



**MINUTES
SCOTT COUNTY
BOARD OF COMMISSIONERS
October 3, 2023**

(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 8:00 a.m. The following members were present: Commissioner Weckman Brekke, Commissioner Wolf, Commissioner Brennan, Commissioner Beer, and Commissioner Ulrich. Commissioner Wolf presided.

The following were also in attendance:

1. Lezlie Vermillion, County Administrator
2. Ron Hocesvar, County Attorney
3. Jeanne Andersen, Senior Attorney
4. Luke Hennen, County Sheriff
5. Barb Dahl, Health and Human Services Director
6. Tracy Cervenka, Business Operations Manager
7. Julie Hanson, Property & Customer Service Manager
8. Daniel Sliwa, Customer Service Specialist
9. Jennifer Donnelly, Customer Service Supervisor
10. Kari Ouimette, Economic Assistance Director
11. Lisa Kohner, Public Affairs Coordinator
12. Michelle Hesse, Deputy Clerk to the Board

Guests:

1. Bryan Petzel, ISG Mankato
2. Jeff Hentges, MCIT
3. Jody Stone, Shakopee High School
4. Joselyn Pond, Shakopee High School
5. Tina Pharl, Shakopee High School
6. Dyanira Rivera, Shakopee High School
7. Jose Santiago Garcia, Shakopee High School
8. Issac Snell, Shakopee High School
9. Julia Michels, Shakopee High School
10. Nicole Menke, Shakopee High School
11. Lily Trembl, Shakopee High School
12. Chayse Doering, Shakopee High School
13. Jordan Rivest, Shakopee High School
14. Abigail Morara, Shakopee High School
15. Rachel Majerus, Shakopee High School
16. Lily Schwetz, Shakopee High School
17. Julia Fieldseth, Shakopee High School
18. Elna Suy, Shakopee High School

(2) RECESS FOR ATTORNEY/CLIENT MEETING

Conduct a Closed Attorney/Client Meeting as Authorized by Minn. Stat. §13D.05 to Discuss the Winborn Litigation

Chair Wolf recessed the Board meeting at 8:00 a.m. for a closed attorney/client meeting.

Chair Wolf reconvened the Board meeting at 9:20 a.m.

(3) AMENDMENTS TO THE AGENDA

- 3.1 Addition of Item 8.2; Resolution No. 2023-261 Approving Settlement in US District Court File No. 22-CV01811, Winborn v. Schneider, et. al.
Commissioner Weckman Brekke moved, seconded by Commissioner Brennan, to amend the agenda to include the addition of Item 8.2; Resolution No. 2023-261 Approving Settlement in US District Court File No. 22-CV01811, Winborn v. Schneider, et. al. The motion carried unanimously.

(4) APPROVE MINUTES

- 4.1 On a motion by Commissioner Ulrich, seconded by Commissioner Brennan, the September 6, 2023 Three Rivers/Scott County Joint Board Meeting minutes were approved unanimously.
- 4.2 On a motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich, the September 19, 2023 Board Meeting minutes were approved unanimously.

(5) RECOGNITION OF INTERESTED CITIZENS

Shakopee High School Center for Advanced Professional Studies (CAPS) Human Services Instructor Jody Stone presented an award certificate to Scott County on behalf of Shakopee Public Schools Superintendent Dr. Mike Redmond. The award acknowledges the County's seven year commitment to the CAPS program. County Administrator Lezlie Vermillion thanks Mr. Stone and the students and noted the excellent projects in which they have participated.

Ms. Vermillion read from a letter from Jon Carlson of Elko New Market and noted receipt of a petition signed by residents regarding the I-35 and County Highway 2 intersection. The documents have been entered into the record. In conversation with Mr. Carlson, she advised that the intersections and speed limits are under the jurisdiction of Minnesota Department of Transportation (MnDOT). Ms. Vermillion suggested that Mr. Carlson also reach out to the Commissioner of Transportation and noted that MnDOT is working with Scott County staff to look at temporary solutions until the bridge is replaced in the future.

(6) CONSENT AGENDA

- 6.1 Adopt Resolution No. 2023-81; Approving the Preliminary Plat and Final Plat of Highway 169 Industrial Park 3rd Addition (Camping World Holdings, Inc., Applicant and FRHP 4, LLC, Property Owner)
Motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.2 Adopt Resolution No. 2023-210; Approving an Amendment to Interim Use Permit and Developers Agreement for Shakopee Sands Mining (Shakopee Sand, LLC., Applicant and Great Plains Sand, LLC. & Quincunx Mining LLC., Property Owners)
Motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.3 Adopt Resolution No. 2023-214; Authorizing Entering into the Minnesota Family Investment Program Service Agreement
Motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

- 6.4 Adopt Resolution No. 2023-241; Authorizing Entering into Master Agreements for Consulting Services
Motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.5 Adopt Resolution No. 2023-243; Approving Increased Expenditures Under Axon Enterprise, Inc. Agreement
Motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.6 Adopt Resolution No. 2023-244; Approving Acceptance of the 2023 Byrne Discretionary Grant in the Amount of \$84,000 and Approving a Budget Amendment
Motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.7 Adopt Resolution No. 2023-245; Authorizing Entering Into a Cooperative Agreement with the City of Shakopee for the County Highway 16 Trail Project
Motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.8 Adopt Resolution No. 2023-247; Authorizing Submittal of the Trunk Highway 13 Project for the 2023 Minnesota Highway Freight Program
Motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.9 Adopt Resolution No. 2023-249; Authorizing a Budget Amendment and Entering Into an Agreement With Bolton & Menk, Inc., for the County Highway 78 and 79 Roundabout Project
Motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.10 Adopt Resolution No. 2023-250; Authorizing Entering into an Agreement with Great River Energy for the Trunk Highway 169 and Bluff Drive Overpass Project
Motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.11 Set a Public Hearing on October 17, 2023 at 10:00 a.m. to Receive Public Comment on Terminating the McMahon Lake Improvement District (LID)
Motion by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously.
- 6.12 Approve Payroll Processing of Personnel Actions
On the recommendation of the County Administrator, Commissioner Weckman Brekke moved, seconded by Commissioner Ulrich to approve the payroll processing of personnel actions indicated below and certified by the Employee Relations Director and the Appointing Authority to be in compliance with provisions of Minnesota Statutes 375.56 - 375.71 and the Scott County Merit Personnel System:
1. Separation of employment for Sara Campbell, FT Probationary 911 Dispatcher, County Sheriff's Office, effective 9/8/2023.
 2. Separation of employment for Tamara McArthur, FT Probationary Child Protection Worker, Health and Human Services Division, effective 9/8/2023.

3. Separation of employment for Jessica Harlin (Grossoehme), FT 911 Dispatcher, County Sheriff's Office, effective 9/21/2023.
4. Separation of employment for Hanaka Grobel, FT Probationary Corrections Officer, County Sheriff's Office, effective 9/22/2023.
5. Separation of employment for Daniel Lein, FT Probationary Corrections Officer, County Sheriff's Office, effective 9/27/2023.
6. Separation of employment for Mark Kendall, Community Outreach Officer, Transformation and Enterprise Services Division, effective 10/2/2023.
7. FT Probationary employment of Laura Henry, Registered Nurse, County Sheriff's Office, effective 9/11/2023.
8. FT Probationary employment of Deric Jackson, Community Corrections Field Services Manager, Health and Human Services Division, effective 10/2/2023.
9. FT Probationary employment of Justin Lajoie, Therapist, Health and Human Services Division, effective 10/2/2023.
10. FT Probationary employment of Terri Dill, Principal Planner, Transportation Services Division, effective 10/9/2023.
11. Promotion for Lance Link, FT Residential Appraiser to FT Senior Residential Appraiser, Community Services Division, effective 9/6/2023.
12. Promotion for Jennifer Schultz, FT Enterprise Risk Manager, Office of Management and Budget Division, to FT Probationary Library Director, Transformation and Enterprise Services Division, effective 9/18/2023.
13. Lateral move for Alex Durrence, FT property and Customer Service Specialist, Community Services Division, to FT Probationary Systems Support Technician, Health and Human Services Division, effective 9/11/2023.

The motion carried unanimously.

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

- 7.1 Conduct a Public Hearing at 9:20 AM for the Purpose of Receiving Public Comment on the Proposed Changes to Liquor Licensing Fees and Adopt Resolution No. 2023-242; Approving the Fee Schedule for Liquor License Licensing and Renewals

Motion by Commissioner Brennan, seconded by Commissioner Ulrich to open the Public Hearing at 9:37 a.m.

Customer Service Specialist/Liquor License Coordinator Daniel Sliwa presented the new Liquor License Fee Schedule for Townships within Scott County: \$2,200 for on sale, \$400 for off sale, and \$250 for liquor setup starting in late 2023 for the 2024 renewal cycle.

There was no public comment.

Motion by Commissioner Brennan, seconded by Commissioner Weckman Brekke to close the Public Hearing at 9:40 a.m.

Motion by Commissioner Brennan, seconded by Commissioner Ulrich to adopt Resolution No. 2023-242. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

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

- 8.1 Conduct a Public Hearing at 9:30 AM for the Purpose of Receiving Public Comment on the Proposed Adoption of Scott County Ordinance 34, Public Use of Cannabis and Hemp Products and the Proposed Amendment of Scott County Parks Ordinance No. 29, and Adopt Resolution No. 2023-251; Adopting Scott County Ordinance 34, Public Use of Cannabis and Hemp Products and Amending Scott County Parks Ordinance No. 29

Motion by Commissioner Brennan, seconded by Commissioner Beer to open the Public Hearing at 9:41 a.m.

County Attorney Ron Hovevar stated that the Minnesota Legislature recently passed legislation allowing the use of cannabis and hemp products in the state. The legislation explicitly allows municipalities including counties to create ordinances to regulate public use and make violations petty misdemeanors. Scott County has determined that an ordinance regulating public use is necessary to protect public health, safety, and welfare. The County's Parks ordinance will also be amended to maintain consistency with the new ordinance application within Park boundaries.

There was no public comment.

Motion by Commissioner Weckman Brekke, seconded by Commissioner Brennan to close the Public Hearing at 9:42 a.m.

Motion by Commissioner Ulrich, seconded by Commissioner Weckman Brekke to adopt Resolution No. 2023-251. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

8.2 Adopt Resolution No. 2023-261 Approving Settlement in US District Court File No. 22-CV-01811, Winborn v. Schneider, et. al.

County Attorney Ron Hovevar stated that County and a staff member were sued in June 2022. The case had a settlement conference where a tentative agreement was reached subject to approval by the Board. Settlement is 12.2 million (10.2M County/2M MCIT) in exchange for dismissal of the case. The Board met with the attorney assigned by Minnesota Counties Intergovernmental Trust (MCIT) to discuss the case, including the risks of going forward without settling. The Board has determined that settlement is in the best interests of the County to avoid the risks of trial and uncertainty of a jury verdict.

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

(9) COMMITTEE REPORTS AND COMMISSIONER UPDATES

- All Commissioners attended a Workshop following the Board Meeting on September 19.
- Commissioners Beer, Brennan, Ulrich, and Wolf attended the Scott County Volunteer Recognition picnic on September 19.
- Commissioner Beer attended the Joint Scott County/Carver County Extension Committee meeting on September 20.
- Commissioners Beer and Brennan attended the Community Development Agency (CDA) City Tour and Conversation on September 21.
- Commissioners Beer and Wolf, along with County Administrator Lezlie Vermillion, met with the City of Prior Lake Mayor and City Administrator on September 26.
- Commissioners Beer and Wolf attended the Metropolitan Mosquito Control District (MMCD) meeting on September 27.
- Commissioner Brennan attended the Shakopee City Council meeting on September 19.
- Commissioner Brennan attended the Lower Minnesota River Watershed meeting on September 20.
- Commissioner Brennan met with the County Administrator on September 26.
- Commissioners Brennan, Ulrich, and Weckman Brekke attended the Scott County Library Readmobile 5th Anniversary Celebration on September 27.
- Commissioner Brennan attended the Scott County Historical Society (SCHS) meeting on September 14.
- Commissioners Brennan and Weckman Brekke, along with the County Administrator, met with the Shakopee Mayor and City Administrator on September 28.
- Commissioner Brennan attended the State Community Health Advisory Committee (SCHSAC) meeting on September 29.
- Commissioner Brennan met with Scott County Parks General Manager Patty Freeman on October 2.
- Commissioner Ulrich attended the Metropolitan Council Transportation Advisory Board meeting on September 20.
- Commissioner Ulrich and the County Administrator met with the Savage Mayor and City Administrator on September 21.

- Commissioner Ulrich attended the Association of Minnesota Counties (AMC) Metropolitan Council Governance Advisory Committee meeting on September 25.
 - Commissioner Ulrich attended the Minnesota Inter-County Association (MICA) Collar County Governance meeting on October 2.
 - Commissioner Weckman Brekke attended the National Association of Counties (NACo) Central Region Monthly meeting on September 19.
 - Commissioner Weckman Brekke attended the Transportation Alliance fly-in in Washington DC on September 20-21.
 - Commissioner Weckman Brekke and the County Administrator met with the New Prague Mayor and City Administrator on September 22.
 - Commissioners Weckman Brekke and Wolf attended the Scott County Chair/Vice Chair meeting on September 26.
 - Commissioner Weckman Brekke attended the National Association of Counties (NACo) Human Services and Education Committee meeting on September 27.
 - Commissioners Weckman Brekke and Wolf attended the meeting with Scott County Town Board Chairs on September 27.
 - Commissioner Weckman Brekke met with Scott County Library Director Jennifer Schultz on September 28.
 - Commissioner Weckman Brekke attended the Jordan Commercial Club meeting on September 28.
 - Commissioner Weckman Brekke attended the Minnesota Community Supervision Advisory Committee meeting on September 29.
 - Commissioner Wolf attended the Scott County Employee Insurance Committee meeting on September 20.
 - Commissioner Wolf met with Scott County Soil and Water Conservation District on September 20.
 - Commissioner Wolf attended the Prior Lake Community Development Agency meeting on September 21.
 - Commissioner Wolf met with the Credit River Mayor on September 21.
 - Commissioner Wolf attended the Credit River Ditch #4 meeting on September 25.
 - Commissioner Wolf met with the County Administrator on September 14.
 - Commissioner Wolf attended the Scott Watershed Management Organization (WMO) Planning Commission meeting on September 25.
 - Commissioner Wolf attended the Prior Lake Association meeting on September 26.
 - Commissioner Wolf attended the Elko New Market City Council meeting on September 28.
 - Commissioner Wolf attended the Prior Lake City Council meeting on October 2.
 - Commissioner Wolf attended the Credit River City Council meeting on October 2.
 - Commissioner Wolf attended the Cedar Lake Town Board meeting on October 2.
- Commissioner Weckman Brekke noted the passing of Granite Falls Mayor Dave Smiglewski.

(10) COUNTY ADMINISTRATOR UPDATE

- County Administrator Lezlie Vermillion attended the Jordan School Board meeting on October 2 to provide an update on the Camper Cabin project. The School Board expressed interest to participate in future projects.
- Ms. Vermillion added that a Board Workshop regarding the McMahon Lake Improvement District (LID) and an employee appreciation lunch will follow this meeting.

(11) ADJOURN

Chair Wolf noted that a workshop regarding McMahon LID will follow this meeting.

On a motion by Commissioner Beer, seconded by Commissioner Ulrich, the meeting adjourned at 10:01 a.m.

