



**MINUTES
SCOTT COUNTY
BOARD OF COMMISSIONERS
February 15, 2022**

9:00 AM

(1) CONVENE COUNTY BOARD

The Board of Commissioners, in and for the county of Scott, Minnesota, met in the County Board Room in the City of Shakopee, Minnesota, and convened at 9:02 a.m. The following members were present: County Commissioner Wolf and County Commissioner Ulrich. County Commissioner Weckman Brekke, County Commissioner Beard, and County Commissioner Beer attended remotely. Commissioner Beard presided. Commissioner Weckman Brekke left the meeting at times between her commitments while at the National Association of Counties (NACo) Conference in Washington D.C.

The following were also in attendance:

1. Lezlie Vermillion, Scott County Administrator
2. Danny Lenz, CFO/ Deputy County Administrator
3. Sarah Wendorf, Chief Deputy County Attorney
4. Brad Davis, Planning and Resource Management Director
5. Cara Madsen, Volunteer & Community Coordinator
6. Chris Harder, Quality Improvement Manager
7. Cindy Geis, Community Services Director
8. Jennifer Schultz, Enterprise Risk Manager
9. Kris Lage, Operations Analyst
10. Lisa Brodsky, Public Health Director
11. Lisa Freese, Transportation Services Director
12. Luke Hennen, Scott County Sheriff
13. Mark Kendall, Community Outreach Officer
14. Marleny Huerta-Apanco, Community Outreach Officer
15. Mary Keen, Business Information/ System Specialist
16. Megan Tasca, Professional Engineer
17. Pam Selvig, Health and Human Services Director
18. Perry Mulcrone, Business Communication Programs Manager
19. Suzanne Arntson, Child Welfare Manager
20. Tracy Cervenka, Administrative Supervisor
21. Vanessa Strong, Water Resources Supervisor
22. JJ Anderson, Deputy Clerk to the Board

Guests:

1. Diane Williamson
2. Gloria Pautz
3. Joseph Williamson, 21750 Mushtown Road
4. Lisa Quinn, Spring Lake Town Board Supervisor
5. Noah Levie, Proposed Chair of Proposed LID
6. Patrick James Shea

7. Ted Kowalski, Spring Lake Town Board Supervisor
8. Wayne Schumack, Spring Lake Town Board Supervisor
9. Ken Pautz, 5600 Dent Avenue, Webster
10. Cheryl Pautz

(2) AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

(3) APPROVE MINUTES OF FEBRUARY 1, 2022

Motion by Commissioner Wolf, seconded by Commissioner Beer. The motion carried unanimously on a roll call vote.

(4) RECOGNITION OF INTERESTED CITIZENS

There were no citizens to be recognized.

(5) COMMUNICATION: WE WILL ALWAYS BE CLEAR ABOUT WHAT WE'RE DOING AND WHY WE'RE DOING IT

- 5.1 Receive a COVID-19 Update
The Commissioners received a COVID-19 Update.

(6) INNOVATION: WE WILL TAKE INFORMED RISKS TO DELIVER SERVICES MORE EFFECTIVELY AND WILL LEARN FROM OUR SUCCESSES AND FAILURES

- 6.1 Receive Information on Scott County Delivers Topic: Community Outreach and Engagement
The Commissioners received information on Scott County Delivers Topic: Community Outreach and Engagement.

(7) CONSENT AGENDA

- 7.1 Adopt Resolution No. 2022-27; Approving the Preliminary and Final Plat of 169 Commercial Park Consisting of 3 Lots and 1 Outlot and Three-Way Developers Agreement (Jess Moeding, Dean Trongard & Joe Card, Applicants and Cardlevitron, LLC & KTLM Holdings, LLC, Property Owners) in Section 21 of Louisville Township
Motion by Commissioner Wolf, seconded by Commissioner Ulrich. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 7.2 Adopt Resolution No. 2022-38; Approving an Agreement with Access Networks, Inc. to Provide Fiber Field Audit Services
Motion by Commissioner Wolf, seconded by Commissioner Ulrich. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 7.3 Adopt Resolution No. 2022-047; Awarding a Contract to Safety Signs for A County Highway Sign Replacement Project
Motion by Commissioner Wolf, seconded by Commissioner Ulrich. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 7.4 Adopt Resolution No. 2022-48; Authorizing Entering Into a Master Agreement With WSB and Associates, Inc. for Consultant Services for the Jordan Area 169 Projects and Authorizing a Budget Amendment of \$366,749 for the TH 169 CH 59 Interchange Design

Motion by Commissioner Wolf, seconded by Commissioner Ulrich. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

7.5 Adopt Resolution No. 2022-051; Authorizing a Second Amendment to an Agreement with Iteris, Inc. for Traffic Management Software

Motion by Commissioner Wolf, seconded by Commissioner Ulrich. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

7.6 Adopt Resolution No. 2022-052; Authorizing Entering Into Agreement No. 1047898 With the Minnesota Department of Transportation For The Trunk Highway 13 and Dakota Avenue Interchange

Motion by Commissioner Wolf, seconded by Commissioner Ulrich. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

7.7 Adopt Resolution No. 2022-53; Approving Amendment No. 5 to Attachment No. 2 of the Master Agreement With Canvas Health, Inc. to Provide Adult and Children's Mobile Mental Health Crisis Services

Motion by Commissioner Wolf, seconded by Commissioner Ulrich. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

7.8 Approve the Appointment of Citizens to Advisory Committees

1. Reappointment of Bruce Loney of Prior Lake (Term effective 3/2/2022 - 3/2/2025)
 - a. Prior Lake/Spring Lake Watershed District Board
2. Appointment of Christian Morkeberg of Spring Lake Township (Term Effective 3/2/2022 - 3/2/2025)
 - a. Prior Lake/Spring Lake Watershed District Board
3. Appointment of Eugene Tofanelli of Prior Lake (Term Effective 6/11/2022 - 6/11/2025)
 - a. Prior Lake/Spring Lake Watershed District Board

Motion by Commissioner Wolf, seconded by Commissioner Ulrich. The motion carried unanimously on a roll call vote.

Motion by Commissioner Wolf, seconded by Commissioner Ulrich. The motion carried unanimously on a roll call vote.

7.9 Approve Payroll Processing of Personnel Actions

The Purpose of This Agenda Item is to Approve Payroll Processing of Personnel Actions. The Actions Indicated Below Have Been Certified by the Employee Relations Director and the Appointing Authority to be in Compliance With the Provisions of Minnesota Statutes 375.56-375.71 and the Scott County Personnel System:

1. Separation of employment for Nicholas Borowske, FT Corrections Officer, County Sheriff's Office, effective 02/03/22.
2. Separation of employment for Daniel Lauer-Schumacher, FT Housing Coordinator, Health and Human Services Division, effective 02/18/22.
3. Separation of employment for Reinaldo Cortes, FT Probationary Corrections Officer, County Sheriff's Office, effective 01/16/22.
4. Separation of employment for Roba Barento, Intermittent (34% FTE) Facility Probation Officer - Unclassified, Health and Human Services Division, effective 01/16/22.
5. FT Probationary employment of Melissa Lyznick, Corrections Officer, County Sheriff's Office, effective 02/14/22.
6. FT Probationary employment of Terrence Salazar, Corrections Officer, County Sheriff's Office, effective 02/14/22.

7. FT Probationary employment of Jacob Schaller, Corrections Officer, County Sheriff's Office, effective 02/14/22.
8. PT (50% FTE) Probationary employment of Marina Stepanova, Library Associate, Administration Division, effective 02/01/22.
9. Promotion for Betsy Beck, FT Probationary Case Aide, Health and Human Services Division, effective 01/17/22.

Motion by Commissioner Wolf, seconded by Commissioner Ulrich. The motion carried unanimously on a roll call vote.

(8) CUSTOMER SERVICE: WE WILL DELIVER GOVERNMENT SERVICES IN A RESPECTFUL, RESPONSIVE, AND SOLUTION-ORIENTED MANNER

- 8.1 Conduct a Public Hearing at 10:15 am to Receive Public Comment on the Establishment of the McMahon Lake Improvement District
Open Public Hearing at 10:28 a.m. Motion by Commissioner Ulrich, seconded by Commissioner Wolf. The motion carried unanimously on a roll call vote.

Scott County Operations Analyst Kris Lage addressed the Board with a presentation on the establishment of the Lake Improvement District (LID).

Professional Engineer Megan Tasca responded to Commissioner Beard's inquiry about Ordinary High-Water Elevation (OHW), stating that OHWs are determined over decades of time and once established do not change. Ms. Tasca assured the Board that the line would be manually operated via a single pipe with a filter to avoid spread of invasive species and is gravity discharged.

Noah Levie, proposed Board chair of the LID, addressed Commissioner Beer's question about the properties that are proposed to be included and those that are not. He reviewed the Minnesota Statute 6115.0950 criteria, that states, "The proposed boundaries shall include all lands and waters within a lakes direct drainage basin unless justification is provided that includes a lessor area and approved in writing by the Commissioner. The proposed boundaries shall include those lands and waters which can be reasonably considered to adversely affect or be affected by the proposed actions of the district." Mr. Levie maintained that the lands in the boundaries as well as justifications were previously presented to Board because they fall under these criteria and the primary goal of the LID is to maintain the outlet and managing water levels. Therefore, it includes all property shoreline owners, but only includes non-shoreline properties that presently affect water quality due to run-off. The parcels included were proposed by the proposed LID Board.

Scott County Water Resources Supervisor Vanessa Strong added to Mr. Levie's explanation with her department's findings stating that due to topography and size, some parcels have greater challenge with run-off and contribute higher levels of silty run-off than others. Ms. Strong stated that the owners of these parcels have been contacted on several occasions with opportunities for grants and technical aid by the Scott Watershed Management Organization (WMO) and Scott County Soil And Water Conservation District (SWCD) in managing these issues. The property owners have not yet taken advantage of these offerings, therefore, remain as part of the LID as they have a present high impact on water quality. Ms. Strong also encouraged landowners to apply for the petition to opt-out of the LID once these issues have been formally addressed. She added that properties in the water district boundary not currently included, could be included in the future if they were to affect water quality. Ms. Lage presented a letter from the DNR and read aloud for the record their recommendations in an attached letter. Copies will also be provided to each Township. The DNR's recommendation:

The boundaries of the proposed LID include only riparian properties. MR Part

6115.0920 subpart 5 requires that the boundaries include all lands and waters within the direct drainage basin of the lake (shown on the attached map). However, this rule also allows the County Board or City Council to create a boundary less than the entire drainage basin with written Commissioner approval if the boundary selected includes a sufficient amount of the lake's watershed to develop and implement feasible solutions to the problems the LID intends to address. Restriction of the district's boundary to these properties is sufficient to allow management of a water control structure, as well as to address the in-lake and shoreline activities which would be beneficial in promoting the LID's stated secondary goals of promoting water clarity and managing invasive species. Therefore, in accordance with these rules, the DNR approves the proposed boundaries identified in the resolution.

Ms. Lage advised that an email was forwarded to both Cedar Lake and Spring Lake Townships on January 28 regarding notification requirements including information that the Board is not acting on the petition at this hearing and that the soonest the Board would act on the petition March 1.

Patrick Shea addressed Board about his concern of additional costs to landowners and stating that he would not have signed the agreement had more information been available. Ms. Strong responded with information about the two elected costs addressing invasive species and water quality monitoring and stated the additional concerns were suggested options. Ms. Strong reiterated that there are many already existing opportunities to partner with other agencies at no additional cost and grants.

In response not Commissioner Beard's inquiry, Ms. Strong advised that if not managed, the water would travel South, flooding the roads and other parcels. No natural outlets exist, and the installed outlet will follow a path towards St. Catherine, Sand Creek, then the Minnesota River.

Ken Pautz, representing the Pautz Family Partnership owning two parcels within the boundaries of the LID, states that sister has spoken with Ms. Strong. As a non-lakeshore owner, the Family feels the property should be excluded from the LID. Mr. Pautz stated that the family would cooperate with agencies to ensure the runoffs does not affect the lake. County Administrator Lezlie Vermillion reiterated there is a process to petition to be removed from the LID.

Joseph Williamson addressed the Board claiming to have lost 25-40 feet of shoreline as a lakeshore owner. His greatest concern is that of the closing of the boat launch which has created a great hazard for both boaters and traffic. Mr. Williamson has been a volunteer monitoring and providing water level samples to the County for many years. Mr. Williamson advised that the lake was at a hazardous level (D) when he was providing monitoring and the level is now lower (C). Mr. Williamson states that he is looking forward to the lake being controlled by the LID and the flowage. Most areas that were causing pollution has been taken care of. Mr. Williamson addressed the Board and other landowners noting that in his years volunteering that the DNR took care of most the cost.

Ms. Strong advocated that Mr. Williamson is a good example that the County and agencies do provide much education on how LIDs work and what their function is and why it's important. In response to Commissioner Beard's inquiry, Ms. Strong replied that there are five lake associations and LIDs within Scott County.

Commissioner Beard and Mr. Levie talked about the \$600,000 bonding money appropriated by the State legislature. The DNR will help put the project together. Ms. Vermillion added that the County is also providing an investment in the \$1.2 project.

Mr. Williamson replied to Commissioner Ulrich's request – stating that he was a volunteer for

10-15 years. He has resigned his position, and another person is providing this service.

Ted Kowalski, Spring Lake Township Board Supervisor brought up the following topics:

- Frustration that the Town Board members were originally told the cost would be a pipe but now there are items being added each time the subject is discussed.
- A feeling of disconnect they've heard. For instance, Mr. Pautz was notified of the LID public hearing recently.
- The project is moving too fast
- Concerns about mission creep.
- The Township should be part of the LID itself because of Mushtown Road.
- Water surface use regulations. He used other LID regulated lakes as an example.
- Failure to notify residents and landowners within the State mandated timeframe.
- Questioned the ability for multiple household members to sign the Petition.
- If the LID boundaries should take in the entire watershed
- Does the LID have authority to change the use on the lake?

Ms. Lage noted that at the LID's annual meeting any future projects and activities would be voted on by all members of the LID. She will research the question of if all property owners, or each property has a vote in the election of officers. She added that state statute requires that the County notify agencies and residents 10-30 days before acting on a petition. The Board is not acting on the petition today. She also offered that there are inconsistencies between Minnesota Rules and State Statutes. The County follows Statutes. Following the public hearing, the County must wait at least ten days, but need to take action within 30 days of the public hearing.

Mr. Levie talked about the two paths to form a LID. The group felt the path chosen was the best. There is no interest as landowners to take over anything; just want to keep the lake clean, keep the water level right, and if there is funding available to have one voice. The Petition states that the goals are water levels, maintain LID outlet, promote water clarity, and mitigate invasive species. He added that as a part of the process, they were informed if two names are listed on the tax ID, it would be safer to have both owners sign the Petition. A total of 72% property owners, and 82% of taxable benefitted properties signed the Petition. He added that he would love nothing more than to work with the Pautz' to get them out of the LID if a solution can be identified. Mr. Levie added that there is another property that is not lakeshore owner much like the Pautz's parcels and agreed willingly to be included in the district because, much like what's happening with the Pautz's land, there is an issue with runoff and pollution.

Commissioner Beard noted that Commissioner Weckman Brekke had to leave the meeting, but did write in the Zoom Chat an assumption that if water quality and invasive species were not addressed then the DNR would not approve the LID to create a water outlet, therefore, since the water level must be maintained this renders the other two requirements also mandatory. Ms. Strong agreed with the statement. She added that after further examination of the requirements for establishing ordinances, the LID does not have ordinance authority as this falls upon the local government authority. The LID could petition each of these entities.

Mr. Pautz reiterated his position that the lake currently meets the Minnesota Pollution Control Agency levels and that he will be petitioning out of the LID.

Mr. Williamson asked to address the Board stating that he simply submitted samples and data, but had no other authority.

Property owner Wayne Schumack wrote in the Zoom chat that votes were by parcel not individual owners to his knowledge.

Close the Public Hearing at 12:00 p.m. Motion by Commissioner Wolf, seconded by Commissioner Beer. By a roll call vote, the motion carried on a vote of four ayes, with Commissioner Weckman Brekke absent.

Commissioner Wolf asked for clarification of the date that the action would be taken. He requested that it be on March 15 allowing the Spring Lake Town Board to review and discuss. Ms. Vermillion stated that the County would announce it officially after confirming that would meet statutory requirements.

The Chair recessed the meeting at 12:02 p.m., and reconvened at 12:05.

(9) STEWARDSHIP: WE WILL WORK PROACTIVELY TO MAKE INVESTMENTS, GUIDED BY RESIDENT INPUT, WHICH WILL TRANSFORM LIVES, COMMUNITIES, AND GOVERNMENT

- 9.1 Conduct a Public Hearing at 10:00 a.m. to Receive Public Comment on the Extension of a Transportation Sales Tax; and Adopt Resolution No. 2022-054; Adopting a 2023-2032 Transportation Tax Program of Projects and Authorizing Continuation of a Transportation Sales Tax in Scott County

Open Public Hearing at 12:06 p.m. Motion by Commissioner Ulrich, seconded by Commissioner Wolf. By a roll call vote, the motion carried on a vote of four ayes, with Commissioner Weckman Brekke absent.

Transportation Services Director Lisa Freese provided information on the proposed extension of the Transportation Sales Tax. There was no public comment provided.

Close the Public Hearing at 12:40 p.m. Motion by Commissioner Ulrich, seconded by Commissioner Wolf. The motion carried unanimously on a roll call vote.

Resolution No. 2022-54 Adopting a 2023-2032 Transportation Tax Program of Projects and Authorizing Continuation of a Transportation Sales Tax in Scott County.
Motion by Commissioner Wolf, seconded by Commissioner Weckman Brekke.

Motion to amend the resolution to include in Bloomington Ferry Bridge in resolution 2022-54 by Commissioner Ulrich, seconded by Commissioner Wolf. The motion carried unanimously on a roll call vote.

The motion, as amended, carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

(10) COMMITTEE REPORTS AND COMMISSIONER UPDATES

1. All Commissioners attended the County Board Workshop on February 1.
2. Commissioner Weckman Brekke attended the County/Court Policy Committee meeting on February 2.
3. Commissioner Weckman Brekke attended the Scott County Law Library Board meeting on February 3.
4. Commissioner Weckman Brekke attended the Helena Town Board on February 3.
5. Commissioner Weckman Brekke attended the Sand Creek Town Board meeting on February 3.
6. Commissioners Weckman Brekke and Ulrich attended the Scott County Association for Leadership & Efficiency (SCALE) Executive Committee meeting on February 4.
7. Commissioner Weckman Brekke met with the Mayor and City Administrator of Shakopee on February 4.
8. Commissioner Weckman Brekke met with Spring Lake Township representatives on

- February 7.
9. Commissioner Weckman Brekke attended the New Prague City Council meeting on February 7.
 10. Commissioner Weckman Brekke met with County Administrator Lezlie Vermillion on February 8.
 11. Commissioner Weckman Brekke attended the Community Action Partnership (CAP) Board meeting on February 8.
 12. Commissioners Weckman Brekke and Ulrich attended the Minnesota Inter-County Association (MICA) Board of Directors meeting on February 9.
 13. Commissioners Weckman Brekke, Wolf, and Beard attended the Scott LeSueur Ditch/Landowner Information meeting on February 9.
 14. Commissioner Weckman Brekke attended the Families & Individuals Sharing Hope (FISH) meeting on February 10.
 15. Commissioners Weckman Brekke and Wolf attended the 169 Corridor Coalition meeting on February 10.
 16. Commissioner Weckman Brekke attended the St. Lawrence Town Board meeting on February 10.
 17. All Commissioners attended the Scott County Association for Leadership & Efficiency meeting on February 11.
 18. Commissioner Weckman Brekke testified at the Governor's Council on Justice Reinvestment meeting on February 11.
 19. Commissioner Weckman Brekke attended the National Association of Counties (NACo) Human Services and Education Policy committee meeting on February 12.
 20. Commissioner Weckman Brekke attended the NACo Conference February 13-15.
 21. Commissioners Weckman Brekke, Wolf, Beard, and Ulrich attended the 169 Corridor Coalition Virtual Legislative Reception on February 14.
 22. Commissioner Wolf attended the New Market Town Board meeting on February 1.
 23. Commissioner Wolf attended the Precinct Caucuses in Prior Lake February 1.
 24. Commissioner Wolf attended the Spring Lake Town Board meeting on February 7.
 25. Commissioner Wolf attended the Elko New Market City Council meeting on February 7.
 26. Commissioner Wolf attended the Prior Lake City Council meeting on February 7.
 27. Commissioner Wolf attended the Credit River Town Board meeting on February 7.
 28. Commissioner Wolf attended the Cedar Lake Town Board meeting on February 7.
 29. Commissioner Wolf attended the Metropolitan Emergency Services Board Executive meeting on February 9.
 30. Commissioner Wolf attended the I35W Solutions Alliance meeting on February 10.
 31. Commissioner Wolf attended the Metropolitan Emergency Services Board Finance Committee meeting on February 10.
 32. Commissioner Wolf attended the Scott County Extension Committee meeting on February 11.
 33. Commissioner Wolf attended the Scott County Planning Advisory Commission/Board of Adjustment meeting on February 14.
 34. Commissioner Beard met with the Community Development Agency (CDA) Executive Director Julie Siegert on February 8.
 35. Commissioner Beard met with the Community Corrections Director Molly Bruner on February 3.
 36. Commissioner Beard attended the Prior Lake/Spring Lake Water District meeting on February 7.
 37. Commissioner Beard met with the County Administrator Lezlie Vermillion on February 8.
 38. Commissioner Beard attended the CDA meeting on February 8.
 39. Commissioner Beard attended the Live, Learn, Earn: Housing: Engaging Partners/Engaging Community meeting on February 9.
 40. Commissioner Beer attended the Overview of Lakefront Project at Spring Lake Regional Park and Neighborhood Items meeting with County staff on February 2.
 41. Commissioner Beer attended the FISH Program Committee meeting on February 8.

42. Commissioner Beer attended the Federation of State, County & Municipal Employees (AFSCME) Labor Management Committee meeting on February 8.
43. Commissioner Ulrich attended the Parks Commission meeting on February 2.
44. Commissioner Ulrich met with the County Administrator Lezlie Vermillion on February 3.
45. Commissioners Ulrich and Beard attended the Scott County Transportation Committee meeting on February 3.
46. Commissioner Ulrich attended the STA Legislative Breakfast on February 7.
47. Commissioner Ulrich attended the Minnesota Inter-County Association (MICA) Board of Directors meeting on February 9.
48. Commissioner Ulrich attended the FISH Fundraiser Planning meeting on February 9 and 14.
49. Commissioner Ulrich attended the Suburban Transit Association (STA) Board meeting on February 14.

(11) RECESS FOR ATTORNEY/CLIENT MEETING

There were no attorney/client meetings.

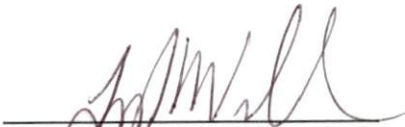
(12) COUNTY ADMINISTRATOR UPDATE

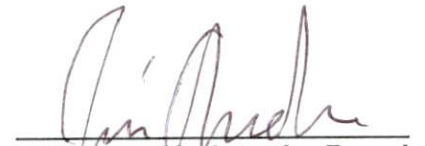
- Ms. Vermillion thanked County staff Kris Lage, Brad Davis, Megan, Lisa Freese, Cindy Geis, Vanessa Strong for working hard on putting together data for the public hearings.
- The County buildings will be closed for President's Day on February 21, 2022.

(13) ADJOURN

On a motion by Commissioner Beer, seconded by Commissioner Wolf, the meeting adjourned at 1:09 a.m. By a roll call vote, the motion carried on a vote of four ayes, with Commissioner Weckman Brekke absent.


County Board Chair


Clerk to the Board/County
Administrator


Deputy Clerk to the Board