. Non-Consent

10.A. 19-0264R1

Amend Hennepin County Ordinance 21, regulating the sale of tobacco in areas without city regulation

11. Progressed

11.A. 19-0209

2019 Citizen Board Applicants and Appointments - Riley-Purgatory-Bluff Creek Watershed District

11.B. 19-0257

Agmt PR00001164 with USC Internal Merger Co LLC and the Hennepin County Sheriff's Office to provide prisoner transport services, 04/09/19-04/08/21, NTE \$330,256

11.C. 19-0263

Authorize contingency transfer of \$80,000 to 2019 HSPHD budget for YouthLink's supportive housing program for young adults - offered by Commissioner Fernando

11.D. 19-0267

Increase wheelage tax rate from \$10 to \$20 per year

12. Old Business

13. Immediate Approvals

13.A. 19-0283

Recognize Pretrial, Probation and Parole Supervision Week in Hennepin County July 21-27, 2019 - offered by Commissioner Johnson

13.B. 19-0284

Confirmation of appointment of Lisa Cerney, to the unclassified position of assistant county administrator-Public Works, effective 09/03/19

13.C. 19-0285

Agmt A199694 with AFSCME Essential Attorney Unit, Local #2938 setting terms and conditions of employment for the period January 1, 2019 through December 31, 2021

13.D. 19-0286

Contract award 4968A9 to Veit & Company, Inc., for Minnetonka Library Site Work project, \$585,600

Progressed - Revised

19-0263 R1

Authorize contingency transfer of \$80,000 to 2019 HSPHD budget for YouthLink's supportive housing program for young adults - offered by Commissioner Fernando

HENNEPIN COUNTY

MINNESOTA

BOARD MINUTES

BOARD OF HENNEPIN COUNTY COMMISSIONERS

TUESDAY, JUNE 18, 2019

1:30 PM

Chair: Marion Greene, District 3
Vice-Chair: Mike Opat, District 1

Members: Irene Fernando, District 2
Angela Conley, District 4
Debbie Goettel, District 5
Jan Callison, District 6
Jeff Johnson, District 7

The Board of County Commissioners of Hennepin County, Minnesota, met in the Hennepin County Government Center in the City of Minneapolis, at 1:31 PM.

The meeting was called to order by Commissioner Greene, Chair, and all Commissioners were present, with the exception of Commissioner Opat, who was absent.

Pursuant to Minnesota Statutes 375.12 and Hennepin County Board Resolution No. 04-5-232, the County Board has directed the Clerk of the Board to publish the board proceedings in a summary manner that conforms to Minnesota Statute 331A.01. The following includes item descriptions, resolution numbers and final disposition of each item dealt with at the meeting. The full text of the board proceedings is available in the Clerk of the Board's office located at A2400 Government Center, Minneapolis, Minnesota and also is available at hennepin.us, the County's website.

1. Pledge of Allegiance

Commissioner Marion Greene led the Pledge of Allegiance.

2. Approval of Agenda

APPROVED

Commissioner Jeff Johnson moved to approve the Agenda, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

3. Hennepin Highlights

A. Recognition of Success - Pam Russ

Commissioner Angela Conley introduced the topic, followed by a presentation by Pam Russ and comments from several Youth Advisory Members.

4. Minutes from Previous Meeting

A. Minutes 6-4-2019

APPROVED

Commissioner Debbie Goettel moved to approve the Minutes, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

5. Referral of Correspondence and Department Communications

A. Correspondence

Commissioner Irene Fernando moved to refer as recommended, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Opat

19-N0062

REFERRED AS RECOMMENDED

19-N0063

LTR - Regan L. Murphy, Mayor, City of Robbinsdale - RE: The City of Robbinsdale offers its support to Hennepin County's proposed action to revise the tobacco retail sales ordinance.

REFERRED AS RECOMMENDED

19-N0064

Notice - Board of Mangers, Rice Creek Watershed District - RE: Notice of hearing on Lower Rice Creek Stabilization Project.

REFERRED AS RECOMMENDED

19-N0065

Notice - Board of Mangers, Rice Creek Watershed District - RE: Notice of public hearing on Bald Eagle Lake Iron-Enhanced Sand Filter Project.

REFERRED AS RECOMMENDED

19-N0066

Summons - Adma S. Huhta, Attorney - RE: – Old National Bank, a national banking association, Plaintiff, vs. Thor HQ Holdings, LLC, a Minnesota limited liability company; Thor construction, Inc., a Minnesota corporation; Thor P3 Development, LLC, a Minnesota limited liability company; Richard Copeland, an individual; New Markets Investment 104, LLC, a Delaware limited liability company; USBCDE SUB-CDE 160, LLC, a Missouri limited liability company; Local Initiatives Support Corporation, a New York not-for-profit corporation; Northern Mechanical Contractors, a Minnesota limited liability company; Mulcahy Nickolaus, LLC, a Minnesota limited liability company; Absolute Commercial Flooring, Inc., a Minnesota corporation; Show Me Painting, LLC, a Minnesota limited liability company; and Mag Mechanical, LLC., a Minnesota limited liability company; Blackhawk Title and Stone Inc., a Minnesota Corporation; Egan Company, a Minnesota corporation; and LAC Enterprises, Inc. dba Windsor Companies, a Minnesota corporation, Defendants and Elliot Contracting Corporation, a Minnesota corporation; Northpoint Health & Wellness Center, Inc.; a Minnesota nonprofit corporation, and Hennepin County, Additional Defendants on Egan Company's Cross Claim.

REFERRED AS RECOMMENDED

B. Department Communications

Commissioner Irene Fernando moved to refer to committee, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Opat

19-0272

Claims Register for the period ending June 21, 2019

REFERRED TO COMMITTEE

19-0273

Claims Register for the period ending June 28, 2019

REFERRED TO COMMITTEE

19-0274

Claims Register for the period ending July 5, 2019

REFERRED TO COMMITTEE

Referred to Public Works Committee

Commissioner Irene Fernando moved to return to committee, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Opat

19-0265

Neg Lease Agmt LS00000004 with East Side Neighborhood Services, Inc. for rental space utilized by HHS at 1700 Second Street NE, Mpls, 08/01/19–07/31/22, (\$7,200 first year rent and operating costs)

REFERRED TO COMMITTEE

19-0266

Neg Agmt PR00001250 with SRF Consulting Group, Inc. for development of a wayfinding plan for the METRO Blue Line Extension corridor, 07/09/19–02/01/20, NTE \$100,000

REFERRED TO COMMITTEE

19-0267

Increase wheelage tax rate from \$10 to \$20 per year

REFERRED TO COMMITTEE

Referred to Public Safety Committee

Commissioner Irene Fernando moved to refer to committee, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Opat

19-0255

Agmt A199657 with the State of MN to provide grant funding for the Hennepin County Sheriff's Office Boat and Water Safety Activities, 01/01/19-06/30/20, \$115,905 (recv)

REFERRED TO COMMITTEE

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Agmt A199682 with the MN Dept of Public Safety for Radiological Emergency Preparedness Grant, 07/01/19-06/30/21, \$234,000 (recv); supp appr of \$52,165 to the 2019 Emergency Management budget

REFERRED TO COMMITTEE

19-0257

Agmt PR00001164 with USC Internal Merger Co LLC and the Hennepin County Sheriff's Office to provide prisoner transport services, 04/09/19-04/08/21, NTE \$330,256

REFERRED TO COMMITTEE

Referred to Administration, Libraries and Budget Committee

Commissioner Irene Fernando moved to refer to committee, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Opat

19-0252

Set Bassett Creek Watershed Mgmt Commission 2020 max levy at \$1,500,000 for projects to improve water quality

REFERRED TO COMMITTEE

19-0253

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REFERRED TO COMMITTEE

19-0254

Approve amendment to Shingle Creek and West Mississippi Watershed Mgmt Commissions plan; set Shingle Creek Watershed Mgmt Commission 2020 max levy at \$551,990 and West Mississippi Watershed Mgmt Commission 2020 max levy at \$53,025 for projects to improve water quality

REFERRED TO COMMITTEE

Referred to Health and Human Services Committee

Commissioner Irene Fernando moved to refer to committee, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Opat

19-0258

Human Services & Public Health resolution, including contracts and amendments to contracts with providers – Report 1910

REFERRED TO COMMITTEE

19-0259

Acceptance of the 2018 Health and Human Services' Special Gift Fund Annual Report

REFERRED TO COMMITTEE

19-0260

Agmt A199662 with the MN Dept of Human Services for medicated assisted therapy and social supports to county residents diagnosed with opioid use disorder, 07/01/19-09/29/20, \$937,990 (recv); supp appr of \$300,000 to the 2019 HSPH budget

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Agmt A199677 with the MN Dept of Human Services for Naloxone training and Naloxone kit distribution services, 07/01/19-12/31/20, \$250,000 (recv); supp appr of \$97,207 and incr staff complement by 1.0 FTE grand funded pos for 2019 budget

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REFERRED TO COMMITTEE

19-0263

Authorize contingency transfer of \$80,000 to 2019 HSPHD budget for YouthLink's supportive housing program for young adults - offered by Commissioner Fernando

REFERRED TO COMMITTEE

19-0264

Amend Hennepin County Ordinance 21, regulating the sale of tobacco in areas without city regulation

REFERRED TO COMMITTEE

6. Commendations

A. 19-0268

Commendation of Janine Moore - offered by Commissioner Greene

WHEREAS, Janine Moore began her work with Hennepin County in 1983 as an Economic Assistant Financial Worker; and

WHEREAS, Ms. Moore left in 2008 to lead work for Ramsey County and returned to Hennepin County as the Area Director for Children and Family Services in 2013; and

WHEREAS, Ms. Moore led Children and Family Services through regionalization efforts and direct engagement in communities across Hennepin County, began early efforts to stabilize IV-E revenues and improvements in placements for children and developed initial services for sexually exploited youth; and

WHEREAS, Ms. Moore, in 2014, transitioned Family Assessment Services from contracted to operated and increased the rate of family engagement and reduced repeat maltreatments; and WHEREAS, Ms. Moore was instrumental in developing the partnership between the University of Minnesota (MSW Program) embedding a Field Supervisor on location of the students to offer an Internship in Child Protection and reduce the time spent by the internal supervisors; and WHEREAS, Ms. Moore, during a time of significant turnover and high case loads strategized and developed an Induction unit to allow newly hired staff the time they needed to gain competence and confidence in their practice before being moved into field units. This helped to reduce turnover; and

WHEREAS, Ms. Moore, developed an opportunity for newly hired Child Protection Social Workers to obtain supervision hours for licensure as a means to retain quality staff; and WHEREAS, Ms. Moore led Children and Family Services through system redesign work in 2015 and 2016 inclusive of additional shelter beds for high-need girls, the development of a restructured 24/7 child protection response system in Hennepin County and onboarding of over 200 new staff in a two year time period; and

WHEREAS, Ms. Moore developed and implemented a 2017 child well-being plan which resulted in caseload reductions for child protection workers and parallel reductions in staff turn-over, the development of a data team for child protection, and development of a child well-being transformation team; and

WHEREAS, Ms. Moore launched the first disparity reduction team in Children and Family Services focused on reducing out of home placements, increasing Kinship placements when placement was necessary, and increasing culturally appropriate supports; and

WHEREAS, Ms. Moore then transitioned full time to disparity reduction work across Health and Human Services and led the first efforts to create a comprehensive plan across all service areas to ensure that all Hennepin County residents have the opportunity to thrive; and

WHEREAS, Ms. Moore committed 31 years to the residents of Hennepin County through dedicated and heartfelt service, gaining life-long friendships and life-changing experiences along the way; and

WHEREAS, Ms. Moore has touched thousands of hearts and minds across our community with her passion and wisdom focused on children, families and equity efforts;

BE IT RESOLVED, that the Hennepin County Board of Commissioners expresses its deep appreciation for Janine Moore's commitment to our organization and the residents of Hennepin County, and wishes her well in her future endeavors.

ADOPTED

The Resolution was moved by Commissioner Marion Greene, seconded by Angela Conley and approved - 6 Yeas 1 Absent: Opat

B. 19-0269

Commendation of Dr. Seymour Gross - offered by Commissioner Greene

WHEREAS, Dr. Gross began his work with Hennepin County in 1964 at Hennepin County General Hospital; and

WHEREAS, Dr. Gross was instrumental in developing the mental health programming at Pilot City (NorthPoint Health and Wellness Center) which opened in 1969; and

WHEREAS, Dr. Gross has practiced psychology for the past 17 years at Hennepin County Mental Health Center; and

WHEREAS, Dr. Gross has provided compassionate care to many persons experiencing homelessness in Hennepin County; and

WHEREAS, Dr. Gross provided life-saving intervention services to people in mental health crises; and

WHEREAS, Dr. Gross served on the boards of numerous non-profit organizations, sharing his time and expertise with community partners; and

WHEREAS, Dr. Gross has remained active in the Minnesota Psychological Association, building connections, advocating for legislation, and advancing the cause of persons experiencing mental illness; and

WHEREAS, Dr. Gross spent an incredible 54 years committed to the residents of Hennepin County, making significant contributions in the area of mental health along the way; and WHEREAS, Dr. Gross has impacted our community through his duty and service;

BE IT RESOLVED, that the Hennepin County Board of Commissioners expresses its deep appreciation for Dr. Seymour Gross' commitment to our organization and the residents of Hennepin County and wishes him well in his "moving forward" and all future endeavors.

ADOPTED

The Resolution was moved by Commissioner Marion Greene, seconded by Irene Fernando and approved - 6 Yeas 1 Absent: Opat

7. Commissioner Communications/Updates

Commissioner Irene Fernando: Joined Metro Transit last Saturday in the launch of the C line. Commissioner Irene Fernando thanks her predecessors in this effort; that in some ways, turned out to be a multi-decade project.

Commissioner Marion Greene: Spoke of the rededication of a property at Youth Link.

8. Claims Register

8.A. 19-0249

Claims Register for the period ending June 7, 2019

BE IT RESOLVED, that the claims register for the period ending June 7, 2019, be ratified.

APPROVED/RATIFIED

Commissioner Irene Fernando moved to approve/ratify the Resolution, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Opat

8.B. 19-0248

Claims Register for the period ending June 14, 2019

BE IT RESOLVED, that the claims register for the period ending June 14, 2019, be ratified.
APPROVED/RATIFIED

Commissioner Irene Fernando moved to approve/ratify the Resolution, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Opat

9. Consent

Commissioner Debbie Goettel moved to adopt the Consent Agenda, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.A. 19-0190

Neg Lease Agmt LS00000003 with Simon Property Group for approximately 57,700 rentable square feet for a regional library at the Southdale Center

BE IT RESOLVED, that the County Administrator be authorized to negotiate Lease Agreement LS00000003 with Simon Property Group, or affiliated entity, for rental space at the Southdale Center for the Hennepin County Library – Southdale, in the amount of \$562,600 first year base rent plus operating costs, utilities and property taxes; that following review and approval of the County Attorney's office, the Chair of the Board be authorized to sign the agreement on behalf of the County and that Controller be authorized to distribute funds as directed.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.B. 19-0230

Two Agmts for the provision of countywide Occupational Medicine Services, 07/01/19-06/30/22, total combined NTE \$800,000

BE IT RESOLVED, that Agreements PR00001014 with Summit Orthopedics LTD. d/b/a Minnesota Occupational Health in the not to exceed amount of \$400,000; and PR00001013 with HealthPartners, Inc. in the not to exceed amount of \$400,000, for the provision of Occupational Medicine Services during the period July 1, 2019 through June 30, 2022 be approved; that the Chair of the Board be authorized to sign the Agreements on behalf of the county; and that the Controller be authorized to disburse funds as directed.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.C. 19-0231

Agmt A199667 with the Municipal Building Commission for the interchange of a Hennepin County employee, 06/01/19-05/31/20

BE IT RESOLVED, that Agreement A199667 with the Municipal Building Commission providing the interchange of a Hennepin County employee during the period June 1, 2019 through May 31, 2020, be approved; that the Chair of the Board be authorized to sign the Agreement on behalf of the county; and that the Controller be authorized to disburse and accept funds as directed.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.D. 19-0232

Amd 1 to Agmt A153649 with International Business Machines Corp. for Enterprise Document Management Application, ext end date to 06/30/22, no change to NTE

BE IT RESOLVED, that Amendment 1 to Agreement A153649 with International Business Machines Corp. (IBM) for enterprise document management application, extending the contract end date to June 30, 2022 with no change to the not to exceed amount of \$12,350,000, be approved; that the Chair of the Board be authorized to sign the Amendment on behalf of the county; and that the Controller be authorized to disburse funds as directed; and

BE IT FURTHER RESOLVED, that the County Administrator or their designee be authorized to approve enrollments and expenditures for additional products through June 30, 2022 to the extent the expenditures are within the not to exceed amount.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.E. 19-0233

Agmt PR00001187 with Gartner Inc. to provide professional and technical information technology services, 07/01/19–06/30/22, NTE \$330,817

BE IT RESOLVED, that Agreement PR00001187 with Gartner Inc. to provide professional and technical information technology services during the period July 1, 2019 through June 30, 2022 with the amount not to exceed \$330,817 be approved; that the Chair of the Board be authorized to sign the Agreement on behalf of the county; and that the Controller be authorized to disburse funds as directed.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.F. 19-0234

Submission of 2018 Hennepin County Local Performance Measurement data to the Office of the State Auditor and declaration of participation in the Local Performance Measurement program for the 2019 budget year

WHEREAS, the Minnesota Legislature created the Council on Local Results and Innovation in 2010; and

WHEREAS, the Council on Local Results and Innovation released a standard set of eleven performance measures for counties that will aid residents, taxpayers, state and local elected officials in determining the efficacy of counties in providing services and measure residents' opinion of those services; and

WHEREAS, Hennepin County is committed to performance management and reporting; and

WHEREAS, Hennepin County has implemented a local performance measurement system as developed by the Council on Local Results and Innovation; and

WHEREAS, Hennepin County does not have jurisdiction for Parks and, therefore, will not participate in the Parks' performance measurement in 2019; and

WHEREAS, Hennepin County has adopted and implemented the minimum ten performance measures for counties developed by the Council on Local Results and Innovation; and

WHEREAS, a county that elects to participate in the standard measures program for 2019 may be eligible for a reimbursement of \$.014 per capita in government aid, not to exceed \$25,000.

BE IT RESOLVED, that the county will publish the 2018 results of the ten adopted performance measures on the county's web site by the end of the 2019 calendar year; and

BE IT FURTHER RESOLVED, that the Hennepin County Board of Commissioners authorizes staff to notify the Office of the State Auditor by July 1, 2019 of Hennepin County's commitment to participate in the 2019 Performance Measurement Program.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.G. 19-0235

Human Services & Public Health resolution, including contracts and amendments to contracts with providers – Report 1919

BE IT RESOLVED, that the contracts, contract amendments and administrative actions of the Human Services

& Public Health Department and Department of Community Corrections and Rehabilitation made pursuant to Chapters 256E and 393 of Minnesota Statutes, as detailed in Human Services & Public Health Contract Report 1919 be approved; that the report be filed in Contract Management Services; that the Chair of the Board be authorized to sign the contracts, contract amendments and administrative actions on behalf of the County; and that the Controller be authorized to disburse funds as directed. Such contracts are subject to ministerial adjustment, when such adjustments are done within the constraints of the approved Hennepin County Budget and when signed by the County Department Director or Designee.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.H. **19-0236**

Amd 5 to Agmt A154302 with the MN Dept of Human Services for the administration of support services in permanent housing programs for long-term homeless, incr recv by \$42,981, no change to contract dates; supp appr of \$42,981 to 2019 HSPH budget

BE IT RESOLVED, that Amendment 5 to Agreement A154302 with the Minnesota Department of Human Services for the administration of support services in permanent housing programs for long-term homeless, increasing the receivable amount by \$42,981 for a new total receivable amount of \$12,188,852, with no change to contract dates, be approved; that the Chair of the Board be authorized to sign the amendment on behalf of the county; and that the Controller be authorized to disburse funds as directed; and

BE IT FURTHER RESOLVED, that the Human Services and Public Health Department receive a supplemental appropriation of \$42,981 to the 2019 Human Services and Public Health budget; and

BE IT FURTHER RESOLVED, that sponsorship and acceptance of grant funding for this program by the Hennepin County Board of Commissioners does not imply a continued funding commitment by Hennepin County for this program when grant funds are no longer available.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.I. **19-0237**

Agmt PR00001162 with iHeartMedia Entertainment Inc to broadcast information commercials about Hennepin Health, 05/15/19-12/31/19, NTE \$24,000

BE IT RESOLVED, that Agreement PR00001162 with iHeartMedia Entertainment Inc. to broadcast information commercials about Hennepin Health during the period of May 15, 2019 through December 31, 2019, in an amount not to exceed \$ 24,000 be approved; that the Chair of the Board be authorized to sign the Agreement on behalf of the county; and that the Controller be authorized to dispense funds as directed.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.J. **19-0238**

Amd 2 to Agmt PR00000539 with Captx, Inc. to provide temporary workers' compensation claims administration, ext end date to 07/31/20, incr NTE by \$100,000

BE IT RESOLVED, that Amendment 2 to Agreement PR00000539 with Captx, Inc. to provide workers' compensation claims administration extending the contract period to July 31, 2020 and increasing the not to exceed amount by \$100,000 for a new total not to exceed amount of \$150,000, be approved; that the Chair of the Board be authorized to sign the Amendment on behalf of the County; and that the Controller be authorized to disburse funds as directed.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.K. **19-0239**

Amd 1 to Agmt A164944 with Fieldware, LLC to provide automated probationer telephone reporting svcs, ext end date to 06/30/22, incr NTE by \$600,000

BE IT RESOLVED, that Amendment 1 to Agreement A164944 with Fieldware, LLC to provide automated probationer telephone reporting services, extending the contract end date to June 30, 2022 and increasing the not to exceed amount by \$600,000 for a new total not to exceed amount of \$1,100,000, be approved; that the Chair of the Board be authorized to sign the amendment on behalf of the county; and the Controller be authorized to disburse funds as directed.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.L. **19-0240**

Agmts PR00001011 with ISD 270 for GED testing for County Home School residents, 07/01/19-06/30/21, and PR00000981 with ISD 287 for juvenile educational services, 07/01/19-06/30/23, combined total NTE \$345,000

BE IT RESOLVED, that Agreements PR00001011 with Independent School District 270 for GED proctor services during the period of July 1, 2019 through June 30, 2021 in an amount not to exceed \$5,000; and PR00000981 with Intermediate School District 287 for provisional education services during the period of July 1, 2019 through June 30, 2023 in an amount not to exceed \$340,000, be approved; that the Chair of the Board be authorized to sign the Agreements on behalf of the County; and the Controller be authorized to disburse funds as directed.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.M. **19-0241**

Agmts A199646 with the MN Dept of Corrections to fund the Intensive Supervised Release program; and A199645 with the MN Dept of Corrections for the Remote Electronic Alcohol Monitoring program, 07/01/19- 06/30/21, combined recv amt \$3,958,400

BE IT RESOLVED, that Agreements A199646 with the Minnesota Department of Corrections to fund the Intensive Supervised Release Program for the period July 1, 2019 through June 30, 2021 in the receivable amount of \$3,778,400 be approved; and A199645 with the Minnesota Department of Corrections for the Remote Electronic Alcohol Monitoring Program during the period July 1, 2019 through June 30, 2021 in the receivable amount of \$180,000, be approved; that the Chair of the Board be authorized to sign the Agreements on behalf of the County; and the Controller be authorized to accept and disburse funds as directed; and

BE IT FURTHER RESOLVED, that the acceptance of the grant funding for these programs by the Hennepin County Board of Commissioners does not imply a continued funding commitment by Hennepin County for this program when grant funds are no longer available.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.N. **19-0242**

Agmt A199649 with the MN Dept of Corrections renewing a Joint Powers Agreement; acceptance of funding for the Sentencing to Service Program, 07/01/19-06/30/21, \$141,157 (recv)

BE IT RESOLVED, that Agreement A199649 renewing a Joint Powers Agreement with the Minnesota Department of Corrections to partially fund the Sentencing to Service Program during the period July 1, 2019 through June 30, 2021 in the receivable amount of \$141,157, be approved; that the Chair of the Board be authorized to sign the Agreement on behalf of the County; and that the Controller be authorized to accept and disburse funds as directed.

BE IT FURTHER RESOLVED, that the sponsorship and acceptance of grant funding for this program by the Hennepin County Board of Commissioners does not imply a continued funding commitment by the county for this program when grant funds are no longer available.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.O. **19-0243**

Neg Agmt A199636 with the City of Crystal to establish easement rights between the Rockford Road Library and City of Crystal City Hall properties, no county cost

BE IT RESOLVED, that the County Administrator be authorized to negotiate Reciprocal Access Easement Agreement A199636 with the City of Crystal to establish easement rights between the Rockford Road Library,

located at 6401 42nd Avenue North, and the City of Crystal City Hall, located at 4141 Douglas Drive North, with no financial impact; that following review and approval of the County Attorney's office, the Chair of the Board be authorized to sign the agreement on behalf of the county.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.P. **19-0244**

Hennepin county accept conveyance from HCHRA of property located at 2225 Lake St E, Mpls from the HCHRA

BE IT RESOLVED, that Hennepin County accepts conveyance from the Hennepin County Housing and Redevelopment Authority of Tracts A, B, C, D, E, F, G, and M, in a registered land survey to be recorded, located at 2225 Lake Street

East, Minneapolis (also known as the HSPHD South Minneapolis Regional Service Center, retail, transit plaza, and associated parking); and that following the review and approval by the County Attorney's Office, the Chair of the Board be authorized to sign all documents associated with the conveyance on behalf of the county.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.Q. 19-0246

Amd 4 to Agmt A177883A with Metropolitan Council for the HC Bus Rapid Transit Orange Line Construction project (CP #1005878) to extend the grant activity period, increase the maximum grant amount by \$15,421,812; and amend the 2019 capital budget to increase the project budget authority by \$7,638,488

BE IT RESOLVED, the Hennepin County Board of Commissioners authorizes negotiation of Amendment 4 to Agreement A177883A (CTIB Capital Grant Agreement #03-2017-01) with the Metropolitan Council for HC Bus Rapid Transit Orange Line Construction (CP #1005878), extending the grant activity period from December 31, 2019 to June 30, 2020, increasing the maximum grant amount by \$15,421,812, from \$15,109,000 to \$30,530,812, and approving a revised disbursement schedule; and

BE IT FURTHER RESOLVED, that the total project budget for HC Bus Rapid Transit Orange Line Construction (CP 1005878) be reduced by \$53,598 from \$24,922,086 to \$24,868,488; that previously planned 2020 and 2021 allocations totaling \$7,638,488 be appropriated in the 2019 capital budget, funded with Transportation Sales Tax Revenue fund balance (excess 2018 Transportation Sales and Use Tax collections); and that the Controller be authorized to transfer and disperse funds as directed; and

BE IT FURTHER RESOLVED, the Board authorizes the Chair to execute Amendment 4 after review and approval by the office of the County Attorney; and

BE IT FURTHER RESOLVED, the Board authorizes the Controller to transfer and disburse funds as necessary to carry out the intent of this Resolution.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

9.R. 19-0247

Neg Agmt PW 29-40-19 with MnDOT to accept state bridge bond grant funds for the reconstruction of the Fremont Avenue Bridge (CP 1005783) over the Midtown Corridor, 06/15/19-12/31/20, est rcv \$661,525; supp app to CP 1005783 budget

BE IT RESOLVED, that the County Administrator be authorized to negotiate Agreement PW 29-40-19 with the Minnesota Department of Transportation (MnDOT Agreement 1033763), accepting state bridge bond grant funds to replace the Fremont Avenue Bridge (CP 1005783) over the Midtown Corridor in south Minneapolis during the period June 15, 2019 through December 21, 2020 with an estimated receivable amount of \$661,525; that following review and approval by the County Attorney's Office, the Chair of the Board be authorized to sign the agreement on behalf of the county; and that the Controller be authorized to accept and disburse funds as directed; and

BE IT FURTHER RESOLVED, that Hennepin County does hereby agree to the terms and conditions of the grant, consistent with Minnesota Statutes, section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge, but not required; and the proper county officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning CP 1005783; and

BE IT FURTHER RESOLVED, that whereas federal-aid funds are being used to participate in the cost of the bridge, the Minnesota State Transportation Fund grant shall be deposited directly into the federal-aid agency account and that the records of Hennepin County shall so state; and

BE IT FURTHER RESOLVED, that a supplemental appropriation of \$661,525 be added to the Fremont Avenue Bridge (CP 1005783) replacement project, be approved; and that the Controller be authorized to disperse funds as directed

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Angela Conley and approved - 6 Yeas 1 Absent: Opat

10. Non-Consent

10.A. 19-0219

Neg Amd 5 to Agmt A177882A with Met Council for the METRO Blue Line Extension project (CP

1005877); extend period from 06/30/19 to 01/31/20; no change to NTE

BE IT RESOLVED, that the Hennepin County Board of Commissioners authorizes negotiation of Amendment 5 to Agreement A177882A (Counties Transit Improvement Board Capital Grant Agreement #02-2017-01) with the Metropolitan Council for the Blue Line Extension project (Bottineau Light Rail Transit), as assumed and amended by Hennepin County, extending the grant activity period from June 30, 2019 to January 31, 2020, with no change to the not to exceed amount of \$66,000,000, and approving a revised disbursement schedule; and

BE IT FURTHER RESOLVED, the Board authorizes the Chair to execute Amendment 5 after review and approval by the County Attorney's Office; and

BE IT FURTHER RESOLVED, the Board authorizes the Controller to transfer and disburse funds as necessary to carry out the intent of this Resolution.

ADOPTED

Commissioner Marion Greene moved to adopt the Resolution, seconded by Commissioner Irene Fernando and approved - 5 Yeas 1 Nays: Johnson 1 Absent: Opat

11. Progressed

12. Old Business

12.A. 19-0215S2

Agmt PR00001073 with Special School District #1, Mpls Public Schools to provide services to children at risk for truancy and/or educational neglect, 07/01/19-06/30/20, NTE \$90,000

BE IT RESOLVED, that Agreement PR00001073 with Special School District #1, aka Minneapolis Public Schools, for services to children at risk for truancy and/or educational neglect through the Hennepin County Attorney's Office, Be@School Program during the contract period of July 1, 2019 through June 30, 2020 in the amount of \$90,000 be approved; that the Chair of the Board be authorized to sign the Agreement on behalf of the county; and that the Controller be authorized to disburse the funds as directed.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Irene Fernando and approved - 6 Yeas 1 Absent: Opat

13. Immediate Approvals

13.A. 19-0270

Amd 1 to Agmt A188925 with the MN Dept of Human Services for the Housing Support program, ext end date to 06/30/21, incr recv by \$375,335

BE IT RESOLVED, that Amendment 1 to Agreement A188925 with the Minnesota Department of Human Services for a reimbursement grant from the Community Living Infrastructure grant program for a housing resource specialist and administration of the Housing Support program, extending the term of the grant to June 30, 2021 and increasing the receivable amount by \$375,335 for a new total receivable amount of \$588,177, be approved; that the Chair of the Board be authorized to sign the Amendment on behalf of the county; and that the Controller be authorized to accept and disburse funds as directed; and

BE IT FURTHER RESOLVED, that sponsorship and acceptance of grant funding for the program by the Hennepin County Board of Commissioners does not imply a continued commitment by Hennepin County for this program when grant funds are no longer available.

ADOPTED

Commissioner Angela Conley moved to adopt the Resolution, seconded by Commissioner Irene Fernando and approved - 6 Yeas 1 Absent: Opat

13.B. 19-0271

Agmt A199683 with the State of MN for reimbursement related to the development and deployment of MNLARS at Hennepin County Service Centers, \$667,230.27 (recv)

BE IT RESOLVED, that Agreement A199683 with the State of Minnesota accepting reimbursement grant funds related to the development and deployment of the Minnesota License and Registration System (MNLARS) on behalf of Deputy

Registrar Nos. 170, 151, 113, 124, 153 and 152, be approved; and that the Chair of the Board be authorized to sign all related grant agreements and liability waivers on behalf of Hennepin County's Deputy Registrars; and that the Controller be authorized to accept and disburse funds as directed.

ADOPTED

Commissioner Debbie Goettel moved to adopt the Resolution, seconded by Commissioner Jeff Johnson and approved - 6 Yeas 1 Absent: Opat

14. Adjournment

On motion by Commissioner Jeff Johnson, seconded by Commissioner Angela Conley the Hennepin County Board meeting was adjourned at 2:29 PM until July 9, 2019.

Maria Rose
Clerk to the County Board

Contracting opportunities can be found on the Hennepin County website: www.hennepin.us

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-N0067

Item Description:

Professional and Personal Service Agreements/Amendments of \$50,000 or less which have been approved by Department Director, Assistant/County Administrator. Report Number: 19RAA-06

Background:

Pursuant to County Board resolution 98-4-233 (Purchasing Rules), the County Board delegated to the County Administrator and Assistant County Administrators the authority to enter into professional, personal and human service agreements of \$25,000 or less on behalf of the county. Under these rules, agreements are then to be communicated to the Board for its information. Resolution 02-8-500 increased the authority of the County Administrator to enter into professional and personal service agreements of \$50,000 or less. This BAR continues communication of these agreements to the Board.

ATTACHMENTS:

Description	Upload Date	Type
Rpt 19RAA-06	7/1/2019	Backup Material

Request for Administrative Approval Report

Report Communicated: July 9, 2019

BAR: 19-N0067

	Agreement #	Contractor	Summary of Services	Term Begin Date	Term End Date	Contract Amount
County Attorney						
	PR00001276	Picture Machine Productions, LLC	Agmt PR00001276 with Picture Machine Productions, LLC to provide educational videos about auto theft in Hennepin County, 06/01/2019-08/31/2019, NTE \$4,965.00.	6/1/2019	8/31/2019	\$4,965.00
Hennepin Health						
	PR00001233	MN Council of Health Plans	Agmt PR00001233 with MN Council of Health Plans to provide health plan consulting, 05/29/2019-05/28/2020, NTE \$22,000.00.	5/29/2019	5/28/2020	\$22,000.00
HS Children and Family Services						
	PR00001248	Nilson, Lois	Agmt PR00001248 with Nilson, Lois to provide permanency consultations, 06/18/2019-12/31/2020, NTE \$46,000.00.	6/18/2019	12/31/2020	\$46,000.00
Human Resources						
	PR00001253	KZ Workplace Consulting Inc	Agmt PR00001253 with KZ Workplace Consulting Inc to provide Organizational development employment-related investigative and consulting services, 05/01/2019-04/30/2020, NTE \$50,000.00.	5/1/2019	4/30/2020	\$50,000.00

	Agreement #	Contractor	Summary of Services	Term Begin Date	Term End Date	Contract Amount
Libraries						
	PR00001190	Giebink, Bruce	Agmt PR00001190 with Giebink, Bruce to provide a hands-on program featuring insects and anthropods, 06/11/2019-08/02/2019, NTE \$450.00.	6/11/2019	8/2/2019	\$450.00
	PR00001207	Vang, Katherine	Agmt PR00001207 with Vang, Katherine to provide Book Club Facilitator services, 06/12/2019-07/10/2019, NTE \$180.00.	6/12/2019	7/10/2019	\$180.00
	PR00001215	Three Rivers Park District	Agmt PR00001215 with Three Rivers Park District to provide 4 STEM Programs @ 7 locations, 06/12/2019-08/17/2019, NTE \$1,120.00.	6/12/2019	8/17/2019	\$1,120.00
	PR00001226	Regents of the University of Minnesota	Agmt PR00001226 with Regents of the University of Minnesota to provide 2 programs for the Summer 2019, 06/25/2019-07/11/2019, NTE \$690.00.	6/25/2019	7/11/2019	\$690.00
	PR00001227	Emily's Pet Enterprises LLC	Agmt PR00001227 with Emily's Pet Enterprises LLC to provide Emily's Pet Enterprises/dba Snake Discovery program(s), 06/26/2019-08/20/2019, NTE \$936.00.	6/26/2019	8/20/2019	\$936.00
	PR00001228	Three Rivers Park District	Agmt PR00001228 with Three Rivers Park District to provide Felting Workshops, 06/20/2019-07/18/2019, NTE \$320.00.	6/20/2019	7/18/2019	\$320.00
	PR00001245	Three Rivers Park District	Agmt PR00001245 with Three Rivers Park District to provide (2) Programs: Skull Detective & Butterflies and Moths, 06/26/2019-08/14/2019, NTE \$408.00.	6/26/2019	8/14/2019	\$408.00

	Agreement #	Contractor	Summary of Services	Term Begin Date	Term End Date	Contract Amount
	PR00001247	Guthrie Theater	Agmt PR00001247 with Guthrie Theater to provide 2019 Summer - Act Out for Teens: Duke it Out, 06/24/2019-06/24/2019, NTE \$375.00.	6/24/2019	6/24/2019	\$375.00
	PR00001251	State of Minnesota	Agmt PR00001251 with State of Minnesota to provide Wildlife Shows & Live Animals, 06/19/2019-08/22/2019, NTE \$2,925.00.	6/19/2019	8/22/2019	\$2,925.00
	PR00001252	Spark Youth	Agmt PR00001252 with Spark Youth to provide 2019 Summer Programming - 2 STEM Workshops, 06/26/2019-07/10/2019, NTE \$750.00.	6/26/2019	7/10/2019	\$750.00
	PR00001256	ByWater Solutions, LLC	Agmt PR00001256 with ByWater Solutions, LLC to provide software services for law library, 06/12/2019-11/04/2024, NTE \$44,670.00.	6/12/2019	11/4/2024	\$44,670.00
	PR00001269	Three Rivers Park District	Agmt PR00001269 with Three Rivers Park District to provide 2019 Summer Programs/Geocode & Slacklining, 06/18/2019-07/23/2019, NTE \$520.00.	6/18/2019	7/23/2019	\$520.00
	PR00001270	Three Rivers Park District	Agmt PR00001270 with Three Rivers Park District to provide 2019 Summer Programming - (2) Solar Energy Workshops, 06/24/2019-07/22/2019, NTE \$192.00.	6/24/2019	7/22/2019	\$192.00
NorthPoint						
	PR00000408	Nixon, Sally Kathryn	Amd 1 to Agmt PR00000408 with Nixon, Sally Kathryn to provide HIV testing services, 07/01/2018-06/30/2020, NTE \$18,000.00.	7/1/2018	6/30/2020	\$18,000.00

	Agreement #	Contractor	Summary of Services	Term Begin Date	Term End Date	Contract Amount
Public Health						
	PR00001185	Aha Process Inc	Agmt PR00001185 with Aha Process Inc to provide Bridges Out of Poverty training, 07/01/2019-07/31/2019, NTE \$4,500.00.	7/1/2019	7/31/2019	\$4,500.00
Public Works - Community Works						
	PR00001124	Kaplan Kirsch & Rockwell LLP	Agmt PR00001124 with Kaplan Kirsch & Rockwell LLP to provide specialized legal expertise related to freight rail, 06/01/2019-05/30/2020, NTE \$50,000.00.	6/1/2019	5/30/2020	\$50,000.00
Public Works - Environment and Energy						
	PR00001018	Osseo Area Schools - ISD 279	Agmt PR00001018 with Osseo Area Schools - ISD 279 to provide a school recycling grant, 06/04/2019-07/01/2021, NTE \$10,700.00.	6/4/2019	7/1/2021	\$10,700.00
	PR00001095	Eagle Ridge Academy	Agmt PR00001095 with Eagle Ridge Academy to provide a school recycling grant, 05/30/2019-07/01/2021, NTE \$2,200.00.	5/30/2019	7/1/2021	\$2,200.00
	PR00001178	Marcus Bloomington LLC	Agmt PR00001178 with Marcus Bloomington LLC to provide business recycling grants, 06/12/2019-05/31/2020, NTE \$7,500.00.	6/12/2019	5/31/2020	\$7,500.00
	PR00001229	Adventures in Cardboard	Agmt PR00001229 with Adventures in Cardboard to provide business recycling grant project, 06/04/2019-06/30/2020, NTE \$280.00.	6/4/2019	6/30/2020	\$280.00
	PR00001237	Corcoran Neighborhood Organization	Agmt PR00001237 with Corcoran Neighborhood Organization to provide Organics Education, 05/01/2019-12/31/2019, NTE \$10,000.00.	5/1/2019	12/31/2019	\$10,000.00

	Agreement #	Contractor	Summary of Services	Term Begin Date	Term End Date	Contract Amount
	PR00001239	Nokomis East Neighborhood Association	Agmt PR00001239 with Nokomis East Neighborhood Association to provide Organics Education, 05/01/2019-12/31/2019, NTE \$10,000.00.	5/1/2019	12/31/2019	\$10,000.00
	PR00001240	Minneapolis Climate Action	Agmt PR00001240 with Minneapolis Climate Action to provide Organics Education, 05/01/2019-12/31/2019, NTE \$10,000.00.	5/1/2019	12/31/2019	\$10,000.00
	PR00001241	Northside Residents Redevelopment	Agmt PR00001241 with Northside Residents Redevelopment to provide Organics Education, 05/01/2019-12/31/2019, NTE \$10,000.00.	5/1/2019	12/31/2019	\$10,000.00
	PR00001259	West Bank Business Association	Agmt PR00001259 with West Bank Business Association to provide business outreach as approved in application, 06/21/2019-02/28/2021, NTE \$14,900.00.	6/21/2019	2/28/2021	\$14,900.00
	PR00001262	Stevens Square Community Organization	Agmt PR00001262 with Stevens Square Community Organization to provide outreach to businesses on recycling, organics recycling, and waste prevention as part of a limited grant program, 06/21/2019-01/08/2021, NTE \$13,900.00.	6/21/2019	1/8/2021	\$13,900.00
Sheriff						
	PR00000976	Code4 Group LLC	Agmt PR00000976 with Code4 Group LLC to provide software consulting services, 01/01/2019-12/31/2019, NTE \$46,000.00.	1/1/2019	12/31/2019	\$46,000.00
	PR00001211	Northland Inn Holdings LLC	Agmt PR00001211 with Northland Inn Holdings LLC to provide facility rental, equipment and related services for events, meetings and ceremonies, 01/01/2019-12/31/2019, NTE \$25,000.00.	1/1/2019	12/31/2019	\$25,000.00

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-N0068

Item Description:

LTR- Steve Grove, Commissioner, Minnesota Employment and Economic Development - RE: Grant Awards - Contamination Cleanup and Investigation.

ATTACHMENTS:

Description	Upload Date	Type
Minnesota Employment and Economic Development	7/8/2019	Letter

June 20, 2019

David J. Hough
Hennepin County Administrator
A-2303 Hennepin Co. Government Center
300 S. 6th St.
Minneapolis, MN 55487-0233

Dear Mr. Hough:

Grant Awards – Contamination Cleanup and Investigation

The Department of Employment and Economic Development is pleased to announce the recent awards from the Contamination Cleanup and Investigation Grant Program. Following is a list of the projects selected for funding along with the grant amounts.

GRANTEE	PROJECT	GRANT AWARD
Barnesville, City of	Braton Excavating Site	\$31,275
Bloomington, City of	Intergenerational Mixed-Use Project	\$86,160
Deer River, City of	Salvage Yard	\$45,421
Hennepin County	Upper Post Flats	\$571,752
Little Falls, City of	CentraSota Site	\$32,000
Maple Grove, City of	Hilger Transfer Site	\$828,122
Minneapolis, City of	Capri Theater	\$58,991
Minneapolis, City of	3120 Excelsior Boulevard	\$98,996
Minneapolis, City of	Malcolm Yards Market	\$73,451
Minneapolis, City of	907 Winter Street NE	\$211,214
Minneapolis, City of	Leef South Lot	\$163,214
Minneapolis, City of	Bessemer at Seward Commons	\$328,488
Robbinsdale, City of	Parker Station Flats	\$184,438
St. Paul, City of	International Institute of Minnesota	\$262,493
South St. Paul EDA	Big Heist Beer Company	\$433,305
Total		\$3,409,320

Congratulations to the above grant recipients! The Contamination Cleanup and Investigation Grant Program continues to be a very popular program that is often over-subscribed with funding requests. We are very proud of this program and the positive effects it has on communities. We are pleased to partner with our grantees to revitalize areas and provide opportunities for job creation and tax base increases that help our communities and State thrive.

For additional information, contact Kristin Lukes at 651-259-7451.

Regards,



Steve Grove
Commissioner

C: Senator Patricia Torres Ray
Representative Jean Wagenius

Economic Development Division

1st National Bank Building ■ 332 Minnesota Street ■ E200 ■ Saint Paul, MN 55101-1351
651-259-7432 PHONE ■ 800-657-3858 TOLL FREE ■ 651-296-5287 Fax ■ www.mn.gov/deed

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-N0069

Item Description:

LTR - Amy Spong, Deputy State Historic Preservation Officer, Minnesota Department of Administration State Historic Preservation Office - RE: Nominations to the National Register of Historic Places.

ATTACHMENTS:

Description	Upload Date	Type
Minnesota Department of Administration State Historic Preservation Office	7/8/2019	Letter

June 28, 2019

Hennepin County Board of Commissioners
A2400 Government Center
300 S 6th Street
Minneapolis, MN 55404

Dear Commissioners:

We are pleased to inform you that the properties listed below will be considered by the State Historic Preservation Review Board (SHPRB) for nomination to the National Register of Historic Places. The Register is the official national list of historic properties worthy of preservation. The agenda is as follows:

The Way of the Cross, 1500 N. Fifth Street, New Ulm, Brown County (Author: Daniel J. Hoisington, Hoisington Preservation Consultants)

Minnetonka Beach Water Tower, 2510 Woodbridge Road, Minnetonka Beach, Hennepin County (Author: Alexa McDowell, AKAY Consulting)

Degree of Honor Protective Association Building, 325 Cedar Street, St. Paul, Ramsey County (Author: Laurel Fritz, PVN)

Ford Motor Company Building, 117 University Avenue, St. Paul, Ramsey County (Authors: Brian McMahon and Andrew Schmidt, Envirosolutions; contributions by Ginny Way, SHPO)

Norwegian Evangelical Lutheran Church, 105 University Avenue, St. Paul, Ramsey County (Author: Will Stark, Stark Preservation Planning)

Watson, Dwight and Clara, House, 402 Hall Street, St. Paul, Ramsey County (Author: Paul C. Larson)

St. Andrew's Catholic Church, 1031 Como Avenue West, St. Paul, Ramsey County (Authors: Rolf Anderson, Barb Bezat, Marilyn Chiat, Alan Lathrop, and Bob Roscoe)

You are invited to attend the SHPRB meeting on Tuesday, August 20, 2019, at which the nominations will be considered. The meeting will be called to order at 6:00 p.m. State Historic Preservation Office (SHPO) staff will make an informational presentation on program activities and then the nominations will be presented. The meeting will be held in the Minnesota History Center, 345 Kellogg Blvd. W., St. Paul. Individuals with a disability who need a reasonable accommodation to participate in this event please contact SHPO at 651-201-3287 two weeks prior to the meeting date or through MN Relay 711.

Listing of the properties provides recognition of their historic importance and assures protective review of Federal and State projects that might adversely affect the character of the properties. If the properties are listed in the National Register, certain Federal and State investment tax credits for rehabilitation and other provisions may apply.

Listing in the National Register does not mean that limitations will be placed on the properties by the Federal government. Public visitation rights are not required of owners. The Federal government will not attach restrictive covenants to the properties or seek to acquire them.

Enclosed please find a notice that explains in greater detail the results of listing in the National Register and describes the rights and procedures by which an owner may comment on or object to listing in the National Register. If you wish to comment in writing on whether or not a property should be nominated to the National Register, please send your comments to Secretary, SHPRB, SHPO, 50 Sherburne Ave., Suite 203 St. Paul, MN 55155, before the SHPRB considers these nominations on Tuesday, August 20, 2019. Any correspondence received after the SHPRB meeting, but before final action is taken by the Keeper of the National Register, will be forwarded to the National Register.

A copy of the National Register nomination is available online at: <http://bit.ly/2LqDkoF>. If you do not have internet access and would like a copy of the nomination, please contact our office.

Should you have any questions about this nomination process before the SHPRB meeting, please contact Denis Gardner, National Register Historian, at 651-201-3292, denis.gardner@state.mn.us, or the address listed.

Sincerely,



Amy Spong
Deputy State Historic Preservation Officer

enc.: National Register Criteria
Rights of Owners to Comment and/or to Object to Listing in the National Register
National Register Program Sheet
Frequently Asked National Register Questions

NATIONAL REGISTER CRITERIA FOR EVALUATION

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

- (a) that are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) that are associated with the lives of persons significant in our past; or
- (c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) that have yielded, or may be likely to yield, information important in prehistory or history.

CRITERIA CONSIDERATIONS. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that meet the criteria or if they fall within the following categories:

- (a) a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- (b) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- (c) a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with their productive life; or
- (d) a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- (e) a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- (f) a property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or
- (g) a property achieving significance within the past 50 years if it is of exceptional importance.

**RIGHTS OF OWNERS TO COMMENT AND/OR OBJECT
TO LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES**

Owners of private property nominated to the National Register have an opportunity to concur with or object to the listing of the property in the National Register in accordance with the National Historic Preservation Act and 36 CFR (Code of Federal Regulations) 60.

Any owner or partial owner of private property who chooses to object to listing may submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property and objects to the listing. Each owner or partial owner of private property has one objection regardless of the portion of property the party owns. If a majority of private property owners object, a property will not be listed. However, regardless if a majority of the private property owners object to the listing, the State Historic Preservation Office shall submit the nomination to the Keeper of the National Register of Historic Places requesting a determination of eligibility for the property.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their actions on historic properties listed in the National Register, determined eligible by the Keeper of the National Register, or determined eligible for the National Register by the agency and the State Historic Preservation Office. Regulations of the Advisory Council on Historic Preservation, an independent Federal agency, guide this consultation process, which assures that the value of the historic property is considered in project planning.

If you choose to object to the listing of the property, the notarized objection must be submitted to the State Historic Preservation Officer, c/o Amy Spong, Deputy State Historic Preservation Officer, 50 Sherburne Ave., Suite 203, St. Paul, MN 55155. Any correspondence received after the State Review Board meeting, but before final action is taken by the Keeper of the National Register, will be forwarded to the Keeper of the National Register.

If you wish to comment on the nomination of the property to the National Register, please send your comments to the address below. A copy of the nomination, the criteria used for evaluation, and more information on the National Register program are available from the State Historic Preservation Office.

State Historic Preservation Office
50 Sherburne Ave.
Suite 203
St. Paul, MN 55155
651-201-3287
www.mn.gov/admin/shpo/

The National Register is maintained by the National Park Service in the U.S. Department of Interior and administered in each state by the State Historic Preservation Office. For online information about the National Register program go to <http://www.nps.gov/nr>.

9/2004; 6/2005; 11/2008; 1/2012; 1/2014; 4/2018

THE NATIONAL REGISTER OF HISTORIC PLACES PROGRAM

The National Register of Historic Places (NRHP) is the official list of historic properties recognized by the Federal Government as worthy of preservation for their significance in American history, architecture, archaeology, engineering or culture. The NRHP was created in 1966 and is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our significant historic places under the provisions of the National Historic Preservation Act. The National Park Service (NPS) provides oversight for the program under the Secretary of the Interior. The program is managed by the professional staff of the National Register in Washington, DC, State Historic Preservation Officers, and the Preservation Officers in Federal Agencies. Contact the State Historic Preservation Office (SHPO) for information describing the National Register program (MNSHPO@state.mn.us). For online information go to:

http://www.nps.gov/history/nr/national_register_fundamentals.htm
<http://www.nps.gov/history/nr>
<http://mn.gov/admin/shpo>

For further information on National Register Federal Program Regulations refer to the Code of Federal Regulations (CFR) 36 CFR60. For online information go to:

<http://www.nps.gov/history/nr/regulations.htm>

LISTING IN THE NATIONAL REGISTER PROVIDES BENEFITS TO HISTORIC PROPERTIES:

Eligibility for Federal Tax Provisions: Since 1976 the Federal Internal Revenue Code has contained a variety of incentives to encourage capital investment in historic buildings and to spur revitalization of historic properties. These incentives include a 20% investment tax credit to encourage the preservation of historic commercial, industrial, and rental residential buildings listed in the NRHP by allowing favorable tax treatments for rehabilitation. Owners of NRHP properties who choose to participate in the preservation tax incentive program must follow the Secretary of the Interior's Standards for Rehabilitation and receive approval by the NPS of the rehabilitation project in order to receive the tax credit. For online general information go to: <https://www.nps.gov/tps/tax-incentives.htm>

For further information on building certification requirements refer to 36 CFR67. For online information go to: <https://www.nps.gov/tps/tax-incentives/taxdocs/36cfr67.pdf>

Eligibility for State Tax Provisions: The Minnesota Historic Structure Rehabilitation Tax Credit was signed into law in April 2010. The state rehab tax credit mirrors the 20% federal historic preservation tax credit and must be used in conjunction with the federal credit. Property owners who are undertaking a historic rehabilitation project are eligible to receive a state income tax credit up to 20% of qualifying rehabilitation expenses. Owner may elect to receive a grant in lieu of a credit equal to 90% of the allowable credit. For online information go to: <http://mn.gov/admin/shpo/incentives/state>

Easement Donations: The Federal Internal Revenue Code also provides for Federal income, estate, and gift tax deductions for charitable contributions or partial interests in real property (land and buildings). Taxpayers' gifts of qualified interest may be "exclusively for conservation purposes." For online information go to: <http://www.nps.gov/tps/tax-incentives.htm>

Because tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. Colleen Gallagher is the IRS representative who serves taxpayers in Minnesota. She can be contacted at 763-347-7361.

Consideration in planning for Federal, federally licensed, and federally assisted projects: Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their actions on historic properties listed on or determined eligible for the NRHP. Regulations of the Advisory Council on Historic Preservation, an independent Federal agency, guide this consultation process, which is intended to assure that the value of the historic property is considered in project planning. For online information go to: <http://www.achp.gov>

For further information on the Advisory Council refer to 36 CFR Part 800. For online information go to: <http://www.achp.gov/regs-rev04.pdf> and <http://www.achp.gov/citizensguide.html>

Qualification for Federal grants for historic preservation: Presently, funding levels are inadequate for these grants to be available.

Consideration in planning for State, state licensed, and state assisted projects: Minnesota Statutes Chapter 138 requires that state departments, state agencies, and political subdivisions of the state (counties, townships, cities, etc.) have the responsibility to protect the physical features and historical character of properties listed in the NRHP. The

relevant public agency is required to consult with the SHPO before carrying out any undertaking, or funding, or licensing, or permitting an undertaking by other parties, in order to determine appropriate treatments and to seek ways to avoid and mitigate any adverse effects on NRHP-listed properties. For further information, refer to Minnesota Statutes Chapter 138.665 and 138.666. The statutes are online at:

<http://www.revisor.mn.gov/statutes/?id=138.665>

<http://www.revisor.mn.gov/statutes/?id=138.666>

Consideration before demolition: The rules of the Minnesota Environmental Quality Board (EQB) require preparation of an Environmental Assessment Worksheet (EAW) by the responsible unit of government for any proposed demolition, in whole or in part, or moving of a property listed in the NRHP. For further information on the Environmental Quality Board refer to Minnesota Rules Parts 4410.0200, 4410.1000 and 4410.4300 subpart 31 or call 651-201-2477. For online information go to:

<https://www.revisor.mn.gov/rules/?id=4410>

<https://www.revisor.mn.gov/rules/?id=4410.4300>

ADDITIONAL INFORMATION ABOUT THE NATIONAL REGISTER PROCESS AND THE MEANING OF LISTING:

Owning a property listed in the National Register does not automatically impose a regulatory burden on an individual property owner. Listing in the NRHP does not mean that the Federal Government wants to acquire the property, place restrictive covenants on the land, or dictate the color or materials used on individual buildings. State and local ordinances, local historical commissions, or laws establishing restrictive zoning, special design review committees, or review of exterior alterations, are not a part of the NRHP.

Historic properties of national, state, or local significance under private or local/state government ownership may be nominated by the SHPO. Property owners, historical consultants and SHPO staff may prepare nominations. A Federal agency's Federal Preservation Officer nominates properties under Federal ownership to the NRHP. For online information go to: <http://www.achp.gov/fpoagencyinfo.html>

Tribal Historic Preservation Offices (THPO) perform the same type of preservation activities as those performed by SHPO's. These activities, however, are associated with historic properties located on Tribal Lands. Contact the SHPO for a list of THPO's in Minnesota. For online information go to: <http://www.achp.gov/thpo.html> and www.nps.gov/THPO

In recognition of the importance of local actions to historic preservation, the 1980 amendments to the National Historic Preservation Act established the Certified Local Government (CLG) program that required each State preservation program to develop a mechanism for the certification of local governments in the State. As a CLG the mayor and the heritage preservation commission have the opportunity to comment on a property being nominated in their city. If both the mayor and the heritage preservation commission determine that the property does not meet NRHP criteria, the nomination will not be considered unless an appeal is filed with the SHPO. For a list of certified local governments, contact the SHPO.

State Historic Preservation Office
50 Sherburne Ave.
Suite 203
St. Paul, Minnesota 55155
651-201-3287
mnshpo@state.mn.us
<http://mn.gov/admin/shpo>

Updated 4/30/2018

 **DEPARTMENT OF
ADMINISTRATION**
STATE HISTORIC PRESERVATION OFFICE

The following are the most frequently asked National Register questions. The answers are brief and are intended to address a wide range of questions. You may direct more specific questions to the State Historic Preservation Office.

NATIONAL REGISTER GENERAL PROGRAM QUESTIONS:

What does it mean to me to have my property listed in the National Register?

It means that your property has been documented and evaluated according to federal standards and listed in the National Register because it is significant in American history, architecture, archaeology, engineering or culture.

When my property is listed in the National Register, is it preserved forever?

Listing a property gives it recognition and may change the way people or communities view historic properties. The National Register is sometimes criticized because it does not bring greater protection. Listing does not interfere with an owner's right to alter or dispose of their property if they use their own money.

The Preservation Office encourages owners of historic properties to contact the office if they have questions about changes they are thinking of making to their property. Staff would like to work with them so that the changes respect the historic character of the property.

Does listing in the National Register protect my property during Federal or State projects?

Projects undertaken, funded, licensed, or permitted by Federal agencies are reviewed by the Preservation Office to determine if they will affect properties which are listed in the National Register or eligible for listing in the National Register. The Preservation Office also reviews projects undertaken, funded or licensed by State departments and agencies which may affect a property which is listed in the National Register. It is the responsibility of the Federal or State agencies to notify the Preservation Office of proposed projects. Ways are then discussed to protect the property or mitigate the effects of the project.

Is additional maintenance required once a property is listed in the National Register?

No. The property owner may maintain the property as they choose following local requirements.

Am I required to open my property to the public when it is listed in the National Register?

No

CHANGES TO NATIONAL REGISTER PROPERTIES:

Are covenants put on the deed when the property is listed in the National Register?

No

Can I request to have my property removed from the National Register?

Properties are removed from the National Register only if they lose the qualities they had at the time of listing. Properties have been removed if they have been destroyed by fire or storms, or have been substantially altered. Properties are automatically removed from the Register if they have been moved.

Can I demolish my property if it's listed in the National Register?

Yes, however, the rules of the Minnesota Environmental Quality Board (EQB) require the responsible governmental unit (RGU) to complete an Environmental Assessment Worksheet (EAW) before a property, which is listed in the National Register, is demolished, in whole or in part. For further information contact the EQB at 651-201-2477 or online at www.eqb.state.mn.us.

THE NATIONAL REGISTER AND FINANCES:

Can my property be sold? Can it be given to my heirs?

Yes. It is not required that the Preservation Office be notified when National Register property is sold, purchased, or inherited.

Are my property taxes reduced if my property is listed in the National Register?

There is no property tax relief for National Register properties in Minnesota. While some states have such programs, Minnesota does not.

Do I get a tax credit if I fix up my property?

A property owner can apply for a 20% tax credit on their federal income tax if they rehabilitate a property, which is listed in the National Register and is income producing (commercial or rental). It is required that the rehabilitation follow the Secretary of the Interior's Standards for Rehabilitation. Contact the Preservation Office for more information. Rehabilitation of a private, owner occupied residence does not qualify for tax credits. Information on the federal tax credit is available online at: <http://www.nps.gov/history/hps/tps/tax>.

The Minnesota Historic Structure Rehabilitation Tax Credit offers a 20% state tax credit for qualified historic rehabilitations, and must be used in conjunction with the existing federal rehabilitation tax credit. Information on the state tax credit is available online at: <https://mn.gov/admin/shpo/incentives/state/>.

Am I automatically entitled to grants if my property is listed?

Federal grants are currently unavailable. If federal funding levels increase, and grants are once again available, only National Register listed properties will be eligible to apply.

Non-profit organizations and local units of government can apply for State Grants. Here again, properties must be listed in the National Register to be eligible. Information on state Grants is available at: <http://www.mnhs.org/preservation/grants/>. Sometimes grants can be available at the local level. It is important to check with your local housing assistance programs to inquire if funds are available.

Are low interest loans or mortgages available if my property is listed?

The Preservation Office does not manage a low interest loan or mortgage program. It is important to check with local housing assistance programs or financial institutions to determine if low interest financial assistance is available.

THE NATIONAL REGISTER AND GOVERNMENT:

If a property or a historic district is listed in the National Register, does this require the local government in which the property or district is located to form a Heritage Preservation Commission (HPC)?

No. The decision to create an ordinance which would establish a preservation commission rests entirely with the local government and its residents.

If my property is listed in the Register are there provisions in building codes which affect my property?

A property listed in the National Register is not exempt from state and local building codes. The local building inspector may allow some variance for significant historic building features that do not meet modern building codes provided the features do not pose a health or safety hazard. Interpretation is at the discretion of the local building official.

How does the American with Disabilities Act affect National Register properties?

If a National Register property is open to the public, ADA calls for the building to meet basic levels of accessibility for people with disabilities. While the law requires the removal of certain barriers, it does have special provisions for historic structures where changes would destroy a building's significant historic features.

State Historic Preservation Office
50 Sherburne Ave.
Suite 203
St. Paul, MN 55155
651-201-3287
MNSHPO@state.mn.us

November 2004; June 2005; November 13, 2009; August 13, 2010; April 11, 2011; April 24, 2018

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-N0070

Item Description:

LTR- Committee for the Abolition of Library Fines, RE: Library fines.

ATTACHMENTS:

Description	Upload Date	Type
Committee for the Abolition of Library Fines	7/8/2019	Letter

TO: Hennepin County Board of Commissioners (A2400 Hennepin County
Government Center, 300 S. 6th Street, Minneapolis, MN 55487)

SUBJECT: Library Fines

We, the undersigned citizens of Hennepin County, urge you to
declare an amnesty on library overdue charges and then abolish
them altogether.

Numerous studies and eyewitness accounts affirm that library fines

- +restrict access to library resources and services,
as well as exacerbating inequality
- +disproportionately affect low-income populations,
people of color, and those without college degrees
- +create conflict between users and the library
- +require an inefficient use of staff time
- +do not consistently ensure borrowed materials end up back
on library shelves
- +in effect, represent a double tax, inasmuch as such fines
are wholly unnecessary, except as a source of additional
revenue

This January, St. Paul Public Library went fine-free,
unblocking some 50,000 library cardholders who had lost
borrowing privileges due to unpaid overdue charges. In June,
San Francisco Public Library is slated to follow suit. They
join more than 50 library systems nationwide, including
Pikes Peak Library District, Salt Lake County Public Library,
Denver Public Library, San Diego Public Library, Nashville
Public Library, and Evansville-Vanderburgh Public Library.

Name

Address

Date

PLEASE SEND COMPLETED PETITIONS TO:

Committee for the Abolition of Library Fines
4400 Morningside Road
Edina, MN 55416

952 925-5738

The

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U*N*A*B*A*S*H*E*D™

Librarian

the "how I run my library good"sm letter



Reading Room, Royal Library, Copenhagen (Denmark)

Photo: mjfreedman, June 2007

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Cover: Photo: Reading Room, Royal Library, Copenhagen (Denmark), mtfreedman, June 2007

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Contributing Editors: Sanford Berman, Jenna Freedman, Bernadine Abbott Hoduski, Susan Polos

Contributions: We welcome contributions. U*L especially likes to receive articles of a practical nature. Very few things in book librarianship are really new in libraries. If they are not in general use, U*L would like to hear about them. Articles may be very short or fairly long, but they should contain sufficient detail to enable a reader to "do it" with no (or minimal) research.

We read everything we receive but usually cannot acknowledge or return contributions. (Be sure to keep copies.) All items sent to U*L are assumed to be sent with the idea of possible publication unless marked "not for publication." Submissions may be edited. Opinions expressed by contributors are their own. U*L cannot pay for contributions.

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PHILOSOPHY: "Books are for use." "Every reader, his [her] book." "Every book its reader." "Save the time of the reader." "A library is a growing organism." -- Ranganathan, 1931. "Library efficiency frequently consists of doing very well what need not be done at all." -- attributed to Jesse Shera. "The Library is more than information." -- Marvin Scilken. Books are basic.

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Library has over 8,600 pieces of sheet music in its collection. They came from the personal collection of Lillian Helms Polley and from years of so-called "piano bench" donations. We chose 110 representative pieces in which the music and/or the lyrics were written by Nebraskans (or, in a few cases, were written about famous individuals in Nebraska history).

We entitled our project "Music of Old Nebraska". Unlike many other online digitized sheet music projects, our aim has been to set the music in an historical context rather than just providing a catalog of the pieces, though that is present also. We created archival scans of all the music, cleaned them up using Photoshop CS, and converted them to Adobe PDF form. All of the pieces were published before 1923 and are in public domain. You may freely download, print, and perform any of them, and we hope you will do so!

This project is supported in part by the Institute of Museum and Library Services under the provisions of the Library Services and Technology Act as administered by the Nebraska Library Commission. Additional funding has been provided by the Lincoln City Libraries, and the Swanson Biggs Adams Family Foundation donated funds for the writing of the lesson plans. We are extremely grateful to all of these organizations for making our project possible.

Catalogs

Titles

Authors (annotated)

Pieces by Subjects

Thumbnails

Sound Files

It is possible to search our Music of Old Nebraska collection in several ways. The Titles, Authors, and Songs by Subjects catalogs are text only.

The Authors catalog is annotated with biographical information about the composers.

Clicking on an item in a catalog will take you to a metadata page for that piece. There you will find publication information and links to free downloads of the sheet music.

Lincoln City Libraries, Website
136 South 14th St.
Lincoln NE 68508
www.lincolnlibraries.org

Berman's Bag: SFPL Report and Vote Boost Fine-Free Movement/LCSH Submissions

by Sanford Berman,
U*L Contributing Editor

On Jan. 17, 2019, the San Francisco Library Commission voted 6-1 to approve the elimination of overdue charges. Triggered by a report prepared by the San Francisco Financial Justice Project in the office of Treasurer Jose Cisneros, the proposal will next be considered in June by San Francisco's Board of Supervisors. It already enjoys the support of Mayor Landon Breed, who declared that "as a city, we need to make sure that we are not placing unnecessary burdens on people to access our public resources. In this case, the fines are overwhelmingly affecting people in our community from disadvantaged backgrounds, which undermines the goal of the library, and reinforces inequality in our city." Her remarks appeared in a Feb. 22, 2019 *San Francisco Examiner* article by Joshua Sabatini. According to Sabatini, the policy change "would not eliminate fees assessed for lost or damaged items."

Prepared by Joseph Munerda (UCB Goldman School of Public Policy), the 41-page report, *Long Overdue: Eliminating Fines on Overdue Materials to Improve Access to San Francisco Public Library* (January

2019), was "based on extensive research of national publications, conversations with library leaders and experts across the country, surveys of SFPL patrons and staff, and rigorous analysis of SFPL data." It "concludes that the current use of overdue fines restrict access and exacerbate inequality by disproportionately affecting low-income and racial-minority communities, create conflict between patrons and the library, require an inefficient use of staff time, and do not consistently ensure borrowed materials end up back on library shelves."

The Urban Libraries Council has identified over 50 fine-free American libraries, including Salt Lake County, Utah; Denver, Colorado; Berkeley, California; San Diego, California; Nashville, Tennessee; Evansville-Vanderburgh, Indiana; and Oak Park, Illinois. And this is St. Paul's announcement of its plan to abolish fines, which took effect in early 2019:

FOR IMMEDIATE RELEASE

August 29, 2018

Contact: Liz Xiong

liz.xiong@ci.stpaul.mn.us

651-357-8448

SAINT PAUL, MN – Today, at the 2019 Library Budget Address, Mayor Melvin Carter proposed investing \$215,000 to eliminate the Library's reliance on daily late fines, and announced the forthcoming expansion of "Read Brave Saint Paul" program, featuring books centered on housing challenges.

Eliminating Late Fines

Mayor Carter's library budget eliminates late fines on library materials with an ongoing \$215,000 investment to stabilize technology and collections funding. Backed by staff-led research showing late fines pose a significant barrier to library use for many, the Mayor's proposal rids dependence on daily late fine

revenue and re-grants access to more than 50,000 library patrons, who are currently unable to check out materials because they have incurred too many late fines.

"Moving away from late fines will make our libraries more accessible and welcoming for all of our residents," said Mayor Carter.

"I look forward to welcoming back all of our library users who have been blocked because they couldn't afford to pay a fine."

The average patron debt is \$33. While many library patrons incur late fines, the ability to pay them depends greatly on income. Users who can pay their fines are able to continue using the library, whereas those left with unpaid balances are eventually blocked when they get too high.

"Late fines are, in many ways, opposite to our values as a public library system. We want our community to associate libraries with friendly staff, welcoming service, and useful information – not with guilt and shame over late fines," said Library Director Catherine Penkert "We're excited by Mayor Carter's proposal and its potential to make libraries radically more open to our entire community."

The proposal to eliminate late fines at SPPL follows a national trend. Libraries across the country are going fine-free, including Salt Lake City Public Library, Nashville Public Library, Eau Claire Public Library, and more.

For more information on eliminating Library late fines, visit sppl.org/fine-free.

Meredith Farkas, in the March/April 2019 *American Libraries*, argues persuasively

for conducting equity audits, much like San Francisco's. In *Unintentional Equity: Examining Equity Gaps in Our Libraries* she writes:

Librarians do so much to mitigate childhood achievement gaps tied to socio-economic status. "At the same time, we counteract it by charging fines and fees to our patrons," said Dawn Wacek, youth services manager at La Crosse (Wis.) Public Library, in her February 2018 TEDx talk, *A Librarian's Case against Overdue Book Fines* (bit.ly/AL-equity2). Wacek cites a 2016 report from the Colorado State Library that suggests overdue fines and fear of fines are among the biggest barriers keeping low-income families from using libraries (bit.ly/AL-equity3).

Between SFPL's research and the sources Farkas cites, there's overwhelming data to justify fine abolition. It has also been an explicit American Library Association policy since 1990! So let's make it real.

Here are recent proposals submitted to LC's Policy & Standards Division:

2/22/19

Dear Colleagues,

Based on the enclosed documentation, I recommend creating a subject/genre heading for

CANTOPOP MUSIC

SN Here are entered materials on a popular music genre, largely associated with Hong Kong, that is written in standard modern Chinese but sung in Cantonese.

UF Cantonese pop music
HK - pop music
Hong Kong pop music

BT Popular music - China

With best wishes
/s/ Sanford Berman

1/23/19

Dear Colleagues,

Based on the attached documentation, including numerous assignment candidate citations, I recommend establishing a subject heading for

DEGROWTH

SN Here are entered materials on economic contraction, especially the downsizing of production and consumption.

UF Economic degrowth
Getting smaller (Economics)

NT Sharing
Solidarity economy (recommended 11/21/17)

BT Consumption (Economics)
Economic development

With warmest regards,
/s/ Sanford Berman

1/23/19

Dear Colleagues,

Based on the attached usage-examples and assignment candidate citations, as well as a recent *NewsHour* segment on the topic, I recommend creating a subject heading for

MODEST FASHION

SN Here are entered materials on the design and wearing of less skin- or hair-revealing women's garments.

UF Clothing, Modest

Fashion, Modest
Modest clothing

BT Fashion
Women's clothing

With warmest regards,
/s/ Sanford Berman

2/27/19

Dear Colleagues,

Based on the enclosed documentation,
including numerous assignment-
candidate citations, I recommend
establishing a subject heading for

NEURODIVERSITY

SN Here are entered materials on
the idea that neurological
difference like autism and ADHD
are not unhealthy aberrations,
but rather natural variations
in the human mind that require
accommodation instead of cures.

UF Neurological diversity
Neurological pluralism

RT ADHD
Autism
Bipolar disorder
Dyslexia
Dyspraxia
Obsessive-compulsive disorder
Schizophrenia
Tourette Syndrome

With best wishes,
/s/ Sanford Berman

1/17/19

Dear Colleagues,

I recommend establishing a subject
heading for

SOLASTALGIA

PN Here are entered materials on
the distress and pain engendered
by the loss or absence of solace,
and the sense of isolation
connected to the present, often
imperiled, state of one's home
and territory, exemplified by
climate change.

BT Anxiety
Environmental psychology
Depression, Mental

Enclosed: Usage-examples and cited
assignment candidates.

With best wishes,
/s/ Sanford Berman

1/7/19

Dear Colleagues,

Based on the attached documentation,
including assignment candidate
citations, I suggest creating a
subject heading for

VEGANIC FARMING

PN Here are entered materials on
the organic cultivation and
production of food and other
crops with a minimal amount
of harm to animals.

UF Animal-free organic farming
Vegan agriculture
Vegan gardening
Vegan organic farming
Vegan organic gardening
Veganic gardening
Veganiculture

BT Organic farming
Veganism

With warmest regard,
/s/Sanford Berman

Sanford Berman, U*L Contributing Editor, Author of *Not in My Library, "Berman's Bag Columns from The U*N*A*B*A*S*H*E*D Librarian 2000-2013,"* (McFarland, 2013). en.wikipedia.org/wiki/Sanford_Berman

Library FAQs: Goodbye to Fines

Why is the Library eliminating fines?

Eliminating fines removes barriers for our community and makes access easy, equitable, and enjoyable for everyone. Our doors are open for the entire community to take advantage of all the Library has to offer. Ending the collection of overdue fines will also result in more positive customer interactions.

If there are no fines, how will the library recover books and other materials that have been checked out?

We have eliminated overdue fines, but not the charges associated with damaged or lost materials. Checkout periods for library materials have not changed and we expect patrons to return items to the library on time.

If an item is not returned within 30 days after its due date a lost charge and \$10 processing charge will be assessed. If the billed item is returned in good condition, the lost and processing charges will be removed from the account. If the lost item is returned in good condition within one year after the lost and processing charges have been paid, you may request a refund of the lost charges; however, the processing charges cannot be refunded once they have been paid.

Accounts carrying a balance due of \$50 or more for 60 days or longer may be referred to Unique Management Services (aka Unique National Collections), a materials recovery service; and an additional non-refundable collection fee

of \$10 will be applied to the account.

Will the elimination of fines impact the Library's budget?

Fines and charges make up only slightly more than two percent of the library's total budgeted revenue. Revenue from fines has decreased significantly in the last several years and we don't expect the elimination of fines to have any impact on library operations.

What about the balance on my account from before the elimination of fines?

All charges on all accounts prior to the elimination of fines have been waived to give everyone an opportunity to restart their relationship with the library.

Do I get a refund for late fines I recently paid?

No. Fines paid before the new fines and charges schedule was approved are not refundable. We thank you for your support of the Library.

Will the Library still send reminders about returning materials?

Yes.

I always considered my fines as a donation to the Library. How can I continue to support the Library financially?

The Contra Costa County Library can accept financial donations through the website or via check. Here is a link with information on both options http://ccclib.org/donations/donate_library.html.

Donate books or become a member of any of the Friends of the Library groups at our 26 branches. Money raised by the Friends from sales at their bookstores supports the Library.

Some Community Library Foundations and some Community Library Friends groups are registered as a 501(c)(3) California nonprofit organizations. The Library and

these two support organizations are considered qualified charitable organizations for tax purposes by the IRS. Your contributions may help lower your income tax bill.

What about teaching a sense of responsibility to children?

Libraries have traditionally been viewed as a place charged with teaching responsibility and consequence, but that has never been part of our mission. We believe what's most important is getting more books in the hands of the children who need them most.

The mission of the Contra Costa County Library is to bring people and ideas together. Our strategic goals focus on easy and equitable access, literacy, high-quality customer service and promoting the value of the library.

All library materials will still have the same checkout periods. We still expect books to be returned on time. Any materials not returned 30 days after the due date are considered lost and patrons will be charged for them.

Will I have to wait longer for my holds?

Customers who enjoy popular materials through holds or the Lucky Day collection, visit the library frequently. They tend to turn materials over quickly, because they read, watch, or listen to items and are eager to move on to something new. We do not anticipate a problem with avid users returning materials on time.

Contra Costa County Library
Website
777 Arnold Drive, Suite 210
Martinez CA 94553, ccclib.org

Mayor Emanuel, Chicago Public Library and Chicago Housing Authority Open Northtown Library Branch

Mayor Rahm Emanuel, Chicago Public Library (CPL) and Chicago Housing Authority (CHA) today joined local officials and community members to open the new Northtown library branch. This is the third innovative co-located housing and library development built as part of a CPL/CHA partnership and will serve as an anchor for the West Ridge community.

"Bringing together world-class libraries together with housing builds strong neighborhoods and provides a place for all community residents to gather, share and succeed," said Mayor Rahm Emanuel. "The new Northtown library will soon be the place in West Ridge where families gather, students come for help with homework and job-seekers connect with life-changing opportunities."

The Northtown Apartments and Northtown Branch are located at 6800 N Western Ave in the 50th Ward. The library replaces the previous location, which was at 6435 N. California Ave. The single-story branch Library at the ground level will serve the neighborhood with a large community space, a dynamic children's area with an Early Learning Play Space, a large YOUmedia area for teens, and an adult area with computers and reading space. There is an exterior courtyard accessible from the library. The new branch has an open floor plan layout that curves from space to space to signify the patrons' journey through the ages of learning. It was designed by Perkins+Will and financed by the Chicago Housing Authority (CHA) along with Evergreen Real Estate Group. Power and Sons Construction Company served as the General Contractor.

"The Northtown library branch will soon

TO: Hennepin County Board of Commissioners (A2400 Hennepin County Government Center, 300 S. 6th Street, Minneapolis, MN 55487)

SUBJECT: Library Fines

We, the undersigned citizens of Hennepin County, urge you to declare an amnesty on library overdue charges and then abolish them altogether.

Numerous studies and eyewitness accounts affirm that library fines

- +restrict access to library resources and services, as well as exacerbating inequality
- +disproportionately affect low-income populations, people of color, and those without college degrees
- +create conflict between users and the library
- +require an inefficient use of staff time
- +do not consistently ensure borrowed materials end up back on library shelves
- +in effect, represent a double tax, inasmuch as such fines are wholly unnecessary, except as a source of additional revenue

This January, St. Paul Public Library went fine-free, unblocking some 50,000 library cardholders who had lost borrowing privileges due to unpaid overdue charges. In June, San Francisco Public Library is slated to follow suit. They join more than 50 library systems nationwide, including Pikes Peak Library District, Salt Lake County Public Library, Denver Public Library, San Diego Public Library, Nashville Public Library, and Evansville-Vanderburgh Public Library.

Name	Address	Date

PLEASE SEND COMPLETED PETITIONS TO:

Committee for the Abolition of Library Fines
4400 Morningside Road
Edina, MN 55416

952 925-5738



Resolution on Monetary Library Fines as a Form of Social Inequity

Whereas monetary fines present an economic barrier to access of library materials and services;

Whereas there is mounting evidence that indicates eliminating fines increases library card adoption and library usage;

Whereas monetary fines create a barrier in public relations, and absorb valuable staff time applying, collecting, and managing dues;

Whereas the first policy objective listed in ALA Policy B.8.10 (Library Services to the Poor) as approved by ALA Council on January 28, 2019, states that the American Library Association shall implement these objectives by "Promoting the removal of barriers to library and information services, particularly fees, and overdue charges";

Whereas ALA Policy B.4.2 (Free Access to Information) "asserts that the charging of fees and levies for information services, including those services utilizing the latest information technology, is discriminatory in publicly supported institutions providing library and information services";

Whereas in Economic Barriers to Information Access, An Interpretation of the Library Bill of Rights, ALA states "All library policies and procedures, particularly those involving fines, fees, or other user charges, should be scrutinized for potential barriers to access;

Whereas libraries will need to take determined and pragmatic action to dismantle practices of collecting monetary fines

Whereas libraries of all types are responsive to bodies, be they school districts, boards of trustees, college and university administration, or government entities and therefore need to be able to make the case to those bodies about eliminating fines; and

Whereas monetary fines ultimately do not serve the core mission of the modern library; now, therefore, be it



Resolved, that the American Library Association (ALA), on behalf of its members

1. adds a statement to the Policy Manual that establishes that "The American Library Association asserts that imposition of monetary library fines creates a barrier to the provision of library and information services.";
2. urges libraries to scrutinize their practices of imposing fines on library patrons and actively move towards eliminating them; and
3. urges governing bodies of libraries to strengthen funding support for libraries so they are not dependent on monetary fines as a necessary source of revenue.
4. establish a working group to develop information resources, including strategies and tips, for libraries interested in abolishing fines, with a report due to Council at the 2019 Annual Conference

Adopted by the Council of the American Library Association
Monday, January 28, 2019, in Seattle, WA

A handwritten signature in cursive script, appearing to read "Mary W. Ghikas".

Mary W. Ghikas, Executive Director
and Secretary of the ALA Council

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-N0071

Item Description:

LTR - Robert J. Fletcher, Land Resources Branch, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission - RE: Northern States Power Company, Project No. 2056-031.

ATTACHMENTS:

Description	Upload Date	Type
Federal Regulatory Commission	7/8/2019	Backup Material

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Northern States Power Company

Project No. 2056-031

ORDER REQUIRING PUBLIC PERCEPTION SURVEY
AND MODIFYING ARTICLE 402

(Issued July 2, 2019)

1. On March 30, 2017, Northern States Power Company (Northern States or Licensee) filed an application to amend its Aesthetic Flow Adequacy Plan for the main spillway of the St. Anthony Falls Hydroelectric Project No. 2056, pursuant to License Articles 402 and 403.¹ Specifically, Northern States proposes to increase the minimum flow required by Article 402 to 300 cubic feet per second (cfs) and provide flows 24 hours-per-day year-round. As discussed below, this order modifies License Article 402 and requires Northern States to conduct a new Public Perception Survey (Survey) of the minimum flow pursuant to Article 403.

I. Background

2. On March 8, 2004, the Commission issued a new 30-year license to Northern States for the continued operation of the St. Anthony Falls Project, a 12.4 megawatt project, located on Hennepin Island along the east bank of the Mississippi River at St. Anthony Falls in the City of Minneapolis, Minnesota.² The project includes a 1,952-foot-long U-shaped dam (Horseshoe Dam) with a spillway, and a 425-foot-long main spillway located just downstream of Horseshoe Dam. Water passes over Horseshoe Dam into a pool before passing over the main spillway. The main spillway consists of a protective

¹ *Northern States Power Co.*, 106 FERC ¶ 62,185 (2004).

² The original license for the St. Anthony Falls Project was issued to the St. Anthony Falls Water Power Company on September 6, 1951 (10 F.P.C. 1322) and was transferred to Northern States Power Company a short time later. *See* 10 F.P.C. 1573 (1951). In 2000, the Commission approved a transfer of the license to Northern Power Corporation (91 FERC ¶ 62,086 (2000)) and subsequently to the current licensee, Northern States Power Company (92 FERC ¶ 62,221 (2000)).

concrete overlay constructed on the vertical face of the historic St. Anthony Falls, the largest natural falls on the Mississippi River.³ Spill flows drop approximately 25 feet from the crest to the base of the main spillway, creating waterfalls and rapids effects.

3. Article 402 of the license requires Northern States to maintain a minimum flow at the main spillway sufficient for aesthetic purposes and for maintaining the recreational, economic, and cultural characteristics of the St. Anthony Falls area.⁴ An initial minimum flow sufficient to maintain a 2-inch depth across the crest of the main spillway. (approximately 100 cfs) is mandated during the following periods: (1) between 6 a.m. and 7 p.m. from March 16 to March 30; (2) between 5 a.m. and 10 p.m. from April 1 to October 31; and (3) between 6 a.m. and 7 p.m. from November 1 to November 14.

4. Article 403 requires the licensee to design and file a plan to monitor compliance with, and consider the adequacy of, the initial minimum flow. The monitoring plan must include: (1) criteria for verification of the adequacy of the minimum surface covering flow; (2) a method to document the actual flows over the spillway with the required 100 cfs; (3) provisions to take photographs of a range of flows between 100 cfs and 2,000 cfs over the spillway; (4) an implementation schedule that would ensure that a minimum flow report would be filed concurrently with the FERC Form 80 filing; (5) a provision for subsequent monitoring and filing with the Commission a minimum flow report with every future FERC Form 80 thereafter;⁵ (6) criteria for triggering recommendations to provide additional flows should monitoring data demonstrate such a need; and (7) a

³ St. Anthony Falls Hydro Project No. 2056 is one of three licensed hydroelectric projects at St. Anthony Falls in Minneapolis, Minnesota. The other two projects are the Crown Mill Project No. 11175 and the A-Mill Artist Lofts Hydroelectric Project No. 14628.

⁴ The St. Anthony Falls Hydro Project is one of 85 properties comprising the St. Anthony Falls Historic District and is included on the National Register of Historic Places. Large numbers of visitors come to the area each year to visit attractions including the visitor center at the U.S. Army Corps of Engineers (Corps) Upper St. Anthony Falls Lock and Dam, Water Power Park, and the Stone Arch Bridge, which crosses the river below the falls.

⁵ In 2006, on rehearing the Commission modified this requirement to conduct a new survey every 12 years in coordination with the first, third, and fifth FERC Form 80 filings. *Northern States Power Company*, 114 FERC ¶ 61,262 (2006). While the requirement to file a Form 80 was eliminated, the obligation to conduct the survey remains. *Elimination of Form 80 and Revision of Regulations on Recreational Opportunities and Development at Licensed Hydropower Projects*, Order No. 852, 83 Fed. Reg. 67,060 (December 28, 2018), 165 FERC ¶ 61,256.

schedule for consulting with a number of stakeholders and documenting the consultation prior to filing the minimum flow report with the Commission.⁶

5. Pursuant to Article 403, Northern States filed an Aesthetic Flow Adequacy Plan for the main spillway on October 6, 2004. The plan ensured that 100' cfs of water is passed over the spillway during the time periods required by Article 402. The plan also included provisions for continuous monitoring, locations for photographs, and a requirement to monitor and file a minimum flow report with every FERC Form 80 starting in April 2009. The licensee also proposed to hire a third-party contractor to survey recreation users to determine the adequacy of the 100 cfs minimum spillway cover flow and potential higher minimum flows. In a December 15, 2005 order modifying and approving the plan, Commission staff generally accepted Northern States' proposal.⁷ However, as relevant here, staff required the licensee to allow agency review of the surveyors' questions if any changes are made beyond what was approved in the order and to include the public opinion survey results with each FERC Form 80 filing.⁸

6. On May 18, 2015, Commission staff issued a letter order in response to the licensee's February 27, 2015 minimum flow monitoring report filed in compliance with Article 403. The letter order acknowledged that circumstances beyond the licensee's control had delayed the completion of studies as originally planned, and stated that the results of the aesthetic flow study should be filed with the Commission for approval upon the completion of consultation. The letter order stated that the study results and any recommended changes to the license were to be submitted by March 30, 2017.

A. Survey Procedure and Details

7. The questionnaire and methods for the survey were developed by an engineering consulting firm for Northern States in consultation with the NPS, Corps, Minnesota

⁶ Article 403 requires the licensee to document consultation with the following: Corps, Crown Mill Hydropower Corporation (Crown Mill), Minnesota Department of Natural Resources (Minnesota DNR), the National Park Service (NPS), Minneapolis Parks and Recreation Board (Minneapolis Parks), and the Friends of the Mississippi River (Friends of the Mississippi).

⁷ *Northern States Power Co.*, 113 FERC ¶ 62,215 (2005) (2005 Order).

⁸ The order specified a due date of April 1, 2009 for filing the results of the aesthetic flow study. Extension of time requests were granted on February 4, 2009, April 6, 2010, December 21, 2011, and December 18, 2013. The December 18, 2013 letter order granted an extension of time for filing the results of the Survey to December 31, 2016.

DNR, Minneapolis Parks, Friends of the Mississippi, and Crown Hydro.

8. Surveying was conducted on 25 days (five of which were weekend days) between March 19, 2016 and October 11, 2016. Interviews were conducted either from 8 a.m. to noon or from noon to 4 p.m. on each survey day. A total of 500 users were interviewed for the study. The users were interviewed regarding the frequency and timing of their visits to the St. Anthony Falls area and were asked to provide their opinions of (1) spillway flow at the time of the interview, (2) spillway flow during previous visits, and (3) the adequacy of spillway flows from 100 to 2,000 cfs, as represented in photographs shown during the interviews.

9. The licensee states that the license requirement to collect survey information was based on Commission staff's recommendation in the environmental assessment (EA)⁹ that Northern States monitor and document flows over the spillway sufficient to result in flows ranging between 100 cfs and 2,000 cfs. The licensee contends that flows greater than 2,000 cfs are therefore beyond the scope of Article 403.¹⁰

II. The Licensee's Proposal

10. Northern States proposes to increase the minimum flows from 100 cfs to 300 cfs and to provide such increased flows 24 hours-per-day year-round. Northern States contends that a new minimum flow requirement of 300 cfs provides a reasonable balance between generation and aesthetics. Northern States explains that under its proposal, while 300 cfs will always be released over the main spillway, flows will routinely exceed 300 cfs. After accounting for the diversion of 4,300 cfs through the powerhouse (the hydraulic capacity of the powerhouse), flows over the main spillway will exceed 2,000 cfs 55 percent of the time, 1,500 cfs 60 percent of the time, 1,000 cfs 66 percent of the time, 500 cfs 71 percent of the time, and 300 cfs 73 percent of the time.

11. The licensee states that a minimum flow requirement greater than 300 cfs will have a substantial impact on the project's annual generation as well as impact generation at the existing A-Mill Project and the unconstructed Crown Mill Project, should that development proceed.

12. The Survey Report,¹¹ documenting public opinions regarding minimum flows at the project's main spillway, indicates that 53 percent of respondents find 300 cfs to be an

⁹ Notice of Availability of Final Environmental Assessment issued March 8, 2004.

¹⁰ Northern States Public Perception Survey Report (Survey Report) submittal letter (filed March 30, 2017).

¹¹ Identified as the St. Anthony Falls Aesthetic Flows Survey report in the filing.

acceptable flow. The licensee states that the percentage of respondents indicating that flows are acceptable does not change appreciably for flows between 300 and 1,500 cfs. The purpose of the survey, conducted pursuant to license Article 403, was to determine recreational users' opinions and perceptions of the adequacy of the aesthetic flows over the project's main spillway. The licensee concludes that the number of additional respondents that would be satisfied with a minimum flow requirement greater than 300 cfs does not justify the incremental loss in generation, particularly when potential impacts to the A-Mill and Crown Mill Projects are taken into account.

13. The licensee notes that the license requires the collection of survey information to assist in evaluating whether future recreation use warrants a 100 cfs minimum flow or greater for aesthetic purposes, and to develop a record for considering changes to the minimum flow should recreation trends warrant it.¹² The licensee further explains that the license requirement was based on Commission staff's recommendation in the EA that the licensee monitor and the document flows over the spillway. The licensee proposed conducting another perception study in 2026.

14. On December 22, 2016, prior to filing the survey results with the Commission, the licensee distributed a draft of the Survey Report to stakeholders and requested comments by February 15, 2017. When the licensee filed its Survey Report, it also filed a summary of stakeholder comments and stakeholder correspondence.¹³

III. Public Notice, Interventions, and Comments

15. The Commission issued public notice of Northern State's application to amend its aesthetic flow adequacy plan on May 23, 2017 and published the notice in the *Federal Register* on May 31, 2017.¹⁴ The notice established June 22, 2017 as the deadline for submitting comments, motions to intervene, and protests.

16. Comment letters were filed by the NPS, Great River Coalition (River Coalition), Friends of the Mississippi River (Friends of the Mississippi), Minneapolis Riverfront Partnership (Riverfront Partnership), City of Minneapolis (City), Green Minneapolis, Friends of the Riverfront, Minneapolis Parks Foundation, Minneapolis Parks and

¹² March 30 Amendment Application.

¹³ Northern States included comments received from the St. Anthony Falls Laboratory and City of Minneapolis, neither of which were required to be consulting parties.

¹⁴ 82 Fed. Reg. 24962.

Recreation Board (Minneapolis Parks Board), Friends of the Lock & Dam,¹⁵ St. Anthony Falls Alliance (Falls Alliance), A-Mill Artist Lofts¹⁶ (A-Mill), St. Anthony Falls Laboratory (Falls Lab), and Minneapolis City Council Member Jacob Frey (Council Member Frey). Friends of the Lock & Dam captioned its filing as “Comments and Protest”; however, it did not segregate its “comments” from its “protest.” While Northern States recognizes that answers to protests are not permitted under Rule 213,¹⁷ it argues that it should be permitted to respond to Friends of the Lock & Dam’s filing given the organization’s failure to differentiate between its “comments” and “protest.” Northern States’ July 19, 2017 filing will be considered as reply comments.

17. Timely motions to intervene were filed by Friends of the Lock & Dam, Friends of the Riverfront, and Falls Alliance. Northern States does not oppose the intervention of any of these three entities.

18. Council Member Frey, Falls Alliance, Friends of the Lock & Dam, Friends of the Mississippi, Friends of the Riverfront, Riverfront Partnership, and NPS stated that the design and execution of the study was inadequate. Several commenters pointed out that the survey was not developed and conducted by an independent professional survey firm, as required by the 2005 Order. The majority of the commenters indicated that the area surrounding St. Anthony Falls is being redeveloped with housing, public open space, and businesses and thus visitation to St. Anthony Falls has increased greatly since the license was issued in 2004. A-Mill indicated support for 300 cfs as an acceptable minimum flow and expressed concern that any greater minimum flow requirement would have a substantial negative impact on renewable energy production at the hydropower projects located at St. Anthony Falls.

IV. Discussion

19. The concerns identified by commenting parties focus on two areas: 1) the design and implementation of the survey; and 2) the determination of an appropriate minimum aesthetic flow level.

¹⁵ Friends of the Lock & Dam supplemented its comments with the affidavit of Dr. Douglas R. Berdie (consultant) on July 28, 2017.

¹⁶ Licensee for A-Mill Artist Lofts Hydroelectric Project No. 14628.

¹⁷ 18 C.F.R. § 385.213 (2018)

A. Article 403 – Public Perception Survey**1. Wording of Survey Questions**

20. Friends of the Lock & Dam hired a consultant to assess the methods used to implement the survey including the survey instrument. The consultant concluded¹⁸ that the response categories for some survey questions did not include the range of all possible options (i.e., Questions 1 and 6),¹⁹ thus forcing a respondent who visits biweekly to choose between the “frequently” or “occasionally” options. Some questions did not provide adequate context (i.e., Questions 2 and 4)²⁰ and Question 11 asks respondents to provide an answer to a question where they may have little knowledge or informed opinion regarding the topic.²¹ Question 9 assumes that aesthetics are based solely on visual characteristics by using still photographs as a proxy for the falls, which excludes the sounds the water makes, as well as the movement, smells, and mist associated with various flow levels.²²

21. Having response categories which do not include all possible options may influence the findings of this study, since the number of individuals who visited more often than monthly but less often than weekly participated in the study is unknown. Nor

¹⁸ Friends of the Lock & Dam supplemented its comments with the affidavit of Dr. Douglas R. Berdie (consultant) on July 28, 2017.

¹⁹ Question 1 “How often do you use or visit this location?” provided the response options: frequently (one or more times per week); occasionally (approximately once a month); rarely (once or twice a year); or first-time user. Similarly, Question 6 “How often have you observed the waterfall when you thought there was too little water passing over it?” included the same response options as Question 1.

²⁰ In Question 2 “How many years have you used this area?” and Question 4 “What season(s) of the year do you visit this area?” the term “area” is left for the respondent to define, thus the range of interpretations of the term by respondents is unknown.

²¹ Question 11 “When do you think water should be released over the waterfall to improve its appearance/beauty?” provided the response options: Daylight hours, year-round; Daylight hours, non-winter months; All hours, year-round; All hours, non-winter months; and Other (specify).

²² Question 9 “Please look at the photographs of the waterfall, numbered 1 through 7, shown to you by the interviewer. Please rate the photo as: Unacceptable; Marginal; Acceptable; Optimum; or Do not care or no opinion.”

is it possible to determine how such respondents replied to the frequency of visitation question or if the perceptions of these visitors differed from those who visited monthly or weekly. The licensee reported the findings of the study using the categories of "frequently" and "occasionally," therefore, the choices survey respondents made in their frequency of visitation response likely impacted the results of the study because respondents who visited more often than monthly but less than weekly had two options to select from when reporting frequency of visitation. A well designed survey would provide mutually exclusive response categories.

22. Friends of the Lock & Dam's consultant determined that the sampling design was flawed because the proportion of people who typically visit on weekdays versus weekends was not taken into account; thus the sample is unlikely to represent the population of visitors. The consultant concluded that the data gathered via the survey is likely not representative of actual visitor perceptions of flows over St. Anthony Falls. Northern States responded that the commenter's complaints about the survey are misplaced because the complaints were not raised when the draft questionnaire was circulated for review.²³

23. While consulting parties were provided the opportunity to review the draft survey methods and questionnaire when they were distributed for comments on December 22, 2016, the 2005 Order required the licensee to engage a professional survey firm to develop the survey methods and questionnaire, as proposed by the licensee.

2. Sampling Days

24. Several commenters question whether the sample adequately reflects the population who visits the site, due to the hours of the day and the days of the week selected to interview visitors (i.e., NPS and Falls Alliance). Friends of the Riverfront questioned whether the sample was randomly distributed across times of the day and days of the week. Northern States reported that interviews were conducted during two time blocks (8 a.m. to noon & noon to 4 p.m.), with 20 of the 25 sampling periods being conducted during the afternoon time slot which was identified by interviewers as the "most active time period." However, the Friends of the Riverfront argue that this sampling timeframe does not incorporate the views of users who visit the site before or after regular business hours.

25. Upon further examination we found that the earliest interview conducted was at 10 a.m., thus sampling occurred over a six hour span at sites that are open 24 hours-per-day. Northern States responded that the commenters provided no justification that

²³ Answer of Northern States Power Company-Minnesota to Comments on Public Perception Survey Report and Aesthetic Flow Adequacy Plan Amendment filed July 19, 2017.

individuals who visited during the non-survey hours would have drastically different perceptions as compared to those of the individuals who were included in the survey. However, since no attempt was made to gather input outside of the 8 a.m. to 4 p.m. interviewing window, it is not possible to assess differences in perceptions (non-response bias) for those people who visited the falls during other timeframes.

26. Friends of the Mississippi states that "500 respondents is a low number for any professionally administered survey." The number of responses targeted for a survey is guided by the types of statistical analysis to be performed as well as the significance level and confidence interval established during survey design.²⁴ The number of responses required for this study was established by the 2005 Order as "at least 500 interviews," and doubling the number of respondents to 1,000 as suggested by Friends of the Mississippi would not, in and of itself, enhance the validity or usefulness of the results. Increasing the number of frequent visitors included in the sample may be needed to enhance the quality of the data gathered for those survey items which require repeated visits to the site. Friends of the Mississippi also suggests stratifying the sample to include a higher percentage of local area respondents (minimum of 70% as compared to 56% in the current study). While stratifying a sampling protocol by day of the week or time of day is commonly done to increase the likelihood of collecting data from a sample that reflects the population of visitors to a site, the variables used to guide data collection should be part of the overall survey design.

27. Common practice regarding recreation surveys is to contact individuals during the operating hours of a site. While this site can be visited 24 hours-per-day, there is not an expectation that interviews be conducted at all hours of the day. It is reasonable that sampling be conducted throughout the daylight hours, at a minimum. It is also typical to stratify sampling between weekdays and weekend days in order to mirror visitation at the site. In this case, 80% of the interviews were conducted on weekdays over a 145 day span where weekdays made up 70% of the total number of days, thus weekday visitors were over-sampled based on day of week. It is likely that a higher percentage of visitation occurs on weekends, but due to the increasingly residential and commercial development in the area, use may be more evenly spread across all days of the week. The proportion of visitation which occurs on weekends versus weekdays was not reported. The reasoning behind selecting a sampling timeframe (the days of the week and times of days to conduct interviews) should be clearly specified during the consultation process and described in reporting documents.

3. Interviews

28. Northern States conducted interviews of visitors at three sites with views of

²⁴ No estimates of statistical significance were included in the report, which hampers interpretation of the data.

St. Anthony Falls, the Stone Arch Bridge, the Corps visitor center at Upper St. Anthony Falls Lock and Dam, and Water Power Park. Interviews were conducted on randomly selected days between May 19 and October 11, 2016, using one of two time blocks (8 a.m. to noon or noon to 4 p.m.). Visitors were asked 11 questions regarding their frequency of visitation and perceptions of St. Anthony Falls. Question 9 asked respondents to assign ratings (unacceptable, marginal, acceptable, optimum, or do not care or no opinion) to each of 7 photographs of St. Anthony Falls at various flow levels ranging from 100 cfs to 2,000 cfs.

29. The number of visitors who declined to participate in the survey was not reported thus it is unknown what percentage of potential respondents refused to take the survey or if there was a difference in participation rates across the three interview sites. Interviewer protocols (i.e., ask every 7th person encountered to complete the study, do not provide any information to respondents other than that found on the survey, in cases of bad weather reschedule for the following week at the same time period) are typically developed in order to reduce interviewer bias and ensure uniformity among interviewers. The interview protocols were not documented in the report, thus we find that it is uncertain whether interviews were conducted in a similar fashion during each sampling period or that visitors had an equally likely chance of being selected to participate in the survey.

4. Interpretation of Data

30. Friends of the Mississippi expressed concern that survey questions five through seven could not be answered by first-time (268) or rare (103) visitors, who comprised 74 percent of the respondents, because the questions address frequency of observation of aesthetic flows.²⁵ The report provided results broken down into two categories of respondents (first-time visitors and repeat visitors) for all three of the survey questions. While the complete data set is provided as an appendix in the report, it is difficult to tell if the frequent visitors' responses to these questions differed from those who reported "occasionally" or "rarely" visiting the falls.

31. Minneapolis Parks Board suggests that a survey question may need to be added to capture visitor perceptions of which factors should be used to determine the amount of water to be released over the falls. Question 11, which was meant to identify the hours of the day during which aesthetic flows should be released, elicited 148 responses in the

²⁵ Question 5 "On your visit to the area, how often do you notice how much water is flowing over the St. Anthony Falls waterfall?", Question 6 "How often have you observed the waterfall when you thought there was too little water passing over it?", and Question 7 "Does the amount of water passing over the waterfall influence how often you visit the area?"

"Other" category (30% of individuals who answered the question²⁶). Adjacent to the "Other" option in the survey, space was provided for respondents to specify why this option was selected. As is standard practice, the additional information was collapsed into response categories for inclusion in the report. The response categories predominately identified factors that could be used to help determine minimum flows such as "whatever is best for the environment/ecosystem," "water should not be released for aesthetics" and "flows should never be controlled."

32. Friends of the Riverfront, Friends of the Mississippi, NPS, and Friends of the Lock & Dam raised concerns regarding the use of a photo depicting 100 cfs flow, which was labelled as 1,000 cfs flow on the display at the Stone Arch Bridge interview site. The licensee removed all of the responses obtained at this site from the data analysis regarding Question 9 for this flow level. Northern States responded that the photographs of 750 cfs and 1,500 cfs flows are virtually identical to the 1,000 cfs flows picture, thus the lack of responses to the 1,000 cfs photo should not skew the results. Since 50 percent of all frequent visitors who participated in the study were contacted at Stone Arch Bridge, the opinions of frequent visitors regarding 1,000 cfs minimum flows were under-represented in the results. Additionally, the percentage of respondents that identified flows to be "optimum" increased from 8 percent at 1,000 cfs to 26 percent at 1,500 cfs.

33. Falls Lab also questioned the accuracy of the photographs used to depict flows, stating that the picture used to depict 100 cfs spillway flows appeared to represent approximately 50 cfs flows.

5. Staff Recommendations

34. The methodological issues identified by multiple commenters regarding the wording of survey questions, selection of sampling days and times, interview protocols, and interpretation of the data gathered, raise concerns regarding the validity and reliability of the data gathered through study. Therefore, Northern States is required to file, for Commission review and approval, a revised survey design for a Public Perception Survey regarding the adequacy of the aesthetic flow over the main spillway. The licensee must retain a professional, third-party survey firm to develop and implement the Public Perception Survey. The revised survey design should address the wording of all survey questions and any necessary modifications to enhance clarity of the survey instrument. A stratified sampling frame (e.g., by time-of-day, day-of-week, frequency of visitation) should be created to ensure that the target audience (as defined by the licensee

²⁶ The report indicates 148 responses to the "other" category, but only 141 comments were provided in Table 2-7 (the remaining 7 chose the other response category without providing further specification). Regardless, this is an unusually high percentage of "other" responses to a survey question which indicates that the question was likely misunderstood by many respondents.

and consulting parties) is sampled. The report developed to document the results of the survey should explain how the target audience was determined (for example, should sampling occur during the winter season? What hours of the day should be sampled?) and specify a desired sample size using statistical reasoning. The protocols developed for interviewers to follow when conducting the study should be documented in the report. Given the technological advances that have been made since the study was originally contemplated, current best practices for conducting an evaluation of varying aesthetic flow levels using photographs, video, or virtual reality technology should be adopted.

35. While the questionnaire and survey methods employed by Northern States were reviewed by consulting parties and Commission staff when the survey was initially proposed in 2004, we find that the points raised by Friends of the Lock & Dam's consultant, as well as other commenters, are valid. The wording of questions incorporated into the survey instrument should be reviewed in light of those comments in order to improve the quality of the data available for decision making. Although sampling during the winter months was not a component of the original study design, the organizations which commented on the proceeding provided documentation of increased use of St. Anthony Falls during the winter season since the study was first proposed. Therefore, Northern States should consider incorporating winter visitors in future studies. And the suggestion to employ technology that has become more commonplace since the survey was first conceived should be considered. The use of video or virtual reality would likely provide a more realistic perception of the various flow levels for respondents, and provide a stronger basis for determining the adequacy of various flow levels.

36. As noted by the majority of commenters, the licensee failed to use a professional survey firm to design and conduct the survey, as outlined in the licensee's proposal and as required by the Commission per the 2005 Order. Use of the incorrect flows photo (100 cfs flows to represent 1,000 cfs flows) at the Stone Arch Bridge site in conjunction with the multitude of concerns regarding sampling, survey questions, and interview protocols reduced the commenting parties' confidence in the contractor's ability to conduct the survey. Accordingly, we find that it is in the public interest to conduct a new survey to determine the public perceptions of the adequacy of aesthetic flows over the main spillway at the project. Northern States must retain a professional third-party survey firm to review and revise the questionnaire, sampling timeframe, and interview protocols with the input of consulting parties. Revised study methods must be filed for review and approval by the Commission prior to conducting the new survey.

B. Article 402 – Proposed Aesthetic Flows

1. Licensee's Proposal

37. The licensee is proposing to increase the aesthetic flow over the main spillway to 300 cfs 24 hours-per-day year-round. As indicated by the licensee, flows at the project

exceed 2,000 cfs 55 percent of the time; therefore, implementing a minimum flow of 300 cfs would not be expected to have any negative impacts on resources at the project or public safety.

38. Requiring a 300 cfs minimum flow will reduce the amount of water available for the A-Mill project, which is allowed to use flow from the St. Anthony Falls reservoir in excess of that needed for the operation and maintenance of the St. Anthony Falls project.²⁷ The Crown Mill Hydroelectric Project No. 11175, which is currently licensed, but not yet constructed, may be impacted by the modified flows, should it become operational at some future date.

2. Stakeholder Comments Regarding Proposed Flows

39. No party to the proceeding, including the licensee, recommended minimum flows less than 300 cfs. Council Member Frey, Falls Alliance, Minneapolis Parks Foundation, Green Minneapolis, Friends of the Lock & Dam, River Coalition, City, and Minneapolis Parks Board all stated that the minimum flows should be 2,000 cfs at all times.²⁸ Many commenters indicated that minimum flows of 300 cfs would be inadequate to protect the historic, environmental, cultural, and recreation resources associated with St. Anthony Falls. Several commenters also stated that it is unacceptable for the falls to be able to "dry out" during the winter months and evening hours.²⁹ Concerns expressed regarding terminating flows over the falls demonstrate a misunderstanding of Northern States' proposal to increase minimum flows throughout the year all day long.

40. A-Mill filed a letter in support of the 300 cfs minimum flows. The licensee for the Crown Mill project is a consulting party regarding the survey and did not respond to the notice.

3. Staff Recommendations

41. We cannot make a final determination regarding appropriate minimum flows at this time due to uncertainty regarding the quality of the public perception data gathered. Increasing minimum flows as proposed by Northern States would enhance aesthetics and provide some protection of other resources at St. Anthony Falls; therefore we approve the

²⁷ *Minneapolis Leased Housing Associates IV, Limited Partnership*, 153 FERC ¶ 61,201 (2015).

²⁸ Friends of the Mississippi requested an interim flow of 2,000 cfs until a new study is conducted.

²⁹ Article 402 does not require minimum flows from November 15 through March 15, or during the evening hours the remainder of the year.

licensee's proposal to adopt such flows immediately. In order to assure minimum flows are provided as required, we find that Northern States must develop a monitoring plan, for Commission approval, to verify the revised minimum flow of 300 cfs. The monitoring plan should identify how minimum flows will be measured, specify how the licensee will ensure that minimum flows do not drop below 300 cfs, and detail how minimum flows will be documented.

V. Conclusion

42. It has been 15 years since the license was issued and ten years since the aesthetic flow plan was originally due. In order to realize the benefits of increasing the aesthetic flow in the near term, the licensee's proposal to increase the minimum flow over the main spillway to 300 cfs should be approved and Article 402 revised to reflect this change. Once the new Public Perception Survey is completed and the results are filed with the Commission a determination can be made regarding the need to further modify aesthetic flows at the project.

The Director orders:

(A) Article 402 is modified to read as follows:

Article 402. *Minimum Flows.* The licensee must maintain a minimum flow at the main spillway of 300 cubic feet per second at all times for aesthetic purposes and for maintaining the recreational, economic, and cultural characteristics of the St. Anthony Falls area.

(B) Within 10 days of the issuance of this order Northern States Power Company must initiate and maintain an aesthetic flow of 300 cubic feet per second over the main spillway at all times, to comply with the revised Article 402.

(C) Within 45 days of the issuance of this order Northern States Power Company must develop a monitoring plan to verify compliance with the revised aesthetic flow of 300 cubic feet per second and file it with the Commission for approval. The monitoring plan must include, at a minimum: (1) identify a method for measuring minimum flows; (2) specify how the licensee will insure that minimum flows do not drop below 300 cubic feet per second; and (3) detail how minimum flows will be recorded.

(D) On or before November 30, 2019, Northern States Power Company must file, for Commission review and approval, a revised survey design for a Public Perception Survey regarding the adequacy of the aesthetic flow over the main spillway. The licensee must retain a professional, third-party survey firm to develop and implement the Public Perception Survey. The revised survey design must be developed in consultation with the U. S. Army Corps of Engineers, Crown Mill Hydropower Corporation, Minnesota Department of Natural Resources, National Park Service,

Minneapolis Parks and Recreation Board, Friends of Mississippi River, Friends of the Lock & Dam, Friends of the Riverfront, and the St. Anthony Falls Alliance. The revised survey design must address the following issues at a minimum: (1) evaluate the wording of all survey questions and make modifications to enhance clarity; (2) create a stratified sampling frame (e.g., by time-of-day, day-of-week, frequency of visitation) and explain why the sampling frame was selected for the study; (3) assess the need to extend sampling into the winter season; (4) provide documentation of protocols developed for interviewers to follow when conducting the study; (5) research best practices for conducting an evaluation of varying aesthetic flow levels using photographs, video, or virtual reality technology and provide an explanation of the approach selected to implement the study; and (6) determine a target sample size and document the statistical reasoning for its selection.

The licensee's filing must also include documentation of consultation, copies of consulting parties' comments and recommendations regarding the revised survey design after it has been prepared and provided to those entities, specific descriptions of how the entities' comments are accommodated by the final survey design, and a plan and schedule to file a report documenting the results of the survey, and, if necessary, an amendment application to further modify aesthetic flows, with the Commission within 18 months of Commission approval of the revised survey design. The licensee must allow a minimum of 30 days for the consulting parties to comment and to make recommendations, before filing the final survey design with the Commission for approval. If the licensee does not adopt a consulting party's recommendation, the filing must state the licensee's reasons, based on project-specific information. The survey must not be implemented until the licensee is notified that the survey is approved. Upon Commission approval, the licensee must conduct the survey according to the approved implementation schedule, including any changes required by the Commission.

(E) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825f (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2018). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing must constitute acceptance of this order.

Robert J. Fletcher
Land Resources Branch
Division of Hydropower Administration
and Compliance

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-N0072

Item Description:

LTR - David Bernhardt, Secretary of the Interior, United States Department of the Interior- RE: Payments in Lieu of Taxes (PILT) Program.

ATTACHMENTS:

Description	Upload Date	Type
United States Department of the Interior	7/8/2019	Letter



THE SECRETARY OF THE INTERIOR
WASHINGTON

June 20, 2019

JUN 26 2019

**HENNEPIN COUNTY
ADMINISTRATION**

Local Government Official
300 S 6Th St
Minneapolis, MN 55487-0999

Dear County Official:

I am pleased to notify you that on June 20, 2019, the Department of the Interior (Department) issued payments under the Payments in Lieu of Taxes (PILT) program. The PILT program compensates eligible local jurisdictions for Federal lands administered by Agencies within the Department and on behalf of the U.S. Forest Service and the U.S. Army Corps of Engineers. Local governments may use the PILT payments for any governmental purpose, including emergency response, public schools, and roads. Since local governments cannot tax Federal lands, annual PILT payments help to defray costs associated with maintaining important community services.

The Payments in Lieu of Taxes Act, 31 U.S.C. 6901-6907, as amended, authorized the program. The PILT Act prescribes the formula used to compute the annual payments based on annually adjusted per-acre and population variables. Prior year Federal payments under certain revenue-sharing programs, as reported annually by States, are deducted in formulating the payment amounts. A provision in the PILT Act provides temporary compensation for recent additions to the National Park System and National Forest Wilderness Areas.

The President signed the Consolidated Appropriations Act, 2019 (P.L. 116-6) on February 15, 2019, providing full funding for the 2019 PILT program. More than 1,900 local jurisdictions received a total of \$514.7 million in PILT payments this year.

For 2019, your county is receiving a PILT payment of \$136. If you provided current bank routing and account numbers to our Interior Business Center office or to the System of Awards Management (SAM), an electronic funds transfer was posted to your account on or about June 20, 2019. If you did not receive a payment or if you require further information, please refer to www.doi.gov/pilt. The website includes information on how to register in SAM to expedite receipt of future PILT payments. If you have any questions, please contact the PILT Program Manager, Ms. Dionna Kiernan, at (202) 513-7783.

Sincerely,



Secretary of the Interior

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-N0073

Item Description:

Claim - 1. Karin Livingston - RE: Claim - Slip and fall accident at the North Point Health and Wellness Center, February 21, 2019. 2. James A. Heuer, Jr., Attorney - RE: Summons - Cynthia Sudheimer, as Trustee for the Next-of-Kin of James Duane Anderst, deceased, Plaintiff, vs. Northdale Construction Co. Inc., and Hennepin County, Defendants.

ATTACHMENTS:

Description	Upload Date	Type
Claims	7/8/2019	Claims



BOARD OF HENNEPIN COUNTY COMMISSIONERS

A-2400 GOVERNMENT CENTER
MINNEAPOLIS, MINNESOTA 55487-0240

July 2, 2019

Karin Livingston
2810 Humboldt Ave. N
Minneapolis, MN 55411

Dear Ms. Livingston:

RE: Claim – Slip and fall accident at the North Point Health and Wellness Center,
February 21, 2019.

The communication dated June 27, 2019 which was served by mail on July 1, 2019, will be formally recorded on the Communications List of the Hennepin County Board of Commissioners next meeting on July 9, 2019. The communication has been forwarded to the Civil Division of the Hennepin County Attorney's Office for investigation and further action. The investigation will not be completed until after the meeting date. You will be hearing from that office when the investigation is completed.

If you have further questions about this, you may contact the Hennepin County Attorney's Office at 612-348-2925.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen L. Keller".

Karen L. Keller
Deputy Clerk to the County Board

cc: James Keeler
smr



BOARD OF HENNEPIN COUNTY COMMISSIONERS

A-2400 GOVERNMENT CENTER
MINNEAPOLIS, MINNESOTA 55487-0240

June 18, 2019

James A. Heuer, Jr.
Jonathan J. Fischer
10 South Fifth Street, Suite 950
Minneapolis, Minnesota 55402

Dear Mr. Heuer:

RE: SUMMONS – Cynthia Sudheimer, as Trustee for the Next-of-Kin of James Duane Anderst, deceased, Plaintiff, vs. Northdale Construction Co. Inc., and Hennepin County, Defendants.

The communication dated June 12, 2019 which was served by hand on June 18, 2019, will be formally recorded on the Communications List of the Hennepin County Board of Commissioners next meeting on July 9, 2019. The communication has been forwarded to the Civil Division of the Hennepin County Attorney's Office for investigation and further action. The investigation will not be completed until after the meeting date. You will be hearing from that office when the investigation is completed.

If you have further questions about this, you may contact the Hennepin County Attorney's Office at 612-348-2925.

Sincerely,

A handwritten signature in cursive script, reading "Karen L. Keller".

Karen L. Keller
Deputy Clerk to the County Board

cc: James Keeler
smr

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0287

Item Description:

Claims Register for the period ending July 12, 2019

Resolution:

BE IT RESOLVED, that the claims register for the period ending July 12, 2019, be ratified.

Background:

Resolution 07-4-154R1 delegated to the County Administrator and County Controller the authority to pay all claims of the County with subsequent ratification by the Board of Commissioners. Pursuant to Resolution 07-4-154R1 and Minnesota Statute 375.18, the list of all claims paid since the last regularly scheduled Board meeting is now presented to the Board for informational purposes and ratification. The Claims Register is on file with the Clerk of the Board.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0288

Item Description:

Claims Register for the period ending July 19, 2019

Resolution:

BE IT RESOLVED, that the claims register for the period ending July 19, 2019, be ratified.

Background:

Resolution 07-4-154R1 delegated to the County Administrator and County Controller the authority to pay all claims of the County with subsequent ratification by the Board of Commissioners. Pursuant to Resolution 07-4-154R1 and Minnesota Statute 375.18, the list of all claims paid since the last regularly scheduled Board meeting is now presented to the Board for informational purposes and ratification. The Claims Register is on file with the Clerk of the Board.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0289

Item Description:

Claims Register for the period ending July 26, 2019

Resolution:

BE IT RESOLVED, that the claims register for the period ending July 26, 2019, be ratified.

Background:

Resolution 07-4-154R1 delegated to the County Administrator and County Controller the authority to pay all claims of the County with subsequent ratification by the Board of Commissioners. Pursuant to Resolution 07-4-154R1 and Minnesota Statute 375.18, the list of all claims paid since the last regularly scheduled Board meeting is now presented to the Board for informational purposes and ratification. The Claims Register is on file with the Clerk of the Board.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0280

Item Description:

Grant temporary and permanent easements in favor of the City of Minnetonka for trail, drainage, utility and roadway purposes on property located at 12601 Ridgedale Dr, Minnetonka, (recv \$1)

Resolution:

BE IT RESOLVED, that permanent easements in favor of the City of Minnetonka for approximately 11,794 square feet for trail, drainage, and utility purposes and 5,416 square feet for roadway purposes on county property identified as 12601 Ridgedale Drive in the City of Minnetonka, in the receivable amount of \$1, be approved; and that the Chair of the Board be authorized to sign the conveyance documents on behalf of the county; and

BE IT FURTHER RESOLVED, that a temporary construction easement in favor of the City of Minnetonka for approximately 13,413 square feet on county property identified as 12601 Ridgedale Drive in the City of Minnetonka, in the receivable amount of \$1, be approved; and that the Chair of the Board be authorized to sign the conveyance documents on behalf of the county.

Background:

History: The City of Minnetonka is improving Ridgedale Drive in the City of Minnetonka as part of the Ridgedale Drive improvement project. The proposed project features numerous road improvements, including: new pavement, new landscaped medians, reconstructed sidewalks, a new multi-use trail and street lighting. City utilities, including water main and storm sewer, will also be replaced or rehabilitated. It is anticipated that construction for this project will begin in the summer of 2019 and be substantially complete by the fall of 2020 and landscaping can be completed in 2021.

Hennepin County is the owner of property located at 12601 Ridgedale Drive (currently housing the Ridgedale Library). This property, located at the intersection of Plymouth Road and Ridgedale Drive, abuts the project limits. Minnetonka requires one long-term temporary easement and two short-term temporary easements over a combined total of approximately 13,413 square feet of the property to facilitate construction. Additionally, staff proposes permanent easements of approximately 17,210 square feet of property for the collective purposes of roadway, trail, drainage, and utility maintenance.

Facility Services evaluated the proposed road construction plan and has no outstanding concerns about the project.

Current Request: Authorization to grant temporary and permanent easements in favor of the City of Minnetonka for trail, drainage, utility and roadway purposes on the property located at 12601 Ridgedale Drive in the City of Minnetonka.

Impact/Outcomes: Approval of this request will grant the City of Minnetonka the property rights needed for its Ridgedale Drive improvement project.

Recommendation from County Administrator: Recommend Approval

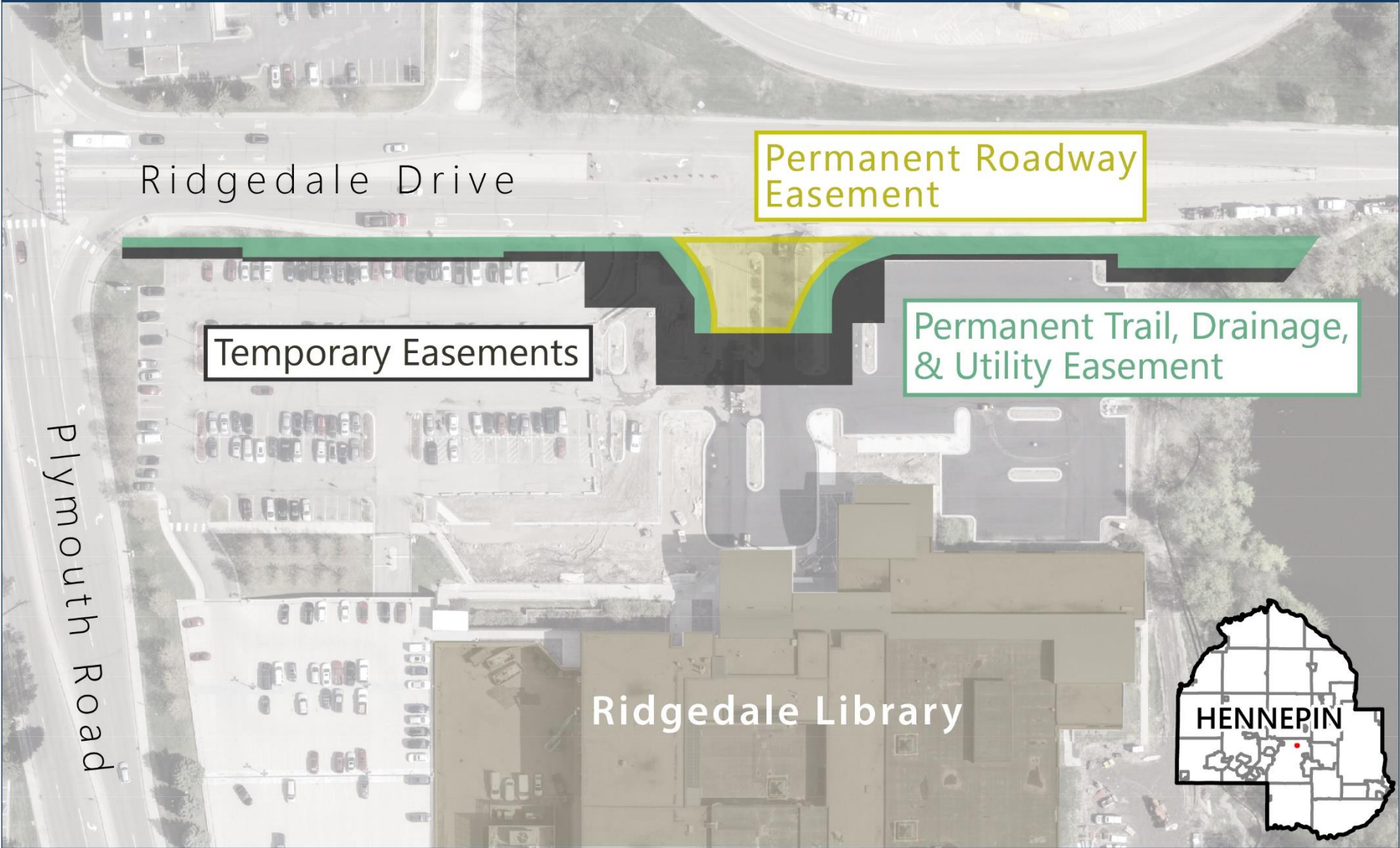
ATTACHMENTS:

Description

Upload Date Type

Grant of permanent and temporary easements to the City of Minnetonka

12601 Ridgedale Drive, Minnetonka MN 55305



HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0281

Item Description:

Negotiate Agmt PR00001257 with Mpls Parks and Recreation Bd for contaminated soil cleanup associated with construction of Survivors Memorial using funds from Brownfields Gap Financing Prgm, 07/30/19--07/30/20, NTE \$30,000

Resolution:

BE IT RESOLVED, that the County Administrator be authorized to negotiate Agreement PR00001257 with the Minneapolis Parks and Recreation Board for contaminated soil cleanup costs associated with the construction of the Survivors Memorial in Boom Island Park during the period of July 30, 2019 through July 30, 2020, using funds from the county's Brownfields Gap Financing Program, with the total amount not to exceed \$30,000, be approved; that following review and approval by the County Attorney's Office, the County Administrator be authorized to sign the agreement on behalf of the county; that costs incurred by the grantee after the board approval date be eligible for reimbursement upon execution of the agreement; and that the Controller be authorized to disburse funds as directed.

Background:

History: The county's Brownfields Gap Financing Program provides financial assistance for unfunded and/or unanticipated environmental-related costs for county- or municipal partner-led projects. The county or a municipality formally requests assistance by completing an application form.

In June 2019, county staff were contacted by the Minneapolis Parks and Recreation Board who informed staff that unanticipated contaminated soil was identified at the planned location of a Survivors Memorial in Boom Island Park. The Minneapolis Parks and Recreation Board subsequently submitted an application for \$30,000 in cleanup costs.

The county's Brownfields Gap Financing Program was created in 2006 when the county executed a Memorandum of Agreement (MOA) with the United States Environmental Protection Agency (EPA) governing the use of loan repayments that are generated through the use of the county's Brownfields Cleanup Revolving Loan Fund grant from the EPA. The MOA established that portions of the revolved loan repayments would be used to establish a Brownfields Gap Financing Program.

Current Request: This request is for the County Administrator to negotiate Agreement PR00001257 with the Minneapolis Parks and Recreation Board to fund soil cleanup at the Survivors Memorial in Boom Island Park, during the period of July 30, 2019 through July 30, 2020, using funds from the county's Brownfields Gap Financing Program, with the total amount not to exceed \$30,000.

Environment and Energy staff reviewed the application and determined that the project was eligible for funding and recommend awarding a grant of \$30,000, which is equal to the request.

Impacts/Outcomes: Cleaning up contamination reduces the risk to human health and the environment. By approving the request to approve an agreement with the Minneapolis Parks and Recreation Board, the county will provide assistance for unanticipated cleanup costs associated with the construction of a Survivors Memorial on Boom Island Park.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0282

Item Description:

Negotiate agmts for award of 2019 Cost Participation and Partnerships (CP 2183500) project funds, total combined est. \$525,000; amend project budgets; transfer funds (CP 2999966, CP 2999957)

Resolution:

BE IT RESOLVED, that the county administrator be authorized to negotiate the following agreements totaling an estimated \$525,000 for bikeway projects:

- PW 16-43-19 with the City of Rogers for construction of 0.50 mile of multi-use trail along County State-Aid Highway (CSAH) 144 from Hill Place Drive to Marie Avenue, under Capital Project (CP) 2192900, at an estimated county cost of \$100,000;
- PW 18-24-19 with the City of Champlin to construct a 0.20-mile segment of multi-use trail from East River Parkway to the existing multi-use trail under Trunk Highway (TH) 169, under CP 2192300, at an estimated county cost of \$50,000;
- PW 19-04-19 with the City of Brooklyn Park for construction of 0.73 mile of multi-use trail along 63rd Avenue between West Broadway (CSAH 8) and Boone Avenue, under CP 2192400, at an estimated county cost of \$100,000;
- PW 20-07-19 with the City of Bloomington for construction of 0.28 mile of multi-use trail along Old Shakopee Road (CSAH 1) in Bloomington from Killebrew Drive/24th Avenue to East 86th Street, under CP 2183505, at an estimated county cost of \$100,000;
- PW 21-44-19 with Three Rivers Park District for construction of 1.14 miles of multi-use trail from Regent Drive to Bonnie Lane, along Golden Valley Road (CSAH 66) in Golden Valley, under CP 2122701, at an estimated county cost of \$100,000;
- PW 22-17-19 with the City of Plymouth for construction of 0.25 mile of multi-use trail along CSAH 101 from (future) Alvarado Lane to 54th Avenue North (Phase 1 of 2), under CP 2183506, at an estimated county cost of \$75,000; and

BE IT FURTHER RESOLVED, that following review and approval by the County Attorney's Office, the Chair of the Board be authorized to sign the agreements on behalf of the county; and

BE IT FURTHER RESOLVED, that \$95,000 in property tax be transferred from Sidewalk Participation (CP 2999966) into Cost Participation and Partnerships (CP 2183500) and \$65,000 in property tax be transferred from Bikeway Participation (CP 2999957) into Cost Participation and Partnerships (CP 2183500), increasing property tax for CP 2183500 by \$160,000 from \$800,000 to \$960,000; and that the controller be authorized to transfer and disburse funds as directed.

Background:

History: Each year the county partners with other agencies to provide funding to develop and implement bikeway and sidewalk projects, thereby extending the county bikeway and sidewalk network and supporting the local system.

The selected projects are required to align with the Transportation Systems Plan, Complete Streets Policy, and Pedestrian and Bicycle Transportation Plans. Staff recommends negotiating the following agreements for bikeway projects:

- PW 16-43-19 with the City of Rogers, \$100,000 (CP 2192900)
- PW 18-24-19 with the City of Champlin, \$50,000 (CP 2192300)
- PW 19-04-19 with the City of Brooklyn Park, \$100,000 (CP 2192400)
- PW 20-07-19 with the City of Bloomington, \$100,000 (CP 2183505)

- PW 21-44-19 with Three Rivers Park District, \$100,000 (CP 2122701)
- PW 22-17-19 with the City of Plymouth, \$75,000 (CP 2183506)

Current Request: This request is for authorization to negotiate agreements with partner agencies for cost participation in the construction of six bikeway projects, totaling an estimated county cost of \$525,000, and authorization to transfer funds (property tax) in the amount of \$160,000 from Bikeway Participation (CP 2999957) and Sidewalk Participation (CP 2999966) into Cost Participation and Partnerships (CP 2183500).

Each agency will administer the contracts for its project and, upon completion, assume maintenance responsibilities for the improvements at no cost to the county.

The cost participation for these projects is in accordance with the Cost Participation Policy (Resolution 12-0058, adopted February 7, 2012).

Impacts/Outcomes: These agreements will assist in developing and implementing bikeway projects and improving safety, as well as extending the bikeway system. The projects will close bikeway gaps to support local transportation needs that align with the Transportation Systems Plan, Complete Streets Policy, and the 2040 Bicycle Transportation Plan.

Budget Table 1: CP 2183500 Cost Participation and Partnerships 2019-2023

Revenues:	Budget to Date	Current Request	Future CIP Requests	Total Project
Property Tax	800,000	160,000	3,580,000	4,540,000
Bonds – GO Roads	200,000	0	800,000	1,000,000
Mn/DOT State Aid - Regular	2,805,000	0	11,220,000	14,025,000
Total	3,805,000	160,000	15,600,000	19,565,000
Expenditures:				
Construction	3,805,000	160,000	31,200,000	19,565,000
Total	3,805,000	160,000	15,600,000	19,565,000

Budget Table 2: CP 2999966 Sidewalk Participation

Revenues:	Budget to Date	Current Request	Future CIP Requests	Total Project
Property Tax	95,936	(95,000)		936
Total	95,936	(95,000)		936
Expenditures:				
Construction	95,936	(95,000)		936
Total	95,936	(95,000)		936

Budget Table 3: CP 2999957 Bikeway Participation

Revenues:	Budget to Date	Current Request	Future CIP Requests	Total Project
Property Tax	68,645	(65,000)		3,645
Total	68,645	(65,000)		3,645
Expenditures:				
Construction	68,645	(65,000)		3,645
Total	68,645	(65,000)		3,645

Recommendation from County Administrator: Recommend Approval

ATTACHMENTS:

Description	Upload Date	Type
Summary of Projects	7/1/2019	Backup Material

HENNEPIN COUNTY

MINNESOTA

2019 Recommended bikeway construction projects

Recipient	Project Name	Description	Project Number	Length (miles)	Total Cost	Recommended Award	Anticipated Construction
City of Rogers	CSAH 144 Trail	Construct trail along CSAH 144 within the city of Rogers from Hill Place Drive to Marie Ave.	2192900	0.50	\$200,000	\$100,000	2020
City of Champlin	West Mississippi River Regional Trail Gap	Construct segment of trail along CR 12, Mississippi River and Applewood Pointe development. Trail segment connects with West Mississippi River Regional Trail. Limits are from I-169 to East River Pkwy.	2192300	0.20	\$100,000	\$50,000	2020
City of Brooklyn Park	63 rd Ave. Trail	Construct trail along 63 rd Ave. in Brooklyn Park between West Broadway Ave. and Winnetka Ave.	2192400	0.73	\$200,000	\$100,000	2020
City of Bloomington	Old Shakopee Rd Trail	Construct trail along Old Shakopee Rd (CSAH 1) in Bloomington from Killebrew/24 th Ave. to E 86 th St.	2183505	0.28	\$200,000	\$100,000	2020
Three Rivers Park District	Bassett Creek Trail	Construct trail along Golden Valley Road (CSAH 66) in Golden Valley. Trail completes final segment of the Bassett Creek Regional Trail. Limits are from Regent to Theodore Wirth Pkwy.	2122701	1.14	\$1,000,000	\$100,000	2021
City of Plymouth	CSAH 101 Trail	Construct trail along CSAH 101 within the city of Plymouth from (future) Alvarado Lane to 54th Ave. N. Phase 1 of 2.	2183506	0.25	\$150,000	\$75,000	2020

Capital budget for cost participation and partnership (CP 2183500) - bikeway

- Funds available for 2019 bikeway projects: \$700,000
- Estimated county cost for six agreements: \$525,000
- Remaining balance: \$175,000

Contact

Transportation Project Delivery - Planning

Jordan Kocak

Pedestrian and Bicycle Coordinator

Office: 612-543-3377

jordan.kocak@hennepin.us

hennepin.us/bike

hennepin.us/walk

hennepin.us/ride

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0275

Item Description:

Citizen Advisory Board Applicants and Appointments - Workforce Innovation and Opportunity Act

Resolution:

BE IT RESOLVED, that in accordance with the Hennepin County Open Appointments Policy, the following individual(s) be appointed to the Workforce Innovation and Opportunity Act Citizen Advisory Board:

Background:

Consistent with County Board policy, Hennepin County has conducted an open appointment application process to fill positions on the various citizen advisory boards. The Hennepin County Board will conduct interviews for these positions on July 23, 2019 and August 6, 2019. Qualified applicants have been notified and invited to attend. At a board meeting following interviews, the County Board will take action to select from the pool of applicants to fill the available advisory board positions.

This request communicates the names of applicants for the open citizen advisory board positions and helps build the agenda for the interviews and appointments.

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0276

Item Description:

Sale of approximately \$200,000,000 of general obligation transportation sales tax revenue bonds; fixing the form and specifications thereof; and providing for execution, delivery and payment

Resolution:

BE IT RESOLVED by the Board of Commissioners of Hennepin County, Minnesota (the "County"), as follows:

1. Determination. Pursuant to authority granted by Minnesota Statutes, Section 297A.993 and Chapter 475 (the "Act"), the Board of Commissioners deems it necessary and expedient to issue and sell approximately \$200,000,000 in principal amount of General Obligation Sales Tax Revenue Bonds to provide financing for a portion of the capital costs of the Metro Green Line Extension Project in the southwest metropolitan area, known as the "Southwest LRT Project" (the "Transportation Project"), as described in the County's 2019-2023 Capital Improvement Plan and the County's Sales and Use Tax Transportation Implementation Plan (the "Transportation Plan"), contingent upon favorable market conditions as determined by the Hennepin County Director of Budget and Finance (the "Director of Budget and Finance") or the Hennepin County Administrator (the "County Administrator"), as further described below.

The Bonds shall be designated General Obligation Sales Tax Revenue Bonds, Series 2019B (the "Bonds"). In the event the County, through the Director of Budget and Finance or the County Administrator, pursuant to Section 3 of this Resolution, determines that it is in the best interests of the County to issue and sell the Bonds at another time, or determines pursuant to authority of any other County resolution not to issue another series of bonds authorized, or to issue the Bonds in more than one series, the Director of Budget and Finance or the County Administrator may re designate the Bonds authorized hereby as "General Obligation Sales Tax Revenue Bonds, Series 2019__" completing the blank with an uppercase letter as appropriate for the order of such issuance and to eliminate any gaps in the designation of such series caused by the determination not to issue and sell any series of bonds.

2. Background. Pursuant to the Act and Resolution 17-0207 (the "Sales Tax Resolution"), which was duly adopted by the Board of Commissioners of the County on June 13, 2017, and following a public hearing, the County imposed (i) a transportation sales tax at a rate of one-half of one percent on taxable retail sales and uses, and (ii) an excise tax of \$20 per motor vehicle purchased or acquired from any person engaged in the business of selling motor vehicles at retail, occurring within the taxing jurisdiction of the County (the "Sales Tax") for the purpose of funding transit and transportation capital improvements as designated in the Transportation Plan and any duly adopted amendments to the Transportation Plan.

On June 11, 2019, the County held a public hearing on the proposed issuance of bonds in the original aggregate principal amount of up to \$200,000,000 of general obligation sales tax revenue bonds of the County for the purpose of financing transportation capital improvements as designated in the Capital Improvement Plan and the Transportation Plan.

3. Bond Terms. The Board of Commissioners has made all necessary investigation and hereby finds and determines as follows:

- (a) The Bonds shall be dated the date of issuance and shall bear interest at the rates determined by the successful proposer, payable semiannually on June 15 and December 15 in each year, commencing no later than June 15, 2020.
- (b) The Bonds shall mature on the dates and in the amounts set forth in the Official Terms and Conditions of Bond Sale, and as described in a Certificate as to Terms of Bond Sale to be executed at closing by the Chair and County Administrator; provided, however, the total principal amount of the Bonds shall not exceed \$200,000,000, subject to adjustment for a premium sale price as permitted pursuant to Minnesota Statutes, Section 475.60, and the final maturity of the Bonds shall be not later than December 15, 2039.
- (c) The Director of Budget and Finance may permit prospective proposers to designate any portion of the principal of a series of Bonds to be combined within one or more term bonds subject to mandatory sinking fund redemption. The Bonds shall be subject to redemption and prior payment at the option of the County in whole or in part in such order of maturity as the County may determine on the date, at the price, and for the maturities provided in the Official Terms and Conditions of Bond Sale. Thirty days' mailed notice of any such redemption shall be given to the registered owners of the Bonds pursuant to Minnesota Statutes, Chapter 475. The Bonds shall be numbered from R-1 upwards in order of issuance or in such other order as the Bond Registrar may determine and shall be in denominations of \$5,000 each or any integral multiple thereof.

4. Bond Sale. Electronic proposals for the Bonds will be received on a date and time determined by the Director of Budget and Finance. As authorized by Minnesota Statutes, Section 475.60, this Board hereby delegates to the County Administrator and/or the Director of Budget and Finance authority to consider the proposals and award the Bonds to the best proposal, provided that the true interest cost of the Bonds does not exceed 4% per annum. The Board hereby determines to sell the Bonds in accordance with the procedures set forth in the Official Terms and Conditions of Bond Sale. The County has retained PFM Financial Advisors LLC, Minneapolis, Minnesota ("PFM"), as independent registered municipal advisor, and pursuant to Minnesota Statutes, Section 475.60, subdivision 2, paragraph (9), PFM is hereby authorized to solicit proposals for the Bonds on behalf of the County. The specifications set forth in the Official Terms and Conditions of Bond Sale may be revised by the Director of Budget and Finance or the County Administrator in consultation with PFM.

5. Bond Registrar and Paying Agent. The Director of Budget and Finance is hereby designated to act on behalf of the County as Bond Registrar, Transfer Agent and Paying Agent for the Bonds.

6. Official Statement. The County staff, in cooperation with PFM, is hereby authorized and directed to prepare on behalf of the County an official statement to be distributed to potential purchasers of the Bonds. Such official statement shall contain the Official Terms and Conditions of Bond Sale for the Bonds and such other information as shall be deemed advisable and necessary to describe adequately the County and the security for, and terms and conditions of, the Bonds. The final Official Statement shall be in the form approved by the County Administrator or Director of Budget and Finance.

7. Continuing Disclosure. The Official Statement will contain an undertaking by the County to execute and deliver a Continuing Disclosure Certificate, substantially in the form approved by the County Administrator or the Director of Budget and Finance. The Director of Budget and Finance shall have overall responsibility for compliance with the Continuing Disclosure Certificate and other similar undertakings hereafter made by the County under Rule 15c2-12(b)(5) of the Securities and Exchange Commission, and the Director of Budget and Finance shall implement the dissemination of reports and notices thereunder. Amendments permitted by the undertakings necessitated by a change in circumstances that arises from a change in legal requirements or change in law may be made by the Director of Budget and Finance. The Continuing Disclosure Certificate may be executed by the Director of Budget and Finance or the County Administrator. The Continuing Disclosure Certificate proposed to be executed and delivered in connection with the Bonds is hereby approved and the undertakings set forth therein shall be deemed covenants for the benefit of the holders of the Bonds.

8. Ratings. The County staff is authorized and directed to obtain ratings of the Bonds from up to three nationally recognized credit rating services, to pay the reasonable and customary charges of such rating services, and to take such other actions as may be required so that the Bonds may be issued and sold as contemplated hereby.

9. Application of Proceeds. The proceeds of the sale of the Bonds herein authorized shall be used by the County as follows:

- (a) to pay or reimburse the County for payment of the costs of the Transportation Project; and
- (b) to pay costs of issuance of the Bonds; and
- (c) any accrued interest received from the purchaser of the Bonds shall be deposited in the Bond Fund of that series, to be used to pay interest on the Bonds coming due.

10. Sales Tax and Tax Levies. The Sales Tax collections authorized by the Act and the Sales Tax Resolution (the "Sales Tax Collections") are hereby pledged and appropriated to the payment of the Bonds. However, the Bonds shall be general obligations of the County, to which the full faith and credit and taxing power of the County are pledged, and the County hereby covenants to levy a general ad valorem tax on all taxable property in the County, if required for the purpose of paying principal of and interest on the Bonds when due, which tax shall be without limitation as to rate or amount.

11. Bond Fund. The County shall create and maintain a Bond Fund (the "Bond Fund") on its books so long as any of the Bonds are outstanding. The County shall deposit into the Bond Fund (i) an amount equal to accrued interest on the Bonds and (ii) Sales Tax Collections to the extent necessary to pay principal and interest on the Bonds when due. Amounts on deposit in the Bond Fund may be invested in accordance with Minnesota Statutes, Chapter 118A. The Sales Tax Collections deposited to the Bond Fund, any ad valorem tax revenues levied as required under Section 10 of this Resolution, and any other funds appropriated to the Bond Fund for payment of the Bonds shall be held and used for no other purpose than to pay principal of and interest on the Bonds; provided, however, that if any payment of principal or interest shall become due when there is not sufficient money in the Bond Fund to pay the same, the County shall pay such principal or interest from the General Fund of the County and the General Fund shall be reimbursed for such advances out of the proceeds of Sales Tax Collections or taxes herein required to be levied.

12. Additional Bonds. The Bonds issued hereunder shall be a first charge and lien upon the Sales Tax Collections, prior to the payment of any other eligible uses permitted under the Act. Additional Bonds ("Additional Bonds") may be issued on parity with, or senior or subordinate to, the Series 2019B Bonds herein authorized.

13. Refunding Bonds. Additional Bonds may be issued to refund outstanding Bonds, subject to the requirements of Minn. Stat. 475.67.

14. Defeasance. When any Bonds have been discharged as provided in this section, all pledges, covenants and other rights granted by this Resolution to the holders of such Bonds shall cease, and such Bonds shall no longer be deemed to be outstanding under this Resolution. The County may discharge its obligations with respect to any Bond which is due on any date by depositing with the Paying Agent on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Paying Agent a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The County may also discharge its obligations with respect to any prepayable Bond according to its terms, by depositing with the Paying Agent on or before that date an amount equal to the principal, interest and redemption premium, if any, to become due thereon to maturity or the redemption date, provided that notice of such redemption has been duly given as provided herein. The County may also at any time discharge its obligations with respect to any Bond, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or irrevocable direct obligations of, or obligations fully guaranteed by, the United States of America, which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates and in

such amounts as shall be required to pay all principal, interest and redemption premiums to become due thereon to maturity or the redemption date.

15. Tax Covenants. The County shall not take or permit any action that would cause the Bonds to be “private activity bonds” within the meaning of Section 141 of the Code. The County shall comply with the rebate requirements imposed under the Code and regulations thereunder, including (if applicable) the requirement to make periodic calculations of the amount subject to rebate thereunder and the requirement to make all required rebates to the United States with respect to the Bonds. In addition, the County shall make no investment of funds that would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code. The Director of Budget and Finance or County Administrator is authorized to make any elections or allocations relating to the Bonds and proceeds thereof which are permitted or required under the Code. All terms used in this paragraph 15 shall have the meanings provided in the Code and applicable Treasury Regulations thereunder.

16. Beneficiaries. The provisions of this Resolution shall be deemed covenants for the benefit of the registered owners, from time to time, of the Bonds.

17. Other Matters. As authorized by Minnesota Statutes, Section 475.60, this Board hereby delegates to the Director of Budget and Finance authority to approve the final terms of a bid acceptance form or Purchase Agreement (if any), in consultation with PFM and Dorsey & Whitney LLP, as bond counsel to the County. The Chair, the County Administrator, and the Director of Budget and Finance are each authorized and directed to take all necessary actions to cause the Bonds to be issued, executed and delivered as in this Resolution provided, and to prepare and furnish to the purchaser, and to the attorneys approving the Bonds, certified copies of all proceedings and records relating to the issuance of the Bonds and to the right, power and authority of the County and its officers to issue the same, and said certified copies and certificates shall be deemed to be representations of the County as to all matters stated therein. The Chair, County Administrator and Director of Budget and Finance are each further authorized to take such other actions as may be required to effectuate the terms and intent of this Resolution.

The County Administrator shall furnish a certified copy of this Resolution, together with additional details of the terms of the sale and related sales tax and tax levies, to the County Auditor or Deputy County Auditor, and obtain the certificate required by Minnesota Statutes, Section 475.62.

18. Controller Actions. The Controller is hereby authorized to transfer and disburse funds as necessary, whether from proceeds of the Bonds or the Sales Tax, to carry out the intent of this Resolution. The Controller is further authorized to adjust the 2019 debt service budget and any other budget as necessary to carry out the intent of this Resolution.

Background:

This resolution authorizes the competitive sale of approximately \$200,000,000 of tax-exempt new money bonds to provide financing for a portion of the County’s share of the METRO Green Line Extension Project (CP 1005876) capital costs pursuant to authority contained in Minnesota Statutes, Section 297A.993. The METRO Green Line Extension Project (also known as the Southwest Light Rail project) is included in the County’s adopted 2019-2023 Capital Improvement Plan prepared pursuant to Minnesota Statutes, Section 373.40.

The bonds will be general obligation transportation sales tax revenue bonds, with the principal and interest payable from receipts of the 0.50% transportation sales and use tax authorized by the County in June 2017 for specific transportation projects and purposes identified by the County Board. In 2018, the transportation sales tax generated receipts of \$134 million and those funds have been used to fund a portion of the County’s capital contributions on a pay-as you-go basis for the METRO Green Line Extension Project, the METRO Blue Line Extension Project (Bottineau Light Rail project) and the METRO Orange Line Bus Rapid Transit Project, as well as the County’s share of the net operating costs of the existing Blue Line LRT, Green Line LRT and Northstar commuter rail service. If sales tax revenues are not sufficient to pay principal and interest on the bonds when due, the County will levy a

general ad valorem tax on all taxable property in the County to make such payments.

On May 31, 2018, the County adopted Resolution 18-0222 increasing its capital funding commitment for the METRO Green Line Extension Project by \$190,358,000 for a total commitment not to exceed \$591,385,664. Through June, 2019, cash capital contributions totaling \$119.3 million to the METRO Green Line Extension Project have been made on a pay-as-you-go basis from transportation sales and use tax receipts. Now that the project has entered construction, proceeds of these County bonds will provide a portion of its remaining capital funding commitment. Additional bonds will likely be issued in the future to complete the County's capital contribution for this project.

The general obligation transportation sales tax revenue bonds will be structured as a single series, will be fixed rate obligations and will have a final maturity date of December 15, 2039 (just over 20 years).

Staff recommends that credit ratings for these bonds be requested from two rating agencies: Standard & Poor's and Fitch. This has been the County's practice for the past several years.

This resolution grants discretion to the Director of Budget and Finance to modify the size of the bond issue and to establish the sale date, currently expected to occur in August. The County utilizes the services of PFM Financial Advisors LLC, its municipal advisor, and Dorsey & Whitney LLP, as bond counsel, to assist in making these determinations.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0277

Item Description:

Authorization to adopt Laws of Minnesota 2019, 1st Special Session, Chapter 6, Article 7, Section 6, as requested by the City of Champlin, for the purpose of extending the maximum duration of the Mississippi Crossings Tax Increment Financing District (County No. 2405) by five years, to December 31, 2049

Resolution:

BE IT RESOLVED, that having received a request from the City of Champlin, the Hennepin County Board of Commissioners hereby adopts Laws of Minnesota 2019, 1st Special Session, Chapter 6, Article 7, Section 6 for the purpose of extending the maximum duration of the Mississippi Crossings Tax Increment Financing District (County No. 2405) by five years to December 31, 2049.

Background:

The City of Champlin created the Mississippi Crossings Tax Increment Financing District, with a maximum duration of 25 years from the first receipt of tax increment, on June 30, 2014 for the purpose of facilitating redevelopment of approximately 60 acres between the Mississippi River and Highway 169, just south of the Anoka-Champlin bridge. Redevelopment is expected to include new housing units, commercial development, public parking and open space within the district. Development has been slower to occur than anticipated after the formation of the Mississippi Crossings TIF district. Laws of Minnesota 2019, 1st Special Session, Chapter 6, Article 7, Section 6 provides that, upon adoption of the Special Law by the City of Champlin, the Hennepin County Board of Commissioners and the School Board of Independent School District No. 11 (Anoka-Hennepin), the maximum duration of the TIF District may be extended by up to five years to December 31, 2049. An extension of the TIF district will provide additional revenues to support planned redevelopment.

On June 24, 2019, the City Council of the City of Champlin adopted a resolution approving Laws of Minnesota 2019, 1st Special Session, Chapter 6, Article 7, Section 6.

On XXX XX, 2019, the School Board of I.S.D. 11 adopted a resolution approving Laws of Minnesota 2019, 1st Special Session, Chapter 6, Article 7, Section 6.

ATTACHMENTS:

Description	Upload Date	Type
City of Champlin Resolution	7/3/2019	Backup Material

Councilmember Sabas introduced the following resolution and moved its adoption:

**CITY OF CHAMPLIN
HENNEPIN COUNTY, MINNESOTA
RESOLUTION NO. 2019-50**

**RESOLUTION APPROVING MINNESOTA LAWS 2019, FIRST SPECIAL SESSION,
CHAPTER 6, ARTICLE 7, SECTION 6**

WHEREAS, the 2019 Minnesota Legislature passed and the Governor signed Minnesota Laws 2019, First Special Session, Chapter 6, Article 7, Section 6 (the “Special Law”), related to the City of Champlin, Minnesota’s Mississippi Crossings Tax Increment Financing District;


WHEREAS, such legislation requires local approval in accordance with Minnesota Statutes, §645.021; and

WHEREAS, the City of Champlin, Minnesota desires the law to become effective;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Champlin, Minnesota that:

1. The Special Law is hereby approved.
2. City staff is hereby instructed to submit the appropriate certificate and a copy of this Resolution to the Secretary of State of the State of Minnesota.
3. City staff is authorized to request approval of the Special Law from Hennepin County and Independent School District No. 11 (Anoka-Hennepin) in accordance with Minnesota Statutes, §469.1782, subd. 2.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Truesdell, and upon vote being taken thereon, the following voted in favor thereof: Mayor Karasek, Councilmembers Tesdall, Truesdell and Sabas, and the following voted against the same: none, whereupon said resolution was passed this 24th day of June, 2019.


Ryan Karasek, Mayor

ATTEST:


Roberta Colotti, CMC, City Clerk

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN) SS
)
CITY OF CHAMPLIN)

I, the undersigned, being the duly qualified and acting City Clerk of the City of Champlin, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the Council duly called and held on the date therein indicated, insofar as such minutes relate to approving Minnesota Laws 2019, First Special Session, Chapter 6, Article 7, Section 6.

WITNESS My hand as City Clerk and the corporate seal of the City this 1st day of July, 2019.



City Clerk
City of Champlin, Minnesota

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0278

Item Description:

Human Services & Public Health resolution, including contracts and amendments to contracts with providers – Report 1911

Resolution:

BE IT RESOLVED, that the contracts, contract amendments and administrative actions of the Human Services & Public Health Department and Department of Community Corrections and Rehabilitation made pursuant to Chapters 256E and 393 of Minnesota Statutes, as detailed in Human Services & Public Health Contract Report 1911 be approved; that the report be filed in Contract Management Services; that the Chair of the Board be authorized to sign the contracts, contract amendments and administrative actions on behalf of the County; and that the Controller be authorized to disburse funds as directed. Such contracts are subject to ministerial adjustment, when such adjustments are done within the constraints of the approved Hennepin County Budget and when signed by the County Department Director or Designee.

Background:

The contracted dollar amounts are based on estimates of program costs and/or utilization during prior periods. Funding for each contract is provided for within service categories in the Human Services & Public Health Department and Department of Community Corrections and Rehabilitation approved annual budgets. Occasionally new services are implemented which are not in the budget but which are fully funded under state or federal grants or other new funding.

Contracted dollar estimates are based upon prior year usage and are subject to fluctuation in placement patterns, service need, and cost shifts. Therefore, it may be necessary to process ministerial adjustments to contracts to increase or decrease contract amounts or to make minor service changes consistent with the department budget and strategic plan. Placement agreements are also processed administratively.

Contracts include services in the following areas: adult mental health; developmental disabilities; chemical health; adult housing; early intervention and family intervention services, day treatment services; emergency shelter; day care; training and employment services, interpreter services, health services, welfare advocacy, and various other human services. Expectations for ongoing outcome measurement are included in all new, renewal, or extended contracts. Outcome measures, which are developed by the county and contracted providers, assess the effectiveness of a service and its impact on an eligible recipient's condition or functioning level. Outcome information is used to modify or improve programs as well as to evaluate effectiveness of different types of intervention and providers. A detailed listing of the specific actions requested by this BAR and an explanation of all unusual items is reflected in the summary of the report.

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0279

Item Description:

Agmt A199722 with MN DEED—Rehab Services, accepting grant funding to provide extended employment services, 07/01/19–06/30/20, \$210,367 (recv)

Resolution:

BE IT RESOLVED, that Agreement A199722 with the Minnesota Department of Employment and Economic Development - Rehabilitation Services for the Extended Employment Program, during the period July 1, 2019 through June 30, 2020, in the receivable amount of \$210,367, be approved; that the Chair of the Board be authorized to sign the agreement on behalf of the County; and that the Controller be authorized to accept and disburse funds as directed; and

BE IT FURTHER RESOLVED, that sponsorship and acceptance of grant funding for this program by the Hennepin County Board of Commissioners does not imply a continued funding commitment by Hennepin County for this program when grant funds are no longer available.

Background:

The Minnesota Department of Employment & Economic Development—Rehabilitation Services provides an annual Extended Employment Grant to the Vocational Services Program (VSP) in Hennepin County's Human Services Department. This pays for all supported employment services. Funds are awarded according to a formula.

The VSP provides vocational rehabilitation services for approximately 120 Hennepin County residents who have a diagnosis of a serious mental illness and/or substance use disorder. VSP services include work evaluation, job placement, job skills training, and extended employment assistance. All individuals participate voluntarily and are referred by the Minnesota Rehabilitation Services Office or a Hennepin County Adult Behavioral Health operated case management team.

After a job starts, the staff assists participants with understanding job duties and with communicating with the supervisor and co-workers. Recent program outcomes show 75% of those placed kept their jobs at least 90 days and 76% were working one year later, with an average wage of nearly \$14.00/hour. VSP uses a holistic, person centered approach to supportive employment, recognizing that an individual's stability and wellness are integral to maintaining successful employment.

Recommendation from County Administrator: Recommend Approval

ATTACHMENTS:

Description	Upload Date	Type
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HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0272

Item Description:

Claims Register for the period ending June 21, 2019

Resolution:

BE IT RESOLVED, that the claims register for the period ending June 21, 2019, be ratified.

Background:

Resolution 07-4-154R1 delegated to the County Administrator and County Controller the authority to pay all claims of the County with subsequent ratification by the Board of Commissioners. Pursuant to Resolution 07-4-154R1 and Minnesota Statute 375.18, the list of all claims paid since the last regularly scheduled Board meeting is now presented to the Board for informational purposes and ratification. The Claims Register is on file with the Clerk of the Board.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0273

Item Description:

Claims Register for the period ending June 28, 2019

Resolution:

BE IT RESOLVED, that the claims register for the period ending June 28, 2019, be ratified.

Background:

Resolution 07-4-154R1 delegated to the County Administrator and County Controller the authority to pay all claims of the County with subsequent ratification by the Board of Commissioners. Pursuant to Resolution 07-4-154R1 and Minnesota Statute 375.18, the list of all claims paid since the last regularly scheduled Board meeting is now presented to the Board for informational purposes and ratification. The Claims Register is on file with the Clerk of the Board.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0274

Item Description:

Claims Register for the period ending July 5, 2019

Resolution:

BE IT RESOLVED, that the claims register for the period ending July 5, 2019, be ratified.

Background:

Resolution 07-4-154R1 delegated to the County Administrator and County Controller the authority to pay all claims of the County with subsequent ratification by the Board of Commissioners. Pursuant to Resolution 07-4-154R1 and Minnesota Statute 375.18, the list of all claims paid since the last regularly scheduled Board meeting is now presented to the Board for informational purposes and ratification. The Claims Register is on file with the Clerk of the Board.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0252

Item Description:

Set Bassett Creek Watershed Mgmt Commission 2020 max levy at \$1,500,000 for projects to improve water quality

Resolution:

BE IT RESOLVED, that the 2020 maximum levy for the Bassett Creek Watershed Management Commission be set at \$1,500,000, and that the levy be certified to the county auditor and be placed on all taxable property under the jurisdiction of the commission.

Background:

History: The Bassett Creek Watershed Management Commission requests a levy of \$1,500,000 to fund the commission's portion of the project costs for five flood mitigation and water quality projects that are listed as high priorities in its Capital Improvement Plan. The projects will achieve the commission's goals to reduce flooding and improve water quality of surface waters in the watershed including the main stem of Bassett Creek, Crane Lake, Medicine Lake, Sweeney Lake, and downstream resources including the Mississippi River. Descriptions of the projects to be implemented in part with the levy funds are:

1. **The Medicine Lake Rd and Winnetka Ave Long Term Flood Mitigation Plan**

Implementation: DeCola Ponds B & C Improvement Project (Golden Valley) will address significant flooding issues in the City of Golden Valley by adding approximately 22 acre-feet of additional flood storage. This project will reduce flood depth at Medicine Lake Road's low point to allow passage of emergency vehicles, as well as reduce flooding risk for one structure (a 12-unit condominium on Rosalyn Court). Additionally, the project reduces phosphorus load by 9.0 pounds per year and restores 2.7 acres of wetland and upland habitat. The total project costs are estimated at \$3,800,000. The commission requests a 2020 levy of \$500,000. The commission levied \$1,031,500 for this project in 2019. The remaining project costs will be paid by State of Minnesota, Hennepin County and the City of Golden Valley.

2. **Bryn Mawr Meadows Water Quality Improvement Project (Minneapolis)** will collect stormwater runoff from 45.1 acres of residential areas into two new stormwater ponds within the park. Signage accompanying the new water features will provide an education to park users. The project will remove an estimated 30 pounds of phosphorus and 10,500 pounds of suspended sediment from Bassett Creek. Estimated project costs are \$912,000. The commission requests a 2020 maximum levy of \$100,000, and plans to request an additional levy for this project in future years. This project will be constructed in conjunction with a complete reconstruction of the park by the Minneapolis Park and Recreation Board. All costs associated with the commission's portion of the reconstruction project will be paid by levy funds.

3. **Jevne Park Stormwater Improvement Project (Medicine Lake)** will develop additional flood and water quality treatment volume within the footprint of an existing wetland in Jevne Park. Outcomes of the project include an additional 0.38 acre-feet of flood storage, removal of 4.1 pounds per year of phosphorus from Medicine Lake, and improved wetland and upland habitat. The commission requests a maximum levy of \$500,000 to cover all project costs.

4. **Crane Lake Improvement Project (Minnetonka)** will construct an underground treatment system beneath a new park just east of Ridgedale Drive that will treat stormwater runoff before the water is discharged to a filtration/infiltration system. The project will treat runoff from 13.3 acres that currently flows into Crane Lake without treatment. The project will remove 8.5 to 10.5 pounds

of phosphorus per year and about 3,500 pounds of suspended sediment per year from Crane Lake. Estimated project costs are \$582,837. The commission requests a 2020 maximum levy of \$380,000. The remainder of project costs will be paid by the City of Minnetonka.

5. **Sweeney Lake Water Quality Improvement Project (Golden Valley)** will significantly reduce phosphorus and improve water quality in the lake by removing carp in Schaper Pond (immediately upstream of Sweeney Lake) and performing an alum treatment within Sweeney Lake. Estimates indicate that this project will exceed the total phosphorus reduction goals for Sweeney Lake, and result in “flipping” this lake from an algae dominated system to a healthy clear water system that can support aquatic recreation and a balanced aquatic ecosystem. Estimated project costs are \$550,000. The commission requests a maximum levy of \$20,000 in 2020, and plans to request an addition levy of \$200,000 for this project next year. The remainder of project costs will be paid by a Federal Clean Water Act Section 319 grant.

Levies authorized pursuant to Minnesota Statutes, section 103B.251 are exempt from any statutory limitation on taxes. A county levying a tax under Minnesota Statutes, section 103B.251 shall not include that tax in the county’s general levy but shall separately certify that amount to the county auditor. The county auditor shall extend that levy as a special taxing district. The commission must certify its final levies to the county auditor prior to October 1, 2019.

Current Request: This request is to set the Bassett Creek Watershed Management Commission 2020 maximum levy at \$1,500,000 for projects that will reduce flooding and improve water quality.

Impact/Outcomes: Approval of this request will allow certification of the maximum levy to the county auditor for inclusion in Truth in Taxation statement. Projects in this request will protect and improve water quality in Crane, Medicine and Sweeney lakes; engage the public on water resources management; reduce flooding on Medicine Lake Road and in the vicinity of DeCola Ponds in Golden Valley and near Jevne Park in Medicine Lake; and improve water quality in the main stem of Bassett Creek, as well as downstream water resources.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0253

Item Description:

Approve amendment to Elm Creek Watershed Mgmt Commission Plan; set Elm Creek Watershed Mgmt Commission 2020 max levy at \$448,935 for projects to improve water quality

Resolution:

BE IT RESOLVED, that the plan amendment submitted by the Elm Creek Watershed Management Commission, including a revised capital improvement program, be approved; that the 2020 maximum levy for the commission be set at \$448,935, and that the levy be certified to the county auditor and be placed on all taxable property under the jurisdiction of the commission.

Background:

History: The Elm Creek Watershed Management Commission has proposed a minor plan amendment to its Watershed Management Plan. The purpose of this minor plan amendment is to add three new projects to its Capital Improvement Plan (CIP), remove one project, and revise the timing or cost of six other projects.

Staff reviewed the commission's proposed minor plan amendment and found it to be consistent with the Surface Water Management section of the draft Hennepin County 2040 Comprehensive Plan and the Hennepin County Natural Resources Strategic Plan by supporting projects that will protect and improve surface water quality. As a result, staff recommends approval of the proposed minor plan amendment to the Commission's Watershed Management Plan. Additional information about the minor plan amendment is provided in the attached report.

In addition to the proposed minor plan amendment, the commission requests a levy of \$448,935 to fund the commission's portion of the project costs to complete six water quality projects that are priorities in the CIP. The projects will achieve the commission's goals to improve water quality of Rush Creek, Mill Pond, Elm Creek, and downstream resources including the Mississippi River. Descriptions of the projects to be implemented in part by the levy funds are:

1. **The Rush Creek Main Stem Stream Stabilization Phase 3 Project (Maple Grove)** will stabilize approximately 11,000 linear feet of streambank to reduce sediment and nutrient loading from streambank erosion and improve stream habitat for fish and other aquatic life. The total estimated cost is \$1,650,000, with the commission's share being \$300,000 (levied for in increments over four years starting in 2017). The commission requests a 2020 levy of \$26,513 with the remaining amount covered by the City of Maple Grove.
2. **The Ranchview Wetland Restoration Project (Maple Grove)** will restore a 70 acre wetland, improve wildlife habitat and increase flood storage functions. The total estimated cost is \$2,500,000, with the commission's share being \$265,126 (to be levied for in 2020 and 2021). The commission requests a 2020 levy of \$132,563 with the remaining amount covered by the City of Maple Grove.
3. **Rush Creek Subwatershed Assessment Cost-Share Projects/Agriculture Best Management Practices Installations (Rogers and Corcoran)** will provide cost share assistance to landowners to implement projects identified in the Rush Creek Subwatershed Assessment that reduce pollutants (phosphorus and bacteria) to Rush Creek and Elm Creek. The total estimated cost of the project is \$200,000. The commission requests a 2020 levy of \$21,210. The remaining amount will be covered by a Clean Water Fund grant from the Minnesota Board of Water and Soil Resources (received by Hennepin County) and landowner contributions.
4. **The Hickory Drive Stormwater Improvement Project (Medina)** will install a stormwater pond

for an 8.3 acre drainage area, stabilize 3,000 linear feet of gully erosion, and install curb and storm sewer to capture and direct stormwater to the stormwater pond. The total estimated cost is \$307,920. The commission requests a 2020 levy of \$81,471 with the remaining amount covered by the City of Medina and a Hennepin County natural resources grant.

5. **The Downtown Regional Stormwater Pond (Corcoran)** will clean out a regional stormwater pond and retrofit the pond with filtration for enhanced water quality treatment. The total estimated cost is \$105,908. The commission requests a 2020 levy of \$28,103 with the remaining amount covered by the City of Corcoran.
6. **The Elm Creek Stream Restoration Phase IV (Champlin)** will stabilize approximately 5,000 linear feet of Elm Creek to reduce sediment and nutrient loading from streambank erosion and improve stream habitat for fish and other aquatic life. This project's location is directly upstream of Mill Pond, the focus of several years of water quality and fish habitat improvements over the past several years. There is also an educational component to projects around Mill Pond. The total estimated cost is \$600,000. The commission requests a 2020 levy of \$159,075 with the remaining amount covered by the City of Champlin.

Levies authorized pursuant to Minnesota Statutes, section 103B.251 are exempt from any statutory limitation on taxes. A county levying a tax under Minnesota Statutes, section 103B.251 shall not include that tax in the county's general levy but shall separately certify that amount to the county auditor. The county auditor shall extend that levy as a special taxing district. The commission must certify its final levies to the county auditor prior to October 1, 2019.

Current Request: This request is to approve an amendment to the Elm Creek Watershed Management Commission's Plan and set the commission 2020 maximum levy at \$448,935 for projects that will improve water quality. The amendment will add three projects to the CIP, remove one project, and revise the timing or cost of six other projects.

Impact/Outcomes: Approval of this request will allow certification of the maximum levy to the county auditor for inclusion in Truth in Taxation statement. Projects in this request will improve water and habitat quality in Rush Creek, Elm Creek, Mill Pond, and downstream water resources like the Mississippi River; and improve surface water quality through wetland restoration and stormwater pond improvements. Additional benefits of these projects include groundwater recharge, flood storage, and education about water resources topics.

Recommendation from County Administrator: Recommend Approval

ATTACHMENTS:

Description	Upload Date	Type
Report ECWMC	6/6/2019	Backup Material

Recommendation to approve the amendment to the Elm Creek Watershed Management Commission's Watershed Management Plan

Purpose

The purpose of this report is to inform the county board of staff's review and recommendations to approve a proposed minor plan amendment to the Elm Creek Watershed Management Commission's (commission) Watershed Management Plan (Plan).

Staff review and recommendations

Hennepin County Environment and Energy staff reviewed the commission's proposed minor plan amendment and found it to be consistent with the Surface Water Management section of the draft Hennepin County 2040 Comprehensive Plan and the Hennepin County Natural Resources Strategic Plan by funding projects that support Hennepin County's goals of protecting and improving surface water quality.

The commission held a public hearing regarding the proposed minor plan amendment on May 8, 2019. No public comment was received on the proposed amendment.

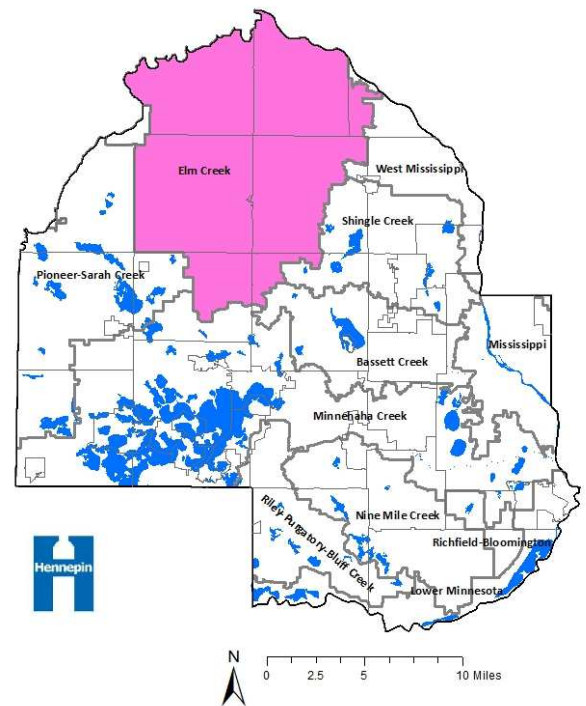
Staff recommends approval of the proposed minor plan amendment to the Plan.

Background

The Elm Creek watershed is located in the northern part of the county and includes portions of the cities of Champlin, Corcoran, Dayton, Maple Grove, Medina, Plymouth and Rogers (Figure 1).

The commission has proposed a minor plan amendment to revise the Plan's Capital Improvement Program (CIP). Pursuant to Minnesota Statutes, section 103B.231, subd. 7, the commission forwarded the proposed amendment to the county for review and action on water quality and quantity projects in the CIP where it may seek to certify funding to implement the water quality and quantity projects under Minnesota Statutes, section 103B.251.

Figure 1. Elm Creek Watershed Location



The amendment adds three new water quality projects to the Plan's CIP.

New projects

1. The Brockton Lane Water Quality Improvements Project (Plymouth) will incorporate underground systems to separate and filter pollutants and allows for infiltration of water before water runs off the Brockton Lane project site into a wetland and eventually to Elm Creek. The estimated cost of the project is \$150,000 with the commission's share being \$37,500 (to be levied in 2021).
2. The Meadows Playfield & Water Quality Improvements Project (Plymouth) is a collaboration between the City of Plymouth's Parks & Recreation, Transit, and Water Resources departments. This project will construct a playfield, a multi-use stadium, and a Plymouth Metrolink Park and Ride to serve residents in northwestern Plymouth. Water quality improvements being considered include underground pollutant separators, underground storage, underground filtration/infiltration, water reuse, pervious pavement, iron-enhanced sand filters, rain gardens, and tree trenches. The estimated cost of the project is \$5,300,000 with the commission's share being \$250,000 (to be levied in 2023).
3. The Enhanced Street Sweeper Project (Plymouth) will purchase a high-efficiency street sweeper to improve street sweeping efficiency and reduce pollutant loading to Elm Creek. Street sweeping is one of the most cost effective best management practices for improving water quality. Pollutant reduction estimates associated with expanded street sweeping are 260 pounds of phosphorus per year, 1,740 pounds of nitrogen per year, and 44 pounds of chloride per year. The estimated cost of the project is \$350,000 with the commission's share being \$75,000 (to be levied in 2021). The City of Plymouth will also request contributions from Shingle Creek Watershed Management Commission, Bassett Creek Watershed Management Commission, and the Minnehaha Creek Watershed District.

The amendment also removes the Stone's Throw Wetland Project (Corcoran) from the CIP, and revises the following projects:

- Ranchview Wetland Restoration Project (Maple Grove) – revised timing
- Mill Pond Rain Garden Project (Champlin) – revised timing
- Agricultural Best Management Practices Cost Share (Rogers and Corcoran) – revised cost
- Hickory Drive Stormwater Improvement Project (Medina) – revised cost
- Downtown Regional Stormwater Pond Project (Corcoran) – revised cost
- Lowell Road Rain Garden Project (Champlin) – revised timing

Contact

Karen Galles, Supervising Environmentalist – Land and Water Unit
Office: 612-348-2027 | Karen.Galles@hennepin.us
May 2019

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0254

Item Description:

Approve amendment to Shingle Creek and West Mississippi Watershed Mgmt Commissions plan; set Shingle Creek Watershed Mgmt Commission 2020 max levy at \$551,990 and West Mississippi Watershed Mgmt Commission 2020 max levy at \$53,025 for projects to improve water quality

Resolution:

BE IT RESOLVED, that the plan amendment submitted by the Shingle Creek and West Mississippi Watershed Management Commissions, which includes a revised capital improvement program, be approved; that the 2020 maximum levy for the Shingle Creek Watershed Management Commission be set at \$551,990; that the 2020 maximum levy for the West Mississippi Watershed Management Commission be set at \$53,025; and that levies for both commissions be certified to the county auditor and be placed on all taxable property under the jurisdictions of the Shingle Creek Watershed Management Commission or the West Mississippi Watershed Management Commission.

Background:

History: The Shingle Creek and West Mississippi Watershed Management Commissions have proposed a minor plan amendment to their Watershed Management Plan. The minor plan amendment revises the commissions' cost share policy and modifies an existing generic project in the commissions' Capital Improvement Plan (CIP) to specify that an improvement plan will be implemented for Crystal Lake.

Staff reviewed commissions' proposed minor plan amendment and found it to be consistent with the Surface Water Management section of the draft Hennepin County 2040 Comprehensive Plan and the Hennepin County Natural Resources Strategic Plan. As a result, staff recommends approval of the proposed minor plan amendment to the Watershed Management Plan. Additional information about the minor plan amendment is provided in the attached report.

In addition to the proposed minor plan amendment, the Shingle Creek Watershed Management Commission requests a levy of \$551,990 to fund its portion of project costs to complete three water quality projects that are priorities in the CIP. The projects will achieve the commission's goals to improve water quality throughout the Shingle Creek Watershed and downstream resources including the Mississippi River.

Projects to be implemented in part by the levy funds are:

1. **The City Cost Share Best Management Practices Project** provides cost-share funds for projects that integrate best management practices into already developed publicly owned areas to provide additional infiltration and water quality treatment. The Watershed Management Plan established a process to identify small water quality best management practices and established a capital levy each year to share in the cost of identified projects. The commission requests a 2020 levy of \$106,050 for this project.
2. **The Crystal Lake Management Plan (Robbinsdale)** will take steps toward meeting water quality standards for phosphorus by treating the lake to seal phosphorus into the lake-bottom sediments, removing carp, and restoring native aquatic vegetation. This project, along with completed efforts by the commission, city, and county will achieve 92 percent of the phosphorus reduction target for this lake. Crystal Lake is popular among anglers and several city parks abut the lake as well as a regional bike trail. The commission requests a 2020 levy of \$392,915 for this project.
3. **The Partnership (private) Cost-Share Best Management Practices Project** provides cost-

share funds for projects that integrate best management practices into already developed privately owned areas to provide additional infiltration and water quality treatment. The Watershed Management Plan established a process to identify small water quality best management practices and established a capital levy each year to share in the cost of identified projects. The commission requests a 2020 levy of \$53,025 for this project.

The West Mississippi Watershed Management Commission requests a levy of \$53,025 to fund the commission's portion of the costs associated with the City Cost Share Best Management Practices Project, which is identified as a priority in the CIP. This project provides cost-share funds for projects that integrate best management practices into already developed publicly owned areas to provide additional infiltration and water quality treatment. The Watershed Management Plan established a process to identify small water quality best management practices and established a capital levy each year to share in the cost of identified projects. The work funded through this project will achieve the commission's goals to improve water quality throughout the West Mississippi Watershed and downstream resources including the Mississippi River. The commission requests a 2020 levy of \$53,025 for this project.

Levies authorized pursuant to Minnesota Statutes, section 103B.251 are exempt from any statutory limitation on taxes. A county levying a tax under Minnesota Statutes, section 103B.251 shall not include that tax in the county's general levy but shall separately certify that amount to the county auditor. The county auditor shall extend that levy as a special taxing district. The commissions must certify their final levies to the county auditor prior to October 1, 2019.

Current Request: This request is to approve an amendment to the Shingle Creek and West Mississippi Watersheds Management Plan and set the Shingle Creek Watershed Management Commission 2020 maximum levy at \$551,990 and the West Mississippi Watershed Management Commission 2020 maximum levy at \$53,025 for projects that will improve water quality. The amendment revises an existing project to specify that an improvement plan will be implemented for Crystal Lake. The amendment also revises the commissions' cost-share policy.

Impact/Outcomes: Approval of this request will allow certification of the maximum levy to the county auditor for inclusion in Truth in Taxation statement. Projects in this request will improve water quality and recreational experiences in and around Crystal Lake, as well as reduce pollutants from throughout the watershed by making cost-share funds available to private landowners and cities.

Recommendation from County Administrator: Recommend Approval

ATTACHMENTS:

Description	Upload Date	Type
Report_SC+WMWMC	6/7/2019	Backup Material

Recommendation to approve the amendment to the Watershed Management Plan submitted by the Shingle Creek and West Mississippi Watershed Management Commissions

Purpose

The purpose of this report is to inform the county board of staff's review and recommendations to approve a proposed minor plan amendment to the Watershed Management Plan submitted by the Shingle Creek and West Mississippi Watershed Management commissions.

Staff review and recommendations

Staff reviewed the commissions' proposed minor plan amendment and found it to be consistent with the Surface Water Management section of the draft Hennepin County 2040 Comprehensive Plan and the Hennepin County Natural Resources Strategic Plan.

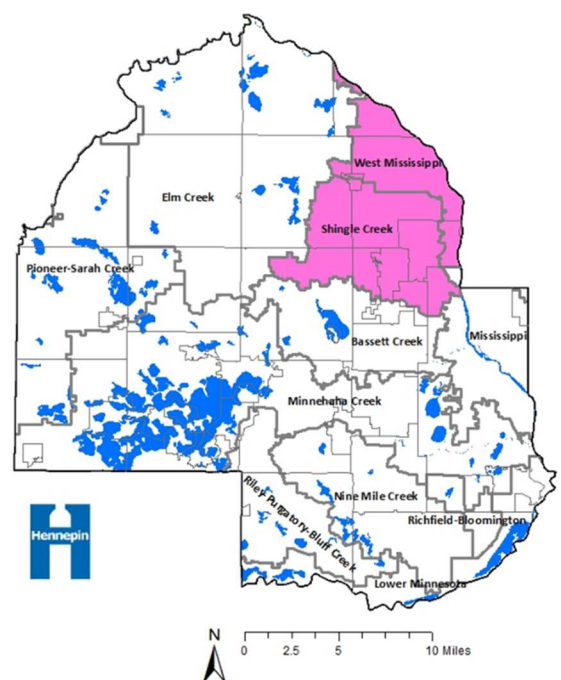
The commissions held a public hearing regarding the proposed minor plan amendment on May 9, 2019. They received no public or state agency comments on the proposed amendment.

Staff recommends approval of the proposed minor plan amendment.

Background

The Shingle Creek watershed is located in the east-central part of the county and includes portions of the cities of Brooklyn Center, Brooklyn Park, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The West Mississippi watershed includes portions of the cities of Brooklyn Center, Brooklyn Park, Champlin, Maple Grove, and Osseo (Figure 1). These two commissions have a joint Watershed Management Plan and joint meetings but maintain two separate boards and levy for and complete projects only within their respective watershed boundaries.

Figure 1. Shingle Creek and West Mississippi Watershed Locations



The commissions have proposed a minor plan amendment to revise the Plan's Capital Improvement Program (CIP). Pursuant to Minnesota Statutes, section 103B.231, subdivision 7, the proposed amendment was forwarded to the county for review and action on water quality and quantity projects in the CIP where it may seek to certify funding to implement the water quality and quantity projects under Minnesota Statutes, section 103B.251.

The amendment revises the cost share policy and specifies that Crystal Lake will receive an internal phosphorus load reduction project in 2020 (previously a generic project).

Cost-share policy revision

The revision removes the maximum cost-share amount, previously set at \$250,000. Under the proposed amendment, the commission's share of a capital improvement project will continue to be 25 percent of the final cost of the project, with a minimum of \$25,000, but there will be no maximum. The revision also revises the voluntary \$500,000 annual levy guideline from \$500,000 to \$750,000.

Revise projects already in CIP

1. The general Lake Internal Load Improvement Project scheduled to be levied in 2020 will be revised to the Crystal Lake Management Plan Project. The Shingle Creek Watershed Management Commission is implementing 13 Total Maximum Daily Load studies for lakes in the watershed. Several of these studies recommend internal load improvements for several lakes. The commission has included a general Internal Load Reduction Project in the CIP every other year and adds specificity to that project as specific project plans are prepared.
2. The Crystal Lake Management Plan Project will treat the lake with alum (a chemical that reacts with phosphorus in the water and makes it unavailable to algae), remove carp from the lake, and restore healthy native aquatic vegetation to the lake. With this treatment and efforts already completed by the city, commission, and county, Crystal Lake will achieve 92 percent of its goal for phosphorus reduction. Outcomes of this project include improved lake clarity, healthier aquatic vegetation communities, and improved recreational experiences for users in and around the lake. The estimated cost of the project is \$392,915, all of which will be paid by the Shingle Creek Watershed Management Commission using levy proposed for 2020.

Contact

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May 2019

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0255

Item Description:

Agmt A199657 with the State of MN to provide grant funding for the Hennepin County Sheriff's Office Boat and Water Safety Activities, 01/01/19-06/30/20, \$115,905 (recv)

Resolution:

BE IT RESOLVED, that Agreement A199657 with the State of Minnesota, Department of Natural Resources, for Boat and Water Safety Activities by the Hennepin County Sheriff's Office during the period January 1, 2019 through June 30, 2020 in the receivable amount of \$115,905, be approved, that the Chair of the Board be authorized to sign the Agreement on behalf of the County; and that the Controller be authorized to accept and disburse funds as directed; and

BE IT FURTHER RESOLVED, that sponsorship and acceptance of grant funding for this program by the Hennepin County Board of Commissioners does not imply a continued commitment by Hennepin County for this program when grant funds are no longer available.

Background:

Agreement A199657 provides funding for the Sheriff's Office in providing patrol, enforcement, search and rescue, water craft inspection, waterway marking, and accident investigations throughout Hennepin County, pursuant to Minnesota Statutes Chapter 86B and the Boat and Water Safety Rules.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0256

Item Description:

Agmt A199682 with the MN Dept of Public Safety for Radiological Emergency Preparedness Grant, 07/01/19-06/30/21, \$234,000 (recv); supp appr of \$52,165 to the 2019 Emergency Management budget

Resolution:

BE IT RESOLVED, that Agreement A199682 with the Minnesota Department of Public Safety accepting funding for Radiological Emergency Preparedness during the period July 1, 2019 through June 30, 2021 in the receivable amount of \$234,000, be approved; that the Chair of the Board be authorized to sign the Agreement on behalf of the county; and that the Controller be authorized to accept and disburse funds as directed; and
BE IT FURTHER RESOLVED, that a supplemental appropriation of \$52,165 be made to the 2019 Emergency Management budget.

Background:

Radiological Emergency Preparedness (REP) funding has been made available to Hennepin County biennially for over 20 years from the Nuclear Management Company (NMC), the operator of the nuclear generating plants within the state, through the Minnesota Department of Public Safety division of Homeland Security and Emergency Management (HSEM). This funding process is codified by the Minnesota Legislature. Hennepin County supports the state's REP program by coordinating training and testing of the volunteers who staff the Monticello nuclear generating plant primary evacuee reception and decontamination center at the Rogers Senior High School. Funds received from NMC through are used primarily for costs associated with training the volunteer staff. County staff time and associated costs are also funded for REP related planning activities and for attendance at meetings and conferences as directed by HSEM.

Recommendation from County Administrator: Recommend Approval

ATTACHMENTS:

Description	Upload Date	Type
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HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0258

Item Description:

Human Services & Public Health resolution, including contracts and amendments to contracts with providers – Report 1910

Resolution:

BE IT RESOLVED, that the contracts, contract amendments and administrative actions of the Human Services & Public Health Department and Department of Community Corrections and Rehabilitation made pursuant to Chapters 256E and 393 of Minnesota Statutes, as detailed in Human Services & Public Health Contract Report 1910 be approved; that the report be filed in Contract Management Services; that the Chair of the Board be authorized to sign the contracts, contract amendments and administrative actions on behalf of the County; and that the Controller be authorized to disburse funds as directed. Such contracts are subject to ministerial adjustment, when such adjustments are done within the constraints of the approved Hennepin County Budget and when signed by the County Department Director or Designee.

Background:

The contracted dollar amounts are based on estimates of program costs and/or utilization during prior periods. Funding for each contract is provided for within service categories in the Human Services & Public Health Department and Department of Community Corrections and Rehabilitation approved annual budgets. Occasionally new services are implemented which are not in the budget but which are fully funded under state or federal grants or other new funding.

Contracted dollar estimates are based upon prior year usage and are subject to fluctuation in placement patterns, service need, and cost shifts. Therefore, it may be necessary to process ministerial adjustments to contracts to increase or decrease contract amounts or to make minor service changes consistent with the department budget and strategic plan. Placement agreements are also processed administratively.

Contracts include services in the following areas: adult mental health; developmental disabilities; chemical health; adult housing; early intervention and family intervention services, day treatment services; emergency shelter; day care; training and employment services, interpreter services, health services, welfare advocacy, and various other human services. Expectations for ongoing outcome measurement are included in all new, renewal, or extended contracts. Outcome measures, which are developed by the county and contracted providers, assess the effectiveness of a service and its impact on an eligible recipient's condition or functioning level. Outcome information is used to modify or improve programs as well as to evaluate effectiveness of different types of intervention and providers. A detailed listing of the specific actions requested by this BAR and an explanation of all unusual items is reflected in the summary of the report.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0259

Item Description:

Acceptance of the 2018 Health and Human Services' Special Gift Fund Annual Report

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners accept the Health and Human Services' Special Gift Fund 2018 Annual Report; and that pursuant to Minnesota Statute 465.03, donations made to the Hennepin County Health and Human Services' Special Gift Fund in 2018 be accepted.

Background:

The Hennepin County Special Gift Fund was established in 1970 to provide financial assistance to Health and Human Services clients who are faced with a crisis or have special needs when no other resources are available. The client's case manager makes the request for funds on behalf of the client. Individual requests are generally limited to \$200 per client and supply such needs as clothing, housing, food and treatment options. In addition to individual requests, the Fund has also been used to support the Backpack Challenge and the Giving Partners Programs. Minnesota Statute 465.03 requires that gifts to counties be accepted by resolution of the governing body and adopted by a two thirds majority. An annual report containing a summary of 2018 donations and expenditures is attached.

Recommendation from County Administrator: Recommend Approval

ATTACHMENTS:

Description	Upload Date	Type
SGF 2018 Annual Report	6/12/2019	Backup Material

**HEALTH AND HUMAN SERVICES
VOLUNTEERS AND COMMUNITY PARTNERSHIPS PROGRAM (VCP)
SPECIAL GIFT FUND – 2018 ANNUAL REPORT**

BACKGROUND:

The Hennepin County Special Gift Fund (SGF or Fund) was established in 1970 to provide financial assistance to Human Services and Public Health clients who are faced with a crisis or have special needs where all other financial resources to meet those needs have been exhausted. Access to the funds on behalf of a client is made by the client's case manager or social worker. Individual requests are generally limited to \$200.00 except in compelling cases. The Fund has also been used to support the Backpack Challenge and the Giving Partners Programs. All funds in the Special Gift Fund are donated, and no tax dollars are used.

PROGRAM HIGHLIGHT:

Laura had to leave her home due to severe domestic violence. The father of her children quit his job, so he was not paying child support to help his family. Laura's team used a variety of funding sources to pay for the security deposit on her new home, and secured subsidized housing that she could pay for moving forward. However, Laura was still short funds to pay the full amount of the deposit. The Special Gift Fund contributed to the security deposit payment, which also allowed the family to achieve safety, self-sufficiency and educational stability for the children.*

(Name has been changed.)*

2018 FINANCIAL SUMMARY:

1/1/18 Balance	\$60,968
2018 Cash & Check Donations	\$27,920
2018 Disbursements	<u>(\$29,118)</u>
12/31/18 Remaining balance	\$59,770

In addition to the cash and check donations, the Fund received \$7,800 in Target, Cub, Walmart and miscellaneous gift card donations. In 2018, \$4,940 of the gift cards were used for the Backpack Challenge and Giving Partners Programs, and to meet client needs, leaving a gift card balance of \$6,646.

SUMMARY OF 2018 DONATIONS:

The Fund is 100% funded by donations. In 2018, 226 individual, corporate and employee donations ranging from \$5.00 to \$2,000 were received. This is more than the number of donations received in 2017. Employees are able to contribute to the Fund via the County's Charitable Contribution Campaign, by participating in the annual Bake Sale and, of course, individually.

The Fund is also used to manage donations to and purchases for the annual Backpack Challenge and the Giving Partners Programs. In 2018, almost \$5,376 in cash donations were received for the Backpack Challenge, while the Giving Partners Program received \$8,682 in direct donations. The Hennepin County Retiree Alumni group donated \$1,863. More staff and volunteer time was dedicated to the annual Bake Sale fundraising events, resulting in donations of \$6,094.17. This included sales held at the Government Center as well as the South Minneapolis and South Suburban Human Service Centers for the first time.

In addition, backpacks and school supplies were donated that had an estimated value of \$73,000. Volunteers and donors contributed enough to distribute 1,403 backpacks to children, which is a significant increase over 2017.

VCPP's Giving Partners Program had another successful year bringing in over \$165,700 in donations, which included gift cards with a cash value of \$8,882 and donated gifts. These corporate, employee, community member and individual donations enabled the program to provide client requested gifts of winter clothes, toys, necessities, etc. to 1,479 clients and families during the month of December.

The Knitters and Stitchers Program brought in donated yarn with an estimated value of \$6,060. The program volunteers worked 1,212 hours and used the yarn to make blankets, hats, mittens, and scarves that were distributed at homeless shelters and to children who are in foster care.

SUMMARY OF 2018 EXPENDITURES:

In Health and Human Services, 147 clients received a grant from the Fund in 2018, which is more than the number of requests received in 2017. The vast majority of grants went to support health, housing and mental health and to provide clothing. Grants, which were issued with checks or gift cards, ranged from \$30.00 to \$200.00, and totaled \$29,275.85 for the year, which is an increase over 2017.

The Fund also distributed checks or gift cards totaling \$3,790.11 to support the Backpack Challenge Program and \$1,528 to support client transportation needs.

Prepared by:
Sharlene Shelton
Community Based Services Development Service Area Manager
Hennepin County Health and Human Services
5-21-19

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0260

Item Description:

Agmt A199662 with the MN Dept of Human Services for medicated assisted therapy and social supports to county residents diagnosed with opioid use disorder, 07/01/19-09/29/20, \$937,990 (recv); supp appr of \$300,000 to the 2019 HSPH budget

Resolution:

BE IT RESOLVED, that Agreement A199662 with the Minnesota Department of Human Services for medicated assisted therapy and social support to county residents diagnosed with opioid use disorder during the period July 1, 2019 through September 29, 2020 in the receivable amount of \$937,990, be approved; that the Chair of the Board be authorized to sign the Agreement on behalf of the county; and the Controller be authorized to accept and disburse funds as directed; and

BE IT FURTHER RESOLVED, that the Human Services and Public Health budget be authorized to receive a supplemental appropriation of \$300,000 to the 2019 Human Services and Public Health budget; and

BE IT FURTHER RESOLVED, that sponsorship and acceptance of grant funding for this program by the Hennepin County Board of Commissioners does not imply a continued funding commitment by Hennepin County for this program if grant funds become no longer available.

Background:

The Minnesota Department of Human Services has awarded grant funds in response to a proposal developed in line with the Hennepin County Comprehensive Opioid Prevention Strategic Framework. The funds will allow the County to increase treatment options and transitional planning in correctional settings, and for high risk populations an objective of the strategic framework.

The target population for this project is 480 Hennepin County adults with opioid use disorder who are booked into the downtown Adult Detention Center, sentenced to the Adult Corrections Facility in Plymouth, or diverted to the Behavioral Health Care Center at 1800 Chicago Avenue. The new project will support medication-assisted therapy (MAT) from opioid use disorder at these locations.

In 2018, the Adult Detention Center had 2,893 admissions complicated by opioid use involving 1,985 individuals. The Adult Correction Facility (ACF) identified about 100 residents who experienced opioid withdrawal while incarcerated at the ACF in both 2017 and 2018. Incarceration puts addicted people into forced withdrawal without medical relief. There are serious consequences to forced withdrawal including overdose deaths after release from detention. The project will allow individuals to continue or enter into medication-assisted therapy. By improving access to MAT and transition services for justice-involved populations, Hennepin County will better engage residents who are at imminent risk for opioid-related death, and prevent other adverse outcomes related to opioid use in our communities. The result is improved health and wellbeing for county residents.

Grant funds will support two county social workers for the period of the grant. The county will subcontract with Hennepin HealthCare Services for an additional 1.5 nurse practitioners and another agency for 2 peer recovery specialists to provide staff services.

Recommendation from County Administrator: Recommend Approval

ATTACHMENTS:

Description	Upload Date	Type
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HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0261

Item Description:

Agmt A199677 with the MN Dept of Human Services for Naloxone training and Naloxone kit distribution services, 07/01/19-12/31/20, \$250,000 (recv); supp appr of \$97,207 and incr staff complement by 1.0 FTE grand funded pos for 2019 budget

Resolution:

BE IT RESOLVED, that Agreement A199677 with the Minnesota Department of Human Services for Naloxone training and Naloxone kit distribution services during the period of July 1, 2019 through December 31, 2020 in the receivable amount of \$250,000, be approved; that the Chair of the Board be authorized to sign the agreement on behalf of Hennepin County; and the Controller be authorized to accept and disburse funds as directed; and

BE IT FURTHER RESOLVED, that the Human Services and Public Health Department's staffing complement be increased by 1.0 full time equivalent grant funded position and a supplemental appropriation of \$97,207 be made to the 2019 budget; and

BE IT FURTHER RESOLVED, that sponsorship and acceptance of grant funding for this program by the Hennepin County Board of Commissioners does not imply a continued funding commitment by Hennepin County for this program when grant funds are no longer available.

Background:

The Minnesota Department of Human Services (DHS) offered a State Opioid Response grant to provide targeted training education and distribution of naloxone in accordance with the Substance Abuse and Mental Health Services Administration. This is an effort to weave and expand current state funding for opioid crisis planning efforts together in a working whole. Services within the grant will be targeted to the disproportionately impacted Native American community. DHS will reimburse Hennepin County Human Services and Public Health for costs to:

- Provide 15 hours of weekly walk-in naloxone distribution hours within the Red Door Clinic.
- Increase number of naloxone kits distributed through clinic-based programming.
- Conduct targeted naloxone education and kit distribution to residents of Little Earth.

APEX Information

Revenues 42067

Fund: 20

Department ID: 531099

Project ID: 1007045

Account/Source: State 42360

Amount (Total): \$97,207

Expenditures

Fund: 20

Department ID: 531099

Project ID: 1007045

Account/Source: Salaries 50020

Amount (Total): \$97,207; FTE: 1.0

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0262

Item Description:

Agmt A199673 with the MN Dept of Human Services accepting grant funding for the Projects for Assistance in Transition from Homelessness, 07/01/19-06/30/21, \$1,030,000 (recv)

Resolution:

BE IT RESOLVED, that Agreement A199673 with the Minnesota Department of Human Services for grant funding for the Projects for Assistance in Transition from Homelessness during the period July 1, 2019 through June 30, 2021, in the receivable amount of \$1,030,000, be approved; that the Chair of the Board be authorized to sign the Agreement on behalf of the county; and the Controller be authorized to accept and disburse funds as directed;

BE IT FURTHER RESOLVED, that sponsorship and acceptance of grant funding for this program by the Hennepin County Board of Commissioners does not imply a continued funding commitment by Hennepin County for this program when grant funds are no longer available.

Background:

Projects for Assistance in Transition from Homelessness (PATH) staff in Initial Contact and Access, Healthcare for the Homeless, and Adult Behavioral Health areas of Health and Human Services work with approximately 800 homeless individuals every year. Grant funds make it possible to provide outreach, case management, and other supportive services for persons with serious mental illness (SMI), or with a SMI and co-occurring substance use disorder. The PATH program has partnered with St. Stephen's Street Outreach to increase outreach services. Eligible persons are homeless, long term homeless, or at imminent risk of homelessness including persons who will be homeless upon exit from an institutional setting. In 2018, 215 clients were housed that were previously chronically homeless.

The current award is a continuation of funding previously awarded to Hennepin County by the Minnesota Department of Human Services and incorporated in the Adult Mental Health Initiative Grant. The previous award was grant Agreement A177059, approved by the Board on March 28, 2017 (Board Resolution 17-0128) and amended with additional funding and term extension on June 26, 2018 (Board Resolution 18-0286).

Eligible individuals receive services that focus on recovery. Services are culturally competent and based on evidence-based practices; they build on existing strengths and the person's life goals.

Current Request: Agreement A199673 seeks acceptance of PATH grant funding from DHS in the receivable amount of from \$1,030,000 for July 1, 2019 through June 30, 2021.

Impact/Outcomes: Identified outcomes for the PATH grant include: connecting PATH enrolled individuals to behavioral health services; increasing access to federal, state, and county benefits for PATH enrolled individuals; increasing access to housing for PATH enrolled individuals; and to increase street outreach.

Fund: 20
Account: 42360
Dept. ID: 511099

Project No: 1000394
Activity: HDS04

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0265

Item Description:

Neg Lease Agmt LS00000004 with East Side Neighborhood Services, Inc. for rental space utilized by HHS at 1700 Second Street NE, Mpls, 08/01/19–07/31/22, (\$7,200 first year rent and operating costs)

Resolution:

BE IT RESOLVED, that the County Administrator be authorized to negotiate Lease Agreement LS00000004 with East Side Neighborhood Services, Inc. for rental of approximately 575 square feet of space to be utilized by Hennepin County Health and Human Services Department in the basement of the East Side Neighborhood Services building, located at 1700 Second Street NE, Minneapolis during the period August 1, 2019 through July 31, 2022, in the amount of \$7,200 for first year gross rent and operating costs, with annual adjustments in base rent and operating costs; that following review and approval by the County Attorney's Office, the Chair of the Board be authorized to sign the agreement on behalf of the county; and that the Controller be authorized to disburse funds as directed.

Background:

History: Under Lease Agreement A020523, Hennepin County Health and Human Services (HHS) is leasing 3,949 square feet (sq. ft.) of space on the second floor of the East Side Neighborhood Services building located at 1700 Second Street NE, Minneapolis. HHS currently has 84 staff assigned to this space from Child Protection, Long Term Social Services and Support, and Adult Protection. This space also serves as the site for Child Protection Screening, which operates 24 hours per day and seven days per week.

Lease Agmt LS00000004 will be a three-year lease for an additional 575 sq. ft. of space located in the basement of the building providing HHS's Child Protection Intake Review teams with a necessary conference room space, which will reduce staff travel time and increase efficiency. Child Protection Intake Review teams currently access the space on an hourly rental basis.

This space would be taken "as-is" with no tenant improvements made; East Side Neighborhood Services has agreed to allow HHS to use the tables and chairs currently located in the space. Gross rent will be \$12.52 per sq. ft. for the first year and will increase \$.21 per sq. ft. each year during the three-year agreement. Either party may cancel the lease at any time, with no penalty with 30 days' written notice.

Current Request: This request seeks authorization to negotiate Lease Agreement LS00000004 with East Side Neighborhood Services, Inc. for 575 sq. ft. of space to be used by HHS's Child Protection Intake Review teams in the basement of the East Side Neighborhood Services building, located at 1700 Second Street NE, Mpls, during the period August 1, 2019 through July 31, 2022 in the amount of \$7,200 for first year rent and operating expenses.

Impact/Outcomes: Approval of Lease Agreement LS00000004 will allow HHS's Child Protection Intake Review teams to have a necessary conference room space in the same location as the intake staff.

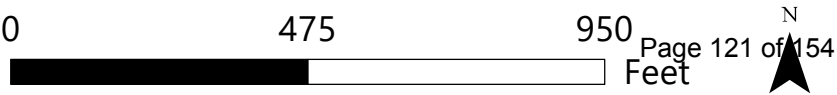
Recommendation from County Administrator: Recommend Approval

ATTACHMENTS:

Description	Upload Date	Type
Map of 1700 Second Ave NE, Mpls	6/6/2019	Map

Lease Agmt No. LS000000004

Human Services at East Side Neighborhood Services – 1700 2nd St NE, Minneapolis 55413



HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0266

Item Description:

Neg Agmt PR00001250 with SRF Consulting Group, Inc. for development of a wayfinding plan for the METRO Blue Line Extension corridor, 07/09/19-02/01/20, NTE \$100,000

Resolution:

BE IT RESOLVED, that the County Administrator be authorized to negotiate Agreement PR00001250 with SRF Consulting Group, Inc. for the development of a wayfinding plan in the METRO Blue Line Extension corridor (CP 1005239), during the period July 9, 2019 through February 1, 2020, with the amount not to exceed \$100,000; that following review and approval by the County Attorney's Office, the Chair of the Board be authorized to sign the agreement on behalf of the county; and the Controller be authorized to disburse funds as directed.

Background:

History: The METRO Blue Line Extension is a proposed light rail transit project that will provide service in the highly traveled northwest area of Hennepin County. The METRO Blue Line Extension corridor stretches approximately 13 miles from downtown Minneapolis to the northwest, serving the neighborhoods of north Minneapolis and the suburban communities of Golden Valley, Robbinsdale, Crystal and Brooklyn Park.

The Hennepin County Board of Commissioners authorized Agreement A176972 with the Metropolitan Council to accept \$1,077,500 in Federal Transit Administration (FTA) grant funds for advanced Transit-Oriented Development (TOD) planning activities in the METRO Blue Line Extension corridor (Resolution 17-0143).

Hennepin County, through Bottineau LRT Community Works (CP 1005239), coordinates FTA TOD grant activities in collaboration with the cities of Minneapolis, Golden Valley, Robbinsdale, Crystal, and Brooklyn Park. Consistent with the FTA TOD Planning grant, a request for proposals (RFP) seeking consultant services to develop a wayfinding plan for the areas surrounding planned METRO Blue Line Extension stations was issued in April 2019. Proposals were received from four consulting firms. A consultant selection committee consisting of representatives from Hennepin County, the Metropolitan Council, the cities of Golden Valley, Robbinsdale, Crystal, and Brooklyn Park, and the Blue Line Coalition reviewed and evaluated the proposals. SRF Consulting Group, Inc. was identified as the preferred consultant due to its local expertise, familiarity with the corridor, and previous work experience in wayfinding planning.

Current Request: This request seeks authorization to negotiate Agreement PR00001250 with SRF Consulting Group, Inc. for the development of a wayfinding plan in the METRO Blue Line Extension corridor during the period July 9, 2019 through February 1, 2020, with the amount not to exceed \$100,000.

Impact/Outcome: Approval of this request and its specific actions will provide for the development of a wayfinding plan that will facilitate bicycle and pedestrian navigation and maximize connections within each of the station areas in the METRO Blue Line Extension corridor.

ATTACHMENTS:

Description

Upload Date Type

HENNEPIN COUNTY

MINNESOTA

Board Action Request

19-0264R1

Revised

Item Description:

Amend Hennepin County Ordinance 21, regulating the sale of tobacco in areas without city regulation

WHEREAS, Tobacco use remains the leading cause of preventable death, disability and disease in the United States, linked to heart disease, stroke and other chronic lung diseases including lung cancer. For every smoking-related death there are at least 30 people living with a serious smoking-related illness. If smoking continues at the current rate among U.S. youth, 5.6 million of Americans younger than 18 are expected to die prematurely from smoking; and

WHEREAS, Tobacco kills over 6,300 people annually in Minnesota. One in seven Hennepin County deaths are tobacco related and costs Hennepin County \$585 million annually; and

WHEREAS, Nineteen percent of suburban Hennepin County 11th grade students used tobacco. Statewide, tobacco use among high school students has increased to 26%, driven largely by a 49% increase in e-cigarette use; and

WHEREAS, Nearly 90% of smokers begin smoking before reaching 18 years of age, and almost no one starts smoking after age 25. Studies show that youth and young adults are especially susceptible to tobacco product availability, advertising and price promotions at tobacco retail environments; and

WHEREAS, The National Academy of Medicine report predicts that increasing the sales age for tobacco to 21 years of age will reduce smoking initiation by 25% among 15-17 year olds; and

WHEREAS, Menthol and other flavored products appeal to young people. Thirty percent of suburban Hennepin County 11th graders who use tobacco use menthol tobacco and 42 percent use other flavored tobacco. Marketing analysis, public health research, and tobacco industry documents reveal that tobacco companies have used menthol, mint, fruit, candy, and alcohol flavors as a way to attract youth and young adults and that the presence of such flavors can make it more difficult to quit; and

WHEREAS, Restrictions on flavored products in other cities have resulted in significant declines in the sale of flavored products; the odds of teens ever trying flavored products; and the odds of teens using any tobacco products. Based on earlier studies and conservative scenarios to estimate the impact of a menthol ban, it is expected that a 10% quit rate among menthol smokers would prevent over 4,000 smoking attributable deaths in the first ten years and 300,000 in forty years. Nearly one-third, or almost 100,000, of the deaths averted are among African Americans; and

WHEREAS, Raising the price of tobacco products is one of the most effective strategies for preventing and reducing tobacco use. A 10% increase in little cigar price was associated with a 25% decrease in little cigar sales in convenience stores; and

WHEREAS, Studies indicate that youth access tobacco through other youth working in retail stores and that high school age clerks contribute to illegal sales. The age of clerk is a primary reason for youth being able to purchase or steal tobacco; and

WHEREAS, On April 1, 2019, all cities in the county that do not currently license and regulate tobacco sales were provided notice electronically of the proposed amendments. 11. On April 2, 2019, all tobacco retailers currently licensed pursuant to Ordinance 21 were mailed notice of the proposed amendments; and

WHEREAS, On April 16, 2019 two information sessions on the proposed amendments were held in the cities of Mound and Rogers. These information sessions were open to members of the public. Nineteen individuals attended; and

WHEREAS, On June 11, 2019, a public hearing to receive comments on the proposed amendments was held; and

WHEREAS, Therefore, the Board finds it appropriate to regulate tobacco sales to protect youth and young adults against the serious health effects associated with tobacco use and initiation.

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners authorizes the amendment of Ordinance 21 to include language limiting the sale of tobacco products to persons 21 years of age and older; and

BE IT FURTHER RESOLVED, that the Hennepin County Board of Commissioners authorizes the amendment of Ordinance 21 to include language limiting the sale of flavored products, including menthol, to adult-only stores; and

BE IT FURTHER RESOLVED, that the Hennepin County Board of Commissioners authorizes the amendment of Ordinance 21 to include language imposing a minimum cigar price of \$3.00; and

BE IT FURTHER RESOLVED, that the effective date of these changes is January 1, 2020.

Background:

This resolution amends Hennepin County Ordinance 21, which regulates the sale of tobacco in places where cities do not regulate. The new ordinance aims to protect youth and young adults in Hennepin County from the serious health effects associated with tobacco. This will be done by reducing youth access and exposure to tobacco in a number of ways, most notably by:

1. limiting the sale of tobacco products to persons 21 years of age and older
2. limiting the sale of flavored products, including menthol, to adult-only stores
3. imposing a minimum cigar price of \$3.00, and

The proposed amendments adopt model language developed by the Public Health Law Center at Mitchell Hamline Law School.

Hennepin County is authorized to regulate tobacco sales pursuant to Minnesota Statutes, Section 461.12, but may only license tobacco sales in places where cities do not regulate. Most cities in Hennepin County choose to regulate and license tobacco sales. However, sales in the following places are presently subject to County regulation:

- Greenfield
- Mound
- Rockford
- Rogers
- St. Bonifacius, and
- Minneapolis-St. Paul Airport.

The County issues approximately 34 licenses per year to sell tobacco in these places. Ordinance 21 was last amended in November, 2016 to make clear that it regulated e-cigarettes.

Tobacco use among Hennepin County youth is increasing. Nineteen percent of suburban Hennepin County 11th grade students used tobacco. Thirty percent of 11th graders who use tobacco use menthol tobacco and 42 percent use other flavored tobacco.

Staff is now recommending further amendments to Ordinance 21 in order to adopt a more complete set of best practices for curbing youth tobacco use.

ATTACHMENTS:

Description	Upload Date	Type
Changes to Ordinance 21 - R1_	6/26/2019	Backup Material

Ordinance 21: RETAIL TOBACCO SALES

Adopted on August 31, 1999 by the Hennepin County Board of Commissioners.

Amended on November 1, 2016 by the Hennepin County Board of Commissioners.

Amended on ____, 2019 by the Hennepin County Board of Commissioners.

An ordinance relating to the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia products in Hennepin County and to reduce the illegal sale of such items to and by minors. This ordinance is enacted pursuant to Minnesota Statutes §§ 461.12 to 461.21.

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The Hennepin County Board of Commissioners Ordains:

Section 1: PURPOSE AND SCOPE

This ordinance aims to protect youth and young adults in Hennepin County from the serious and harmful health effects associated with tobacco use. This ordinance is intended to regulate the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products.

Section 2: APPLICABILITY AND JURISDICTION

This ordinance governs the licensing and regulation of the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products in the unorganized territory of Hennepin County and in any city or town located in Hennepin County that does not license and regulate retail sales of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products in conformance with the minimum requirements of Minnesota Statutes, Chapter 461. Retail establishments licensed by a city or town are not required to obtain a second license for the same location under this ordinance.

Section 3: DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms are given their commonly accepted definitions. For the purpose of this ordinance, the following definitions apply unless the context clearly indicates or requires a different meaning:

CHILD-RESISTANT PACKAGING. Packaging that meets the definition set forth in Minn. Stat. § 461.20(a), as may be amended from time to time.

CIGAR. Any roll of tobacco that is wrapped in tobacco leaf or in any other substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.

COMPLIANCE CHECKS. The system the county uses to investigate and ensure that those authorized to sell Licensed Products are following and complying with the requirements of this ordinance. Compliance Checks involve the use of persons under the age of 21 who purchase or attempt to purchase Licensed Products. Compliance Checks may also be conducted by the county or other units of government for educational, research and training purposes or for investigating or enforcing federal, state or local laws and regulations relating to Licensed Products.

ELECTRONIC DELIVERY DEVICE. Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic Delivery Device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic Delivery

Device includes any component part of a product, whether or not marketed or sold separately. Electronic Delivery Device does not include any product that has been approved or certified by the U.S. Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

FLAVORED PRODUCT. Any Licensed Product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a Licensed Product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco will constitute presumptive evidence that the product is a Flavored Product.

HEALTH AUTHORITY. The Community Health Services Administrator as defined by Minn. Stat. § 145A.02 subd. 6a, as may be amended from time to time, and other employees, agents, or contractors as the Hennepin County Board may designate.

INDOOR AREA. All space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A standard window screen (0.011 gauge with an 18 by 16 mesh count) is not considered a wall.

LICENSED PRODUCTS. The term that collectively refers to any Tobacco, Tobacco-Related Device, Electronic Delivery Device, or Nicotine or Lobelia Delivery Product.

LOOSIES. The common term used to refer to single or individually packaged Cigars or cigarettes, or any other Licensed Product that has been removed from its intended retail packaging and offered for Sale. Loosies does not include individual Cigars with a retail price, after any discounts are applied and before any sales taxes are imposed, of at least \$3.00 per Cigar.

MOVEABLE PLACE OF BUSINESS. Any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for Sales transactions.

NICOTINE OR LOBELIA DELIVERY PRODUCT. Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a Tobacco or an Electronic Delivery Device as defined in this section. Nicotine Or Lobelia Delivery Product does not include any product that has been approved or otherwise certified for legal sale by the U.S. Food and Drug Administration as a tobacco-cessation product, a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

RETAIL ESTABLISHMENT. Any place of business where Licensed Products are available for Sale to the general public. The phrase includes but is not limited to grocery stores, tobacco products shops, convenience stores, gasoline service stations, bars, and restaurants.

SALE. Any transfer of goods for money, trade, barter or other consideration.

SELF-SERVICE DISPLAY. The open display of Licensed Products in any manner where any person has access to the Licensed Products without the assistance or intervention of the licensee or the licensee's employee.

SMOKING. Inhaling, exhaling, burning, or carrying any lighted or heated Cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking also includes carrying or using an activated Electronic Delivery Device.

TOBACCO. Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; Cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco does not include any product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

TOBACCO-RELATED DEVICE. Any rolling papers, wraps, pipes, or other device intentionally designed or intended to be used with tobacco products. Tobacco-Related Device includes components of Tobacco-Related Devices or tobacco products, which may be marketed or sold separately. Tobacco-Related Devices may or may not contain tobacco.

VENDING MACHINE. Any mechanical, electric or electronic, or other type of device that dispenses Licensed Products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the Licensed Product.

Section 4: LICENSE

(A) **License required.** No person shall sell or offer to sell any Licensed Product without first having obtained a license to do so from the county.

(B) **Application.** An application for a license to sell Licensed Products must be made on a form provided by the county. The application must contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the county deems necessary. Upon receipt of a completed application, the Health Authority will timely review the application. If an application is incomplete, it will be

returned to the applicant with notice of the information necessary to make the application complete.

- (C) **Action.** The Health Authority shall review the application for conformance with this Ordinance and all applicable law. The Health Authority may approve or deny the application for a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the Health Authority approves the application, the county will issue the license to the applicant. If the Health Authority denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the decision.
- (D) **Appeal of license denial.** An applicant may appeal a denial following the procedure set forth in Section 12.
- (E) **Term.** All licenses issued are valid for one calendar year from the date of issue.
- (F) **Revocation or suspension.** Any license issued may be suspended or revoked following the procedure set forth in Section 12.
- (G) **Transfers.** All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited.
- (H) **Moveable Place of Business.** No license will be issued to a Moveable Place of Business. Only fixed location businesses are eligible to be licensed.
- (I) **Display.** All licenses must be posted and displayed at all times in plain view of the general public on the licensed premises.
- (J) **Renewals.** The renewal of a license issued under this Ordinance will be handled in the same manner as the original application. The request for a renewal must be made at least 30 days but no more than 60 days before the expiration of the current license.
- (K) **Issuance as privilege and not a right.** The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.
- (L) **Minimum clerk age.** Individuals employed by a licensed Retail Establishment under this Ordinance must be at least 16 years of age to sell Licensed Products.
- (M) **Instructional program.** Licensees must ensure that all sales clerks complete a training program on the legal requirements related to the Sale of Licensed Products and the possible consequences of license violations. Any training program must be pre-approved by the county. Licensees must maintain documentation demonstrating their compliance and must provide this documentation to the county at the time of renewal, or whenever requested to do so during the license term.

Section 5: FEES

No license will be issued under this ordinance until the appropriate license fees are paid in full. The fees will be established by the county's fee schedule and may be amended from time to time.

Section 6. BASIS FOR DENIAL OF LICENSE

- (A) Grounds for denying the issuance or renewal of a license include but are not limited to the following:
 - (1) The applicant is under 21 years of age.
 - (2) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to Licensed Products.
 - (3) The applicant has had a license to sell Licensed Products suspended or revoked within the preceding 12 months of the date of application.
 - (4) The applicant fails to provide any of the information required on the licensing application, or provides false or misleading information.
 - (5) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.
- (B) Except as may otherwise be provided by law, the existence of any particular ground for denial does not compel the county to deny the license.
- (C) If a license is mistakenly issued or renewed to a person, it will be revoked upon the discovery that the person was ineligible for the license under this ordinance. The county will provide the license holder with notice of the revocation, along with information on the right to appeal.

Section 7: PROHIBITED SALES

- (A) **In general.** No person shall sell or offer to sell any Licensed Product:
 - (1) By means of any type of Vending Machine.
 - (2) By means of Loosies as defined.
 - (3) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the Sale of lawfully manufactured cigarettes or other products subject to this Ordinance.

- (4) By any other means, to any other person, or in any other manner or form prohibited by federal, state or other local law, ordinance provision, or other regulation.
- (B) **Legal age.** No person shall sell any Licensed Product to any person under the age of 21.
 - (1) **Age verification.** Licensees must verify by means of government-issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.
 - (2) **Signage.** Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where Licensed Products are offered for Sale. The required signage must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.
- (C) **Self-Service Sales.** No person shall allow the Sale of Licensed Products by any Self-Service Displays where the customer may have access to those items without having to request the item from the licensee or the licensee's employee and where there is not a physical exchange of the Licensed Product from the licensee or the licensee's employee to the customer. All Licensed Products must be stored behind the sales counter, in another area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling Licensed Products at the time this ordinance is adopted must comply with this section within 90 days of the effective date of this Ordinance.
- (D) **Flavored Products.** No person shall sell or offer for Sale any Flavored Products. This prohibition does not apply to Retail Establishments that:
 - (1) Prohibit persons under 21 from entering at all times;
 - (2) Derive at least 90 percent of their gross revenues from the Sale of Licensed Products; and
 - (3) Meet all of the following building or structural criteria:
 - (a) Shares no wall with and has no part of their structure adjoined to any other business or retailer unless the wall is permanent, completely opaque, and without doors, windows, and pass-throughs to the other business or retailer;
 - (b) Shares no walls with and has no part of their structure directly adjoined to another licensed Tobacco retailer; and
 - (c) Is accessible by the public only by an exterior door.

Any Retail Establishment that sells Flavored Products must provide financial records documenting its annual Sales, upon request by the county.

- (E) **Liquid packaging.** No person shall sell or offer to sell any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an Electronic Delivery Device, in packaging that is not Child-Resistant Packaging. Upon request by the county, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.
- (F) **Cigars.** No person shall sell or offer to sell any Cigar, sold individually or as a multi-unit package, and regardless of whether it is within its intended retail packaging, for a sales price, after any discounts are applied and before sales taxes are imposed, of less than \$3.00 per Cigar.

Section 8: RESPONSIBILITY

All licensees are responsible for the actions of their employees in regard to the Sale, offer to sell, and furnishing of Licensed Products on the licensed premises. The Sale, offer to sell, or furnishing of any Licensed Product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the county from also subjecting the employee to any civil penalties that the county deems to be appropriate under this Ordinance, state or federal law, or other applicable law or regulation.

Section 9: COMPLIANCE CHECKS AND INSPECTIONS

All licensed premises must be open to inspection by law enforcement or other authorized county officials during regular business hours.

At least twice per year, the county will conduct Compliance Checks with respect to the minimum age to purchase products licensed under this ordinance. In accordance with state law, the county will conduct a Compliance Check that involves the participation of a person between the ages of 15 and 17. The county will also conduct a Compliance Check that involves the participation of a person between the ages of 18 and 20. In both Compliance Checks, persons under the minimum purchase age will enter licensed premises to attempt to purchase Licensed Products. Prior written consent of a parent or guardian is required for any person under the age of 18 to participate in a Compliance Check. Persons participating in Compliance Checks will be supervised by law enforcement or other designated personnel.

Additionally, from time to time, the county will conduct inspections to determine compliance with any or all other aspects of this Ordinance.

Section 10: OTHER PROHIBITED ACTS

Unless otherwise provided, the following acts are a violation of this Ordinance:

- (A) **Prohibited furnishing or procurement.** It is a violation of this Ordinance for any person 21 years of age or older to purchase or otherwise obtain any Licensed Product on behalf of a person under the age of 21. It is also a violation for any person 21 years of age and older to coerce or attempt to coerce person under the age of 21 to illegally purchase or attempt to purchase any Licensed Product.
- (B) **Use of false identification.** It is a violation of this ordinance for any person use any form of a false identification, whether the identification is that of another person or has been modified or tampered with to represent an age older than the actual age of the person using that identification.
- (C) **Samples prohibited.** No person shall distribute samples of any Licensed Product free of charge or at a nominal cost.
- (D) **Smoking prohibited.** Smoking, including Smoking for the purpose of the sampling of Licensed Products is prohibited within the Indoor Area of any Retail Establishment licensed under this Ordinance.

Section 11: EXCEPTIONS AND DEFENSES

- (A) **Religious, spiritual, or cultural ceremonies or practices.** Nothing in this Ordinance prevents the provision of Tobacco or Tobacco-Related Devices to any person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- (B) **Reasonable reliance.** It is an affirmative defense to a violation of this Ordinance for a person to have reasonably relied on proof of age as described by state law.

Section 12: VIOLATIONS, PENALTIES AND ADMINISTRATIVE HEARING

(A) **Violations.**

- (1) **Notice.** A person violating this Ordinance may be issued, either personally or by mail, a citation from the county that sets forth the alleged violation and that informs the alleged violator of his or her right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.
- (2) **Continued violation.** Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

(B) **Administrative penalties.**

- (1) **Licensees.** Any licensee found to have violated this Ordinance, or whose employee violated this Ordinance, will be charged an administrative fine of \$200 for a first violation; \$500 for a second offense at the same licensed premises within a 24-month period; and \$1,000 for a third or subsequent offense at the same location within a 24-month period. Upon the third violation, the license

will be suspended for a period of not less than 30 consecutive days. Upon a fourth violation, the license will be revoked.

(2) **Other individuals.** Individuals, other than persons under the age of 21 regulated by division (B)(3) of this section, who are found to be in violation of this Ordinance will be charged an administrative fine of \$50.

(3) **Persons under the age of 21.** Persons under the age of 21 who use false identification to purchase or attempt to purchase Licensed Products may only be subject to non-criminal, non-monetary civil penalties such as tobacco-related education classes, diversion programs, community services, or another penalty that the county determines to be appropriate.

(4) **Statutory penalties.** If the administrative penalty authorized to be imposed by Minn. Stat. § 461.12, as it may be amended from time to time, differ from that established in this section, then the higher penalty will prevail.

(C) **Misdemeanor prosecution.** Nothing in this section prohibits the county from seeking prosecution as a misdemeanor for any alleged violation of this Ordinance by a person 21 years of age or older.

(D) **Administrative hearing.**

(1) **Right of appeal.** Where a license application or renewal is denied or a licensee receives a suspension, summary suspension, or revocation notice, the applicant or licensee may appeal the action to the Health Authority by requesting an administrative hearing within ten County working days of the date of the notice. The notice of the action shall state the right to an administrative hearing.

(2) **Administrative hearing.** If any applicant or licensee makes a written request for an administrative hearing, such hearing shall be held before the Community Health Services Administrator as defined by Minn. Stat. § 145A.02 subd. 6a, as may be amended from time to time, or his/her designee.

(3) **Schedule.** The administrative hearing shall be held no later than 45 calendar days after the date of service of the request for a hearing was received unless the appellant requests an extension of time. If an extension is requested, the hearing shall be held no later than 90 calendar days after the date of service of the request for a hearing.

(4) **Notice.** The Health Authority shall mail notice of the administrative hearing to the appellant at least ten calendar days prior to the hearing. Such notice shall include (1) a statement of time, place, and nature of the hearing; and (2) a reference to the particular section of this Ordinance or the adopted statutes or rules that have been violated.

(5) **Witnesses and evidence.** All parties shall have full opportunity to respond to and present evidence and witnesses.

- (6) **Standard of proof.** The appellant shall have the burden of proving its position by clear and convincing evidence. All findings of fact, conclusions of law, and decisions by the Community Health Services Administrator or his/her designee shall be based on evidence presented and matters officially noticed.
- (7) **Rules of evidence.** The Rules of Evidence, as applied in the District Court, shall not apply to the hearing, but irrelevant, immaterial, and unduly repetitious evidence shall be excluded. The hearing shall be confined to matters raised in the Health Authority's written notice of suspension, summary suspension, or revocation or in the appellant's written request for a hearing.
- (8) **Record of hearing.** The hearing shall be taped or videotaped and minutes shall be kept.
- (9) **Notice of decision.** The determination of the Community Health Services Administrator or his/her designee and a copy of the minutes of the administrative hearing shall be forwarded to the appellant within ten County working days of the conclusion of the administrative hearing. The determination will be effective on the sixth County working day following the date the notice is sent.
- (10) **Request for reconsideration of hearing decision.** The written notice must state the effective date of the adverse action. The notice must state that the appellant has the right to request a reconsideration of the hearing decision within five County working days of receipt of the notice. The reconsideration shall consist of a review of the record by the Health Authority. The review shall be conducted within five County working days of the receipt for the request for reconsideration. A written notice of determination will be forwarded to the appellant within five County working days of the reconsideration decision. The determination will become effective after three working days after the notice of decision is mailed.

Section 13. SEVERABILITY

If any section or provision of this Ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

Section 14: NOTICE

The County shall make reasonable efforts to send Tobacco retailers regulated by this Ordinance thirty (30) days mailed notice of proposed amendments to this Ordinance.

Section 15. EFFECTIVE DATE

This ordinance becomes effective on January 1, 2020.

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0209

Item Description:

2019 Citizen Board Applicants and Appointments - Riley-Purgatory-Bluff Creek Watershed District

Resolution:

BE IT RESOLVED, that in accordance with the Hennepin County Open Appointments Policy, the following individual(s) be appointed to the Riley-Purgatory-Bluff Creek Watershed District Board:

Background:

Consistent with County Board policy, Hennepin County has conducted an open appointment application process to fill positions on the various citizen advisory and watershed boards. The Hennepin County Board will conduct interviews for these positions on June 25, 2019 and tentatively on July 23, 2019. Qualified applicants have been notified and invited to attend. At a board meeting following interviews, the County Board will take action to select from the pool of applicants to fill the available advisory board positions.

This request communicates the names of applicants for the open citizen advisory board positions and helps build the agenda for the interviews and appointments.

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0257

Item Description:

Agmt PR00001164 with USC Internal Merger Co LLC and the Hennepin County Sheriff's Office to provide prisoner transport services, 04/09/19-04/08/21, NTE \$330,256

Resolution:

BE IT RESOLVED, that Agreement PR00001164 with USC Internal Merger Co LLC to provide prisoner transport services during the period April 9, 2019 through April 8, 2021, in an amount not to exceed \$330,256 be approved; that the Chair of the Board be authorized to sign the agreement on behalf of the County; and that the Controller be authorized to disburse funds as directed.

Background:

Agreement PR00001164 between the Hennepin County Sheriff's Office (HCSO) and USC Internal Merger Co LLC, provides for outsourcing of court ordered prisoner transports when circumstances do not allow HCSO deputies to provide services. This agreement includes language that requires USC Internal Merger Co LLC to comply with the Prison Rape Elimination Act of 2003. The HCSO Enforcement Services Division continues to be cognizant of the options at its disposal when executing out-of-state transports. HCSO deputies transport the more dangerous and violent offenders, while leaving less violent offenders for USC Internal Merger Co LLC to transport. Each transport is reviewed by the extradition officer for the best use of transportation services and budgetary resources.

ATTACHMENTS:

Description	Upload Date	Type
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HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0263

Item Description:

Authorize contingency transfer of \$80,000 to 2019 HSPHD budget for YouthLink's supportive housing program for young adults - offered by Commissioner Fernando

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners authorizes a designated contingency transfer of \$80,000 to the 2019 Human Services and Public Health Department budget to provide additional funding for the YouthLink supportive housing program for young adults; that the Controller be authorized to disburse funds as directed; and

BE IT FURTHER RESOLVED, that the Human Services and Public Health Department's 2019 expenditure budget be increased by \$80,000 and the 2019 contingency budget be decreased by \$80,000.

Background:

YouthLink provides supportive services and life coaching for young adults residing at Downtown View apartments at 1205 Chestnut Avenue in Minneapolis. Hennepin County currently supports these services with funding through Agreement HS00000226 with YouthLink. YouthLink has requested an additional \$80,000 in 2019 to hire an additional staff person to fill a gap in their services for young adults living there. This funding will only be added to the contract's NTE in 2019 as they prepare to access other funding to support these services, potentially including, but not limited to, the new Medicaid Housing Stabilization Services and Targeted Case Management.

The Board has taken initial action regarding this request (Board resolution 19-0197) on May 21, 2019. This action advances that previous action and provides bridge funding so that YouthLink will be able to move to billable, mainstream state resources in the future for this program.

Current Request: This request seeks authorization to the transfer \$80,000 from the contingency fund to the 2019 HSPHD expenditure budget, to support YouthLink's supportive housing program for young adults with additional funding to bridge a gap in services until billable, mainstream state resources can be accessed.

Impact/Outcomes: Performance measure results for this program as of 12/31/2018, with the understanding that the program has only operated since February 2018:

Youth at Downtown View will maintain stable housing for at least 6 months:

- Goal: 80%
- Results: 72%

Youth at Downtown View will maintain stable housing for at least 1 year:

- Goal: 70%
- Results: NA (program had been operating only 11 months as of 12/31/18)

Youth leaving Downtown View will exit to safe, stable housing:

- Goal: 75%

- Results: 57%

Youth who have been in the program for 6 months or more will be enrolled in school and/or participating in a career pathway:

- Goal: 75%
- Results: 81%

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0267

Item Description:

Increase wheelage tax rate from \$10 to \$20 per year

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners hereby authorizes and imposes a wheelage tax as provided in Minnesota Statutes, §163.051 of \$20 per year on each motor vehicle, except a vehicle exempt from the tax as defined in Minnesota Statutes §163.051, subdivision 1(c), which is kept in Hennepin County when not in operation and which is subject to annual taxation and registration under Minnesota Statutes, chapter 168; and

BE IT FURTHER RESOLVED, that the Hennepin County Board of Commissioners hereby requests that the wheelage tax be collected at the rate of \$20 by the state registrar of motor vehicles, as provided for in Minnesota Statutes §163.051, subdivision 2; and

BE IT FURTHER RESOLVED, that the Hennepin County Board of Commissioners hereby directs the county administrator to certify the wheelage tax rate of \$20 to the state registrar of motor vehicles before August 1, 2019 and that the tax be effective January 1, 2020.

Background:

History: Minnesota Statutes §163.051 authorizes the board of commissioners to levy by resolution a wheelage tax on each motor vehicle. From 2014 through 2017, the wheelage tax rate was \$10 per year in each county that authorized the tax. After January 1, 2018, each county may authorize a rate of up to \$20 per year.

In 2013, the Hennepin County Board of Commissioners authorized a wheelage tax rate of \$10 per year effective January 1, 2014 (Resolution 13-0248R1). Since then, construction costs to build and maintain the county's system of roads and bridges have grown significantly and the state's support for CSAH through the highway user tax distribution fund has not kept up with the needs of system.

At the current rate of \$10, the Hennepin County Wheelage tax generates approximately \$10 million per year. With these funds, the county has been able to complete the following:

- Convert 144 turn signals to allow flashing yellow arrows
- Install 193 video cameras at key intersections
- Replace 10 temporary wire-span signals with permanent pole signals
- Convert 66 lane miles of roadway to grooved-in striping
- Add 321 lane miles of bituminous pavement crack sealing to the asset maintenance program
- Augment the pavement mill and overlay program with 318 additional lane miles

Current Request: This request is to approve the following actions:

1. Authorize and impose a wheelage tax rate of \$20 per year on each motor vehicle that is kept in the county and that is subject to annual taxation and registration.
2. Request that the state registrar of motor vehicles collect the tax.
3. Direct the county administrator to certify the tax to the state registrar of motor vehicles before August 1, 2019.

Public Works proposes to use the additional \$10 million in wheelage tax revenue as follows:

- Fund \$6.5 million in additional preservation and maintenance activities:
 - Medium-depth mill and overlay
 - Chip seal
 - Texas underseal
 - Cold-in-place recycling
 - Full-depth reclamation
- Reduce property tax revenue by \$5 million
- Fund \$3.5 million for design and engineering of CSAH roads, thereby increasing funds available for projects in the capital improvement program.

Impact/Outcomes: An increase in the wheelage tax will support the county's vision to move people and goods easily and safely within the system of roads and bridges. The increase will reduce dependency on property taxes and more directly tie funding for roads and bridges to users of the system.

ATTACHMENTS:

Description	Upload Date	Type
Summary of wheelage tax use	6/17/2019	Backup Material

Exhibit

Proposed uses of the Hennepin County Wheelage Tax

Table 1: Proposed use of additional \$10 million increase to the wheelage tax rate

Department	Wheelage Tax	State Aid Construction	Property Tax	Net Change	Impact
Transportation Operations	\$6,500,000		(\$4,500,000)	\$2,000,000	<ul style="list-style-type: none"> • Reduce property tax revenue • Stabilize funding for routine asset preservation work • Additional preservation and maintenance activities, including: <ul style="list-style-type: none"> ○ Medium-depth mill and overlay ○ Chip seal ○ Texas underseal ○ Cold-in-place recycling ○ Full-depth reclamation
Transportation Project Delivery	3,500,000	(2,500,000)	(500,000)	500,000	Stabilize Project Delivery department's operating budget to remove funding restrictions tied to State Aid Construction
Net Operating Budget Change	\$10,000,000	(\$2,500,000)	(\$5,000,000)	\$2,500,000	
Capital		2,500,000		2,500,000	Fund additional County State Aid Highway (CSAH) preservation projects through CIP
Total	\$10,000,000	0	(\$5,000,000)	\$5,000,000	\$5 million reduction in property tax

*Note: In 2020, Hennepin County's State Aid apportionment is projected to increase by \$4.0 million. For the allocation of the apportionment, 40% (\$1.6 million) will go toward annual maintenance of County State Aid Highway System in the Transportation Operations Department's operating budget, and 60% (\$2.4 million) will be available for construction projects.

Past uses of the Hennepin County Wheelage Tax (2014-2018)

Table 2: Road operations and maintenance projects (2014-2018)

Amount	Project Type	Activities	Impacts
\$21,800,000	Bituminous pavement overlay	Removed up to one to two layers of pavement and replacing with new pavement	<ul style="list-style-type: none"> 318 lane miles milled and overlaid
3,200,000	Bituminous pavement crack sealing	Sealed cracks in roads to protect against water and increase longevity of roadway	<ul style="list-style-type: none"> 321 lane miles sealed
2,550,000	Drainage structures	Repaired and replaced culverts, curbs, catch basins, and adjacent sidewalks	<ul style="list-style-type: none"> 690 linear feet of curb and gutter repaired or replaced
200,000	Concrete pavement repair	Repaired concrete driving surfaces	<ul style="list-style-type: none"> 10 lane miles of concrete curb repaired
\$27,750,000	Subtotal		

Table 3: Traffic and safety projects (2014-2018)

Amount	Project Type	Activities	Impact
\$3,985,000	Video detection conversion	Upgraded in-road loop traffic detection to more reliable, easier-to-maintain video detection	<ul style="list-style-type: none"> 193 video cameras installations
2,500,000	Traffic signal span-wire replacement	Replaced temporary span-wire traffic signals with permanent signals	<ul style="list-style-type: none"> 10 span-wire replacements
1,265,000	Safety improvement projects	Installed flashing yellow arrows and traffic signal battery backups, accessible pedestrian signals (APS), pedestrian crossing flashers (RRFBs), pedestrian ramps	<ul style="list-style-type: none"> 144 flashing yellow arrow installations 136 APS intersections 31 RRFB installations
1,200,000	Traffic signal painting	Extended the longevity of signal poles and aesthetics	<ul style="list-style-type: none"> 264 traffic signals painted
850,000	Traffic signal synchronization	Reduced stops and delays experienced by motorists, ensuring a better flow of traffic	<ul style="list-style-type: none"> 220 intersections synchronizations
765,000	Pavement markings	Continued grooved striping conversion; repainted pavement messages and crosswalks	<ul style="list-style-type: none"> 66 lane miles of grooved-in striping and 757 pavement markings
750,000	Traffic signal maintenance and upgrades	Converted traffic signal and Hennepin Avenue bridge lighting to LED to save energy and upgraded/maintained signal cabinets	<ul style="list-style-type: none"> 82 LED conversions 10 signal cabinet replacements
535,000	Guardrail repair	Repaired damaged guardrails and addressed safety issues	<ul style="list-style-type: none"> 164 linear feet of guardrail replacements
\$11,850,000	Subtotal		

Table 4: Bridge and structure maintenance projects (2014-2018)

Amount	Project Type	Activities	Impacts
\$1,500,000	Bridge and retaining wall maintenance/rehabilitation	Addressed minor issues with bridges and retaining walls	11 decks sealed and 3 retaining walls repaired
\$1,500,000	Subtotal		

Table 5: Grand total (2014-2018)

Total	Use
\$41,100,000	Total projects
8,000,000	2014-2017 debt service
\$49,100,000	Grand total

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0283

Item Description:

Recognize Pretrial, Probation and Parole Supervision Week in Hennepin County July 21-27, 2019 - offered by Commissioner Johnson

WHEREAS, National Pretrial, Probation and Parole Supervision Week is observed annually during July; and

WHEREAS, community corrections is an essential part of the criminal justice system nationally and in Hennepin County; and

WHEREAS, the dedicated staff and volunteers in the Department of Community Corrections and Rehabilitation deliver sustainable correctional supervision to more than 26,000 adult and juvenile clients in Hennepin County, at any given time; and

WHEREAS, probation and parole officers strive to provide clients with services, education, and resources to help them take the steps necessary to make the changes they want in their lives that reduces the likelihood of recidivism, and promote a safer Hennepin County.

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners declares July 21-27, 2019 to be Pretrial, Probation and Parole Supervision Appreciation Week in Hennepin County.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0284

Item Description:

Confirmation of appointment of Lisa Cerney, to the unclassified position of assistant county administrator-Public Works, effective 09/03/19

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners confirms the appointment of Lisa Cerney, to the unclassified position of assistant county administrator-Public Works, effective September 3, 2019.

Background:

The County Board's Open Appointments Policy and MN Statutes Section 383B.102 require that appointments to unclassified service have confirmation by the Board of County Commissioners.

Following an extensive recruitment process, the County Administrator is recommending Ms. Lisa Cerney be confirmed for appointment to the unclassified position of assistant county administrator-Public Works.

Ms. Cerney brings over 23 years of experience in the public sector with the City of Minneapolis, including 11 years of management, and has served as city engineer/director of Public Works since 2015. The broad scope of duties in her current role encompass setting annual departmental goals, identifying resources and adapting business processes for continuous improvement to the services delivered. Operational duties include the oversight of all transportation business lines, drinking water, sanitary sewer and storm water operations, project delivery, regulatory compliance, facilities and staffing. Prior to this position, Ms. Cerney served as the director of Surface and Sewers where she developed and managed short and long-term infrastructure and funding plans to ensure safe and effective operations.

Ms. Cerney demonstrates capacity to positively lead others and to develop and implement strategies for continuous improvement. She brings a leadership model that promotes diversity and leverages technical skills and strengths. Ms. Cerney's degree in civil engineering, experience, collaboration with external partners and professional affiliations, will serve her well as the assistant county administrator of Public Works, overseeing strategic and fiscal management of the county's Public Works line of business and proposing direction on issues related to meeting the overall county vision and strategic initiatives.

As required by the Open Appointments Policy, a list of final applicants who interviewed for his position is on file with the Clerk of the County Board.

Recommendation from County Administrator: Recommend Approval

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0285

Item Description:

Agmt A199694 with AFSCME Essential Attorney Unit, Local #2938 setting terms and conditions of employment for the period January 1, 2019 through December 31, 2021

Resolution:

BE IT RESOLVED, that collectively bargained agreement A199694 between Hennepin County and AFSCME Essential Attorney Unit, Local #2938, setting terms and conditions of employment for the employees represented by the Local during the period January 1, 2019 through December 31, 2021 be approved; and that Chair of the Board be authorized to sign the Agreements on behalf of the county.

Background:

Negotiations have been completed with AFSCME Essential Attorney Unit, Local #2938, resulting in a written agreement covering terms and conditions of employment. The agreement covers approximately 165 licensed attorneys in the County Attorney's Office for the period of January 1, 2019 through December 31, 2021. Consistent with the County's collectively bargained economic pattern, key provisions of this agreement include modifications to wages, progression increases, medical insurance, and key benefits.

Recommendation from County Administrator: Recommend Approval

ATTACHMENTS:

Description	Upload Date	Type
Provisions of AFSCME Local 2938 Essential Unit 2019-2021 Agreement	6/20/2019	Backup Material

WAGES

2019

Effective January 6, 2019 all rates shall be increased by 2.5%.

2020

Effective January 5, 2020 all rates shall be increased by 2.5%.

2021

Effective January 3, 2021 all rates shall be increased by 2.0%.

PROGRESSION/ PROMOTION

2019, 2020, 2021

Employees not at the maximum of their salary range are eligible for a 3% progression increase on their anniversary date, provided the employee's work performance evaluation is valued or better.

The minimum increase for promotions shall also be 3%.

MISCELLANEOUS ADJUSTMENTS

- **HCSP contributions** – Consistent with the economic pattern settlement, the County contribution will be paid annually in February based on the length of service level to be achieved in December of the same calendar year. This change provides administrative convenience over providing contributions on individual employee anniversary dates throughout the year.
- **Premium Overtime** – Include a provision for payment of premium overtime to nonexempt employees as required by law.

HEALTH INSURANCE

Employee Contributions toward Health Premiums, 2019, 2020, 2021

Standard Plan

Employee contributions to the plan will be based on the percentage of the total premium per tier shown below for 2019, 2020 and 2021

Employee only	11%
Employee + spouse	25%
Employee + child/ren	25%
Family	24%

Advantage Plans – Fairview/North Memorial/HealthEast OR HealthPartners/Park Nicollet

Employee contributions to the plan will be based on the percentage of the total premium per tier shown below for 2019, 2020 and 2021

Employee only	7%
Employee + spouse	21%
Employee + child/ren	21%

Family	20%
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Advantage Plans – HCMC/NorthPoint

Employee contributions to the plan will be based on the percentage of the total premium per tier shown below for 2019, 2020 and 2021

Employee only	3%
Employee + spouse	17%
Employee + child/ren	17%
Family	15%

Health Insurance Plan Design Changes, 2019

The Labor Management Health Care Committee (LMHCC) unanimously recommended no plan design changes this year based on the 1% premium increase.

Health Insurance Premium and Plan Design Changes, 2020, 2021 and 2022. Under the terms of the prior contract, the Labor Management Health Care Committee (LMHCC) unanimously recommended the continuation of the consensus process for the purpose of setting plan design and premium for the years 2020, 2021 and 2022.

SUBSIDY TO COUNTY DENTAL PLAN - Effective with the 2019 plan year, the county will contribute 40% of the premium for union employees who have selected the county dental plan.

LIFE INSURANCE - The County will increase Basic Life Insurance from \$30K to \$50K.

SHORT AND LONG TERM DISABILITY - Changes in how these benefits are delivered. Effective 1/1/19, short term disability will no longer be funded by employee sick/PTO accruals, but will rather be paid via paycheck deduction. Long Term Disability will become an employer-paid benefit.

TRANSIT SUBSIDY - The transit subsidy will increase from 40% to 50% for both the Metro Pass and the Go To Card.

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0286

Item Description:

Contract award 4968A9 to Veit & Company, Inc., for Minnetonka Library Site Work project, \$585,600

Resolution:

BE IT RESOLVED, that Contract 4968A9 be awarded to Veit & Company, Inc. for the Minnetonka Library Site Work project (Capital Project 1002168, Sub-project 1006181), in the amount of \$585,600 be approved; that the Chair of the Board be authorized to sign the contract on behalf of the county after the performance and payment bonds have been properly executed; and the Controller be authorized to disburse funds as directed.

Background:

History: The Minnetonka Library Site Work project will provide a long-term solution to ongoing site issues at the library.

Despite continuous patching, the asphalt parking lot continues to crack and fail. The concrete walks heaved and shifted, creating trip hazards.

In this project, all site paving will be removed, the substrates replaced, and new asphalt and concrete installed. A new on-site storm water management system will bring the property into compliance with local watershed district requirements.

Removing all asphalt and concrete will allow for a redesign of the parking lot and sidewalks. Bikers will no longer have to cross through the parking lot to connect from the bike racks to the city bike path.

The project also includes landscaping improvements. Removal of invasive buckthorn along the north side of the building will provide better airflow and reduce the growth of moss on the building. Regrading around the facility will prevent the substantial garter snake population from entering the building.

Through the low-bid procurement process, a request for bids was released on June 4, 2019. Three bids were received on June 25, 2019. Based on the lowest bid, Veit & Company, Inc. represents the best value to the county and is recommended to be awarded the contract for the project in the amount of \$585,600. The contractor's Affirmative Action Plan and Small Business Enterprise participation goals are pending approval.

The library will be closed for approximately three months beginning August 1.

Current Request: Approve Contract 4968A9 with Veit & Company, Inc. for the Minnetonka Library Site Work project, in the amount of \$585,600.

Impact/Outcomes: This project will provide a long-term solution to site issues at the Minnetonka Library.

Recommendation from County Administrator: Recommend Approval

ATTACHMENTS:

Description

Upload Date Type

HENNEPIN COUNTY

MINNESOTA

Board Action Request 19-0263 R1

Item Description:

Authorize contingency transfer of \$80,000 to 2019 HSPHD budget for YouthLink's supportive housing program for young adults - offered by Commissioner Fernando

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners authorizes a designated contingency transfer of \$80,000 to the 2019 Human Services and Public Health Department budget to provide additional funding for the YouthLink supportive housing program for young adults; that the Controller be authorized to disburse funds as directed; and

BE IT FURTHER RESOLVED, that the Human Services and Public Health Department's 2019 expenditure budget be increased by \$80,000 and the 2019 contingency budget be decreased by \$80,000.

Background:

YouthLink provides supportive services and life coaching for young adults residing at Downtown View apartments at 1205 Chestnut Avenue in Minneapolis. Hennepin County currently supports these services with funding through Agreement HS00000226 with YouthLink. YouthLink has requested an additional \$80,000 to hire a staff person to fill a gap in their services for young adults living there.

The Board designated \$80,000 in the 2019 contingency budget for YouthLink Downtown View on December 11, 2018. (Board resolution 18-0388R1, budget amendment no. 45) This item advances that action and provides bridge funding so that YouthLink will be able to move to billable, mainstream state resources in the future for this program. County Human Services staff will assist YouthLink in connecting with the state Department of Human Services to learn more about these resources.

Current Request: This request seeks authorization to the transfer \$80,000 from the contingency fund to the 2019 HSPHD expenditure budget and increase the not to exceed amount of Agreement HS00000226 with YouthLink by \$40,000. With their proposed 2020 department budget request, HSPHD will seek to carry over the additional \$40,000 if continued support is needed to bridge the gap in services for YouthLink's supportive housing program for young adults.

Impact/Outcomes: Performance measure results for this program as of 12/31/2018, with the understanding that the program has only operated since February 2018:

Youth at Downtown View will maintain stable housing for at least 6 months:

- Goal: 80%
- Results: 72%

Youth at Downtown View will maintain stable housing for at least 1 year:

- Goal: 70%
- Results: NA (program had been operating only 11 months as of 12/31/18)

Youth leaving Downtown View will exit to safe, stable housing:

- Goal: 75%

- Results: 57%

Youth who have been in the program for 6 months or more will be enrolled in school and/or participating in a career pathway:

- Goal: 75%
- Results: 81%

Recommendation from County Administrator: Recommend Approval