AGENDA
SCOTT COUNTY
BOARD OF COMMISSIONERS
SHAKOPEE, MINNESOTA
MARCH 6, 2018

9:00 a.m.
(1) CONVENE COUNTY BOARD

(2) AMENDMENTS TO THE AGENDA

(3) APPROVE MINUTES OF FEBRUARY 20, 2018 COUNTY BOARD MEETING

(4) RECOGNITION OF INTERESTED CITIZENS
Limited to items not on the agenda, and five minutes per person/subject. Speakers are asked to approach the microphone for the benefit of viewers and interested citizens.

(5) CONSENT AGENDA

Partnership: Aligning Existing Resources, Volunteers and Programs to Achieve Shared Goals

5.1 Approve the Appointment of Barry Stock of Commissioner District 5 to the Scott County Community Development Agency Board of Commissioners for a Term Effective March 6, 2018 Through December 31, 2022 (No fiscal impact)

5.2 Approve the Appointment of Mike Myser of Commissioner District 4 to the Prior Lake-Spring Lake Watershed District Board of Managers for a Term Effective March 6, 2018 Through March 5, 2021 (No fiscal impact)

5.3 Adopt Resolution No. 2018-037; Authorizing Entering Into an Agreement With the City of Prior Lake for Installation of Flashing Yellow Arrow Signals at Five Signalized Intersections in the City of Prior Lake (No fiscal impact)

5.4 Adopt Resolution No. 2018-038; Authorizing Entering Into an Agreement With the City of Shakopee for Installation of Flashing Yellow Arrow Signals at Eight Signalized Intersections in the City of Shakopee (No fiscal impact)

5.5 Adopt Resolution No. 2018-039; Authorizing Entering Into an Agreement With the City of Savage for Installation of Flashing Yellow Arrow Signals on Three Signalized Intersections in the City of Savage (No fiscal impact)

Stewardship: Ensuring the Responsible and Stable Investment of Taxpayer Dollars and Communicating its Value to the Public

5.6 Adopt Resolution No. 2018-040; Authorizing the Second Amendment to the Agreement With Bolton and Menk, Inc. for Consultant Services for County Project 21-27, County Highway 21 and Truck Highway 13 Intersection Improvement (No fiscal impact)

5.7 Adopt Resolution No. 2018-041; Authorizing Entering Into an Amendment to the Agreement with LHB, Inc. for Professional Engineering Services for the County Highway 8 Bridge #7063 Replacement (No fiscal impact)

5.8 Adopt Resolution No. 2018-042; Authorizing Entering Into a Purchase Agreement With Traffic Control Corporation for the Purchase of Signal Cabinets and Controllers for the Flashing Yellow Arrow Project (No fiscal impact)

5.9 Approve Out-of-State Travel Request for Commissioner Michael Beard (No fiscal impact)
Customer Service: Creating a Customer Experience That is Respectful, Responsive and Solution-Oriented

5.10 Approve the Request for a Conditional Use Permit for ScottSun, Applicant, and John and Bonita Kane, Property Owners, to Construct and Operate a 3 Megawatt Community Solar Energy System in Section 16 of Blakeley Township (No fiscal impact)

5.11 Approve the Following Applications for MN Harvest LLC: On Sale Wine License With Strong Beer, Consumption and Display Permit, and 3.2 Beer License (No fiscal impact)

5.12 Adopt Resolution No. 2018-033; Authorizing the County to Approve All Documents Relating to Land Transfers or Subdivisions for Conformity With the County’s Land Use Ordinances and Regulations Before the County Recorder Records and the County Auditor Transfers or Subdivides the Land or Its Net Tax Capacity (No fiscal impact)

Commitment: Developing a High Quality Workforce That is Dedicated to Advancing a Safe, Health and Livable Community

5.13 Adopt Resolution No. 2018-035; Modifying the Post-Employment Health Care Savings Plan for Non-Bargaining Employees and Rescinding Resolution No. 2016-037 (No fiscal impact)

5.14 Adopt Resolution No. 2018-036; Authorizing the Appointment of Sarah Deppe as Communications and Office Coordinator (Personal Secretary), Effective March 1, 2018, Pursuant to Minn. Stat. 375.58 (No fiscal impact)

5.15 Approve Payroll Processing of Personnel Actions (No fiscal impact)

(6) PARTNERSHIP: ALIGNING EXISTING RESOURCES, VOLUNTEERS AND PROGRAMS TO ACHIEVE SHARED GOALS

6.1 Receive Information on the Scott County Mental Health Local Advisory Council (No fiscal impact)

(7) COMMITTEE REPORTS AND COMMISSIONER UPDATES

(8) COUNTY ADMINISTRATOR UPDATE

(9) RECESS FOR ATTORNEY/CLIENT MEETING

(10) ADJOURN

FOLLOWING THE MEETING THE COUNTY BOARD WILL MEET IN A WORKSHOP SETTING TO DISCUSS THE FOLLOWING:

- WETLAND BANK PARTNERSHIP PROJECT IN HELENA TOWNSHIP
- WATER PLAN UPDATE
- SOLID WASTE PLAN UPDATE
- ELECTRONIC POLLBOOKS

UPCOMING MEETINGS

March 20, 2018 County Board Meeting
April 3, 2018 County Board Meeting

Gary L. Shelton, County Administrator
(952) 496-8100
MINUTES

BOARD OF COMMISSIONERS

COUNTY OF SCOTT

FEBRUARY 20, 2018

(1) The Board of Commissioners, in and for the County of Scott, Minnesota, met in the Courthouse Board Room in the City of Shakopee, Minnesota, and convened at 9:00 a.m., with the following members present: Commissioner Wolf, presiding, Commissioner Weckman Brekke, Commissioner Beard, Commissioner Beer and Commissioner Ulrich.

(2) County Staff Present:
   A. Lezlie Vermillion, Community Services Director/Deputy County Administrator
   B. Ron Hocevar, County Attorney
   C. Michelle Hesse, Administrative Specialist
   D. Lori Huss, Employee Relations Director
   E. Claire Robling, Legislative and Communications Coordinator
   F. Mark Fritz, Residential Appraiser
   G. Tom Shoemaker, Residential Appraiser
   H. Megan Westberg, Adult Protection Worker
   I. Ruth Heiland, Public Health Nurse
   J. Andrea Anderson, Child Protection Worker
   K. Aaron Kotila, Shop Supervisor
   L. Suzanne Arntson, Child Welfare Manager
   M. Ellen Paulsen, Taxation Supervisor
   N. Pam Selvig, Health and Human Services Director
   O. Danielle Fox, Adult Services Manager
   P. Randy Ronning, Right-of-Way Manager
   Q. Curt Kobilarcsik, Assistant County Highway Engineer
   R. Abhi Sarkar, Project Manager
   S. Tracy Cervenka, Administrative Office Supervisor
   T. Jason Allen, Systems Support Technician
   U. Lisa Kohner, Public Affairs Coordinator
   V. Brad Davis, Planning Manager
   W. Chris Harder, Social Work Supervisor
   X. Joe Wiita, Highway Division Program Manager
   Y. Lisa Freese, Transportation Services Director
   Z. Tony Winiecki, County Engineer
   AA. Jarrett Hubbard, Senior Planner
   AB. Barb Dahl, Social Services Director
   AC. Patty Freeman, Scott County Parks General Manager
   AD. Debra Brazil, Deputy Clerk to the Board

(3) Guests Present:
   A. Paul Jorgenson, Valley Industrial II LLC
   B. Amy Gurski, Three Rivers Park District
   C. Josh Bowe, Three Rivers Park District

(4) Minutes:

On a motion by Commissioner Weckman Brekke, seconded by Commissioner Beard, the Minutes of February 6, 2018 were approved.
(5) New Employee Welcome:

The following new employees introduced themselves: Child Protection Worker Andrea Anderson, Residential Appraiser Mark Fritz, Public Health Nurse Ruth Heiland, Administrative Specialist Michelle Hesse, Residential Appraiser Tom Shoemaker, and Adult Protection Worker Megan Westberg.

(6) Consent Agenda:

A. Commissioner Ulrich moved, seconded by Commissioner Beard to authorize the Grant Application to the Department of Human Services for the Scott County Mental Health Center to provide school-linked mental health services and for the addition of 3.45 full-time equivalent grant funded positions. The motion carried unanimously.

B. Commissioner Ulrich moved, seconded by Commissioner Beard to approve acceptance of Family Group Decision Making Grant Funds and approve the addition of a .10 full-time equivalent off levy position in Social Services. The motion carried unanimously.

C. Commissioner Ulrich moved, seconded by Commissioner Beard to adopt Resolution No. 2018-028; Authorizing Amendment No. 1 to the Memorandum of Understanding Authorized on July 11, 2017 by Resolution No. 2017-094 With the State of Minnesota Department of Transportation for the Trunk Highway 169/County Highway 83/County Highway 101 Dynamic Message Signage Project in the City of Shakopee. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously.

D. Commissioner Ulrich moved, seconded by Commissioner Beard to adopt Resolution No. 2018-029; Authorizing Final Payment for County Project 2017 Seal Coating to Pearson Bros. Inc. in the Amount of $999.99. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously.

E. Commissioner Ulrich moved, seconded by Commissioner Beard to adopt Resolution No. 2018-030; Awarding the Contract to Suburban Elevator of Minnesota for the 2018 Government Center North Elevator Modernization Project in the Amount of $126,850. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously.

F. Commissioner Ulrich moved, seconded by Commissioner Beard to adopt Resolution No. 2018-031; Awarding a Contract to Northwest Asphalt, Inc. for County Project CP T169-01 Mobile Manor Frontage Road. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously.

G. Commissioner Ulrich moved, seconded by Commissioner Beard to approve the record of disbursements and claims made to Scott County from January 1, 2018 through January 31, 2018 in the amount of $12,799,237.46. The motion carried unanimously.

H. On the recommendation of the Jackson Town Board and the Planning Advisory Commission, Commissioner Ulrich moved, seconded by Commissioner Beard to approve the request for preliminary plat and final plat of Minnesota River Valley Industrial Park Plat 3, Valley Industrial II LLC, Paul Jorgenson applicant, Vernon Bjornberg property owner, consisting of one lot on 10.19 acres located in Section 11 of Jackson Township zoned I-1, Rural Industrial. This action is in accordance with Scott County Subdivision Ordinance No. 7 based on the criteria listed for approval. The motion carried unanimously.
I. On the recommendation of the New Market Town Board and the Planning Advisory Commission, Commissioner Ulrich moved, seconded by Commissioner Beard to approve the request for rezoning of 5.66 acres from RR-1, Rural Residential Reserve District to RR-2, Rural Residential Single Family District, preliminary plat, and final plat of Gallagher Addition, Melissa and John Gallagher applicants, John S. and Mary Gallagher property owners, consisting of one lot on 5.66 acres located in Section 10 of New Market Township. This action is in accordance with Chapter 42 of Scott County Zoning Ordinance No. 3 based on the criteria listed for approval. The motion carried unanimously.

J. Commissioner Ulrich moved, seconded by Commissioner Beard to approve the Renewal Applications for Intoxicating Liquor Licenses for 2018 for Castle Kitchens and Heritage Links Golf Club. The motion carried unanimously.

K. Commissioner Ulrich moved, seconded by Commissioner Beard to adopt Resolution No. 2018-032; Appointing Joshua Kelly to the Special Board of Appeal and Equalization. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously.

L. Commissioner Ulrich moved, seconded by Commissioner Beard to set a public hearing for 9:30 a.m. on Tuesday, March 20, 2018, for public comments on the proposed Amendments to Scott County Solid Waste Management Ordinance No. 2. The motion carried unanimously.

M. Commissioner Ulrich moved, seconded by Commissioner Beard to adopt Resolution No. 2018-034; Amending Resolution No. 2018-001 Appointing Commissioners and Other County Officials to Board and Committees for 2018 to Appoint Commissioner Beer to the Belle Plaine-St. Lawrence Township Joint Planning Board. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously.

N. On the recommendation of the County Administrator, Commissioner Ulrich moved, seconded by Commissioner Beard 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 Hilda Green, PT (80% FTE) Social Worker II, Health and Human Services Division, effective 03/30/18.
2. Separation of employment for Rashann Goodwin, FT Employment/Training Counselor, Health and Human Services Division, effective 03/02/18.
4. Separation of employment for Benjamin Nordell, FT Temporary Assessment Technician-Unclassified, Community Services Division, effective 02/16/18.
5. Separation of employment for Jordan Prip, Intermittent (34% FTE) Library Aide-Unclassified, Community Services Division, effective 03/01/18.
6. FT Probationary employment for Michelle Hesse, Administrative Specialist, Health and Human Services Division, effective 02/06/18.
7. FT Probationary employment for Joshua Heller, Highway Maintenance Worker, Transportation Services Division, effective 02/12/18.
8. Promotion for Beverly Cox-Alexander, PT (40% FTE) Administrative Specialist to FT Probationary Administrative Assistant, Community Services Division, effective 02/12/18.
9. Intermittent employment for Taylor Wiechert, Facility Probation Officer, Health and Human Services Division, effective 02/05/18.
10. The recognition of the following individuals as volunteers which will enable them to be covered for liability insurance purposes in accordance with the insurance contracts currently in force with Scott County:
    Add
    Andrea Anderson
    Pamela Wollersheim
    Carolyn Wehrmacher
    Brittany Symonds
Starlett Thorson,  
Candace Rotert  
Jody Wilkins  
Claire Benson  
Christine Ngwana  
Braden Flanagan  
Laura Dobratz  
Julia Kelley

Motion carried unanimously.

(7) Innovation: Exploring and Adopting New Technologies and Processes With the Goal of Improving Service and Reducing the Long Term Cost of Service Delivery:

The County Board participated in the Scott County Delivers panel discussion regarding asset management.

Commissioner Beard left the meeting at 9:50 a.m. and returned at 10:00 a.m.

(8) Committee Reports and Commissioner Updates:

A. Commissioner Beard attended a precinct caucus in Shakopee on February 6.
B. Commissioner Beard attended the Suburban Counties’ Working Group meeting on February 7.
C. Commissioners Beard, Weckman Brekke, Beer, and Wolf attended the Scott County Association for Leadership and Efficiency (SCALE) meeting on February 9.
D. Commissioner Beard attended the Scott-Carver-Dakota Community Action Program meeting on February 13.
E. Commissioner Beard attended the Minnesota Inter-County Association Board of Directors meeting on February 14.
F. Commissioner Beard attended a town hall meeting with Senator Pratt on February 15.
G. Commissioner Beard met with Shakopee Superintendent Gary Anger on February 16.
H. Commissioner Weckman Brekke attended the precinct caucuses in Jackson Township and Louisville Township on February 6.
I. Commissioner Weckman Brekke attended a Families and Individuals Sharing Hope (FISH) Bylaws Committee meeting on February 7.
J. Commissioners Weckman Brekke and Wolf attended the Cedar Lake Water and Sanitary Sewer District Board meeting on February 7.
K. Commissioners Weckman Brekke and Beer attended the FISH meeting on February 8.
L. Commissioner Weckman Brekke attended the 2040 Comprehensive Plan Update meeting with Louisville, Jackson, and Sand Creek Townships on February 8.
M. Commissioner Weckman Brekke attended the St. Lawrence Town Board meeting on February 8.
N. Commissioners Weckman Brekke, Beer, and Wolf attended the fleet users’ breakfast at Scott County Public Works on February 13.
O. Commissioner Weckman Brekke met with County Administrator Gary Shelton on February 13.
P. Commissioner Weckman Brekke met with Planning Manager Brad Davis on February 13.
Q. Commissioner Weckman Brekke met with Chris Trosen of U.S. Fish and Wildlife on February 14.
R. Commissioner Weckman Brekke attended the Scott County Historical Society Board meeting on February 14.
S. Commissioner Weckman Brekke participated in Future Leaders of Scott County school presentations on February 15.
T. Commissioners Weckman Brekke and Wolf participated in the new employee welcome on February 20.
U. Commissioner Beer participated in Future Leaders of Scott County school presentations on February 7 and 8.
V. Commissioner Beer provided an update on the appointment process for the Prior Lake-Spring Lake Watershed District Board of Managers.
W. Commissioner Ulrich attended a precinct caucus in Savage on February 6.
X. Commissioner Ulrich attended the Suburban Transit Association meeting on February 8.
Y. Commissioner Ulrich attended the Community Development Agency meeting on February 13.
Z. Commissioner Ulrich attended the Live, Learn, Earn Transportation Committee meeting on February 14.
AA. Commissioner Wolf attended the I35W Solutions Alliance meeting on February 8.
AB. Commissioner Wolf attended the Spring Lake Town Board meeting on February 8.
AC. Commissioner Wolf attended the New Market Town Board meeting on February 8.
AD. Commissioner Wolf attended the Elko New Market City Council meeting on February 8.
AE. Commissioner Wolf attended the Scott County Planning Advisory Commission meeting on February 12.
AF. Commissioner Wolf attended the Cedar Lake Town Board meeting on February 13.
AG. Commissioner Wolf attended the Metropolitan Emergency Services Board meeting on February 14.
AH. Commissioner Wolf participated in Future Leaders of Scott County school presentations on February 15.

(9) County Administrator Update:
- The Readmobile open house is Wednesday, February 21, 4:00 p.m. to 6:30 p.m. at the Marschall Road Transit Station.
- A 2040 Comprehensive Plan Update open house is scheduled for Tuesday, March 13, 6:00 p.m. – 8:30 p.m. at the New Prague High School Auditorium.
- A 2040 Comprehensive Plan Update open house is scheduled for Monday, March 19, 7:00 p.m. – 9:30 p.m. at the Jordan High School Auditorium.

On a motion by Commissioner Beer, seconded by Commissioner Ulrich, the meeting adjourned at 10:44 a.m.

Thomas J. Wolf
Chair

Lezlie Vermillion
Deputy County Administrator
Clerk of the Board

Debra K. Brazil
Deputy Clerk to the Board
### AGENDA #5.1
### SCOTT COUNTY, MINNESOTA
### REQUEST FOR BOARD ACTION
### MEETING DATE: MARCH 6, 2018

<table>
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<th>ORIGINATING DEPARTMENT:</th>
<th>CONSENT AGENDA:</th>
<th>ATTACHMENTS:</th>
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<tr>
<td>Debra Brazil</td>
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<th>ACTION REQUESTED:</th>
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<tr>
<td>Approve the Appointment of Barry Stock of Commissioner District 5 to the Scott County Community Development Agency Board of Commissioners for a Term Effective March 6, 2018 Through December 31, 2022</td>
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<td>Risk Management Review</td>
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**ORGANIZATIONAL VALUES:**

- Stewardship: Ensuring the responsible and stable investment of taxpayer dollars and communicating its value to the public
- Partnership: Aligning existing resources, volunteers and programs to achieve shared goals
- Leadership: Anticipating changes and managing challenges based on reliable information and citizen input
- Commitment: Developing a high quality workforce that is dedicated to advancing a safe, healthy and livable community
- Customer Service: Creating a customer experience that is respectful, responsive and solution-oriented
- Innovation: Exploring and adopting new technologies and processes with the goal of improving service and reducing the long term cost of service delivery

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<th>DEPARTMENT/DIVISION HEAD SIGNATURE:</th>
<th>COUNTY ADMINISTRATOR SIGNATURE:</th>
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**Background/Justification:**
The purpose of this request is to approve the appointment of Barry Stock of Commissioner District 5 to the Scott County Community Development Agency Board of Commissioners for a term effective March 6, 2018 through December 31, 2022.

The mission of the Scott County Community Development Agency (CDA) is to strengthen the communities of Scott County by providing affordable housing opportunities to low and moderate income families, promoting economic development, and fostering coordination of public and private resources. In 1974 an act of Legislature created the Housing and Redevelopment Agency; in 2007, by act of Legislature the name was changed to Community Development Agency.
The CDA Board of Commissioners consists of five members with one member from each Commissioner district.

The current vacancy was advertised in the SCENE, in local newspapers, and on the County’s website. All applications received were reviewed by the Scott County Board of Commissioners.

Fiscal Impact:
None
The purpose of this request is to approve the appointment of Mike Myser of Commissioner District 4 to the Prior Lake-Spring Lake Watershed District Board of Managers for a term effective March 6, 2018 through March 5, 2021.

The Prior Lake-Spring Lake Watershed District (PLSLWD) Board of Managers provides technical reviews of land development proposals, coordinates its water management responsibilities with local units of government, and furnishes information to local units of government and the public about protecting the District’s special natural resources. The Board of Managers is comprised of five members who reside within the PLSLWD.
The current vacancy was advertised in the SCENE, in local newspapers, and on the County’s website. Five applications were received. Interviews were conducted by representatives of the entities located within the PLSLWD and recommendations were received for the appointment of Mike Myser.

Fiscal Impact:
None
The purpose of this agenda item is to adopt Resolution No. 2018-037; authorizing entering into an Agreement with the City of Prior Lake for installation of flashing yellow arrow (FYA) signals on five signalized intersections in the City of Prior Lake.

The overall project will retrofit traffic signal vehicle indications with new assemblies and control hardware to provide flashing yellow arrows at twenty-eight existing County signalized intersections throughout the County: 7 intersections in Prior Lake, 7 in Savage, and 14 in Shakopee. In the City of Prior Lake, five of the programmed intersections have local street legs on them and this Agreement addresses cost participation at those intersections.
FYA traffic signals feature a flashing yellow arrow in addition to the standard red, yellow, and green arrows. When illuminated, the flashing yellow arrow allows waiting motorists to make a left-hand turn after yielding to oncoming traffic. FYA vehicle indications have been shown to help drivers make fewer mistakes. They keep motorists safer during heavy traffic and reduce delays when traffic is light. A national study demonstrated that drivers found flashing yellow left-turn arrows more understandable than traditional yield-on-green ball indications (individual traffic signal lights). There are more opportunities to make a left turn with the flashing yellow left-turn arrow than with the traditional three-arrow, red, yellow, and green indications. Overall, this project will give the County the ability to use the most appropriate traffic signal operations for each intersection by time of day to achieve the highest level of safety and efficiency.

Scott County and the City of Prior Lake have agreed to enter into a Construction Cooperative Agreement formalizing cost shares for construction costs and associated engineering costs. The County Cost Participation Policy is used for major upgrades to traffic signal systems which uses proportional number of approach leg ownership at the signalized intersection. Prior Lake’s estimated construction cost share is $85,875 plus project delivery costs (engineering, construction engineering and administration) which will be finalized when the project is completed. Final City costs will based on actual project costs.

The Cities of Savage and Shakopee are also participating in cost of construction and engineering (Agreements authorized in separate Board actions on this Agenda).

The project has $1,172,700 of funding programmed for construction in the 2018-2027 Transportation Improvement Program for construction year 2018.

Fiscal Impact:

None
RESOLUTION NO. 2018-037; AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE CITY OF PRIOR LAKE FOR INSTALLATION OF FLASHING YELLOW ARROW SIGNALS AT FIVE SIGNALIZED INTERSECTIONS IN THE CITY OF PRIOR LAKE

WHEREAS, the County is adjusting signals facilitating flashing yellow arrow turning movements at five existing County signalized intersections within the City of Prior Lake; and

WHEREAS, the overall project will retrofit traffic signal vehicle indications with new assemblies and control hardware to provide flashing yellow arrows at twenty-eight existing County signalized intersections throughout the County, and

WHEREAS, the City of Prior Lake will be cost participating on five of the seven signals in the City being retrofitted based on the number of local street legs at those intersections at an estimated construction cost of $85,875 plus project delivery costs; and

WHEREAS, the Cities of Savage and Shakopee are also participating in cost of construction under separate Agreements; and

WHEREAS, Scott County and the City of Prior Lake have agreed to enter into a Construction Cooperative Agreement formalizing cost shares for construction costs.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners in and for the County of Scott, Minnesota, that the Chairperson of the Board is authorized to enter into an Agreement with the City of Prior Lake for installation of flashing yellow arrow signals at various County owned and operated intersections.

BE IT FINALLY RESOLVED, that approval of this Agreement is subject to approval by the County Attorney’s Office as to form.

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<tr>
<th>COMMISSIONERS</th>
<th>VOTE</th>
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<tr>
<td>Weckman Brekke</td>
<td>☑ Yes ☑ No ☑ Absent ☑ Abstain</td>
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<td>Wolf</td>
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<td>Beard</td>
<td>☑ Yes ☑ No ☑ Absent ☑ Abstain</td>
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<tr>
<td>Ulrich</td>
<td>☑ Yes ☑ No ☑ Absent ☑ Abstain</td>
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State of Minnesota)  
County of Scott  
I, Gary L. Shelton, duly appointed qualified County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on the 6th day of March, 2018 now on file in my office, and have found the same to be a true and correct copy thereof.
Witness my hand and official seal at Prior Lake, Minnesota, this 6th day of March, 2018.

__________________________________________  
County Administrator

__________________________________________  
Administrator's Designee
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<tr>
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<td>PRESENTER:</td>
<td>Tony Winiecki - 8008</td>
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<td>CONSENT AGENDA:</td>
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<tr>
<td>PROJECT:</td>
<td>CP 99-01 Flashing Yellow Arrow Retrofit</td>
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<td>ACTION REQUESTED:</td>
<td>Adopt Resolution No. 2018-038; Authorizing Entering Into an Agreement With the City of Shakopee for Installation of Flashing Yellow Arrow Signals at Eight Signalized Intersections in the City of Shakopee</td>
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**Background/Justification:**

The purpose of this agenda item is to adopt Resolution No. 2018-038; authorizing entering into an Agreement with the City of Shakopee for installation of flashing yellow arrow (FYA) signals on eight signalized intersections in the City of Shakopee.

The overall project will retrofit traffic signal vehicle indications with new assemblies and control hardware to provide flashing yellow arrows at twenty-eight existing County signalized intersections throughout the County: 7 intersections in Prior Lake, 7 in Savage, and 14 in Shakopee. In the City of Shakopee, eight of the programmed intersections have local street legs on them and this Agreement addresses cost participation at those intersections.
FYA traffic signals feature a flashing yellow arrow in addition to the standard red, yellow, and green arrows. When illuminated, the flashing yellow arrow allows waiting motorists to make a left-hand turn after yielding to oncoming traffic. FYA vehicle indications have been shown to help drivers make fewer mistakes. They keep motorists safer during heavy traffic and reduce delays when traffic is light. A national study demonstrated that drivers found flashing yellow left-turn arrows more understandable than traditional yield-on-green ball indications (individual traffic signal lights). There are more opportunities to make a left turn with the flashing yellow left-turn arrow than with the traditional three-arrow, red, yellow and green indications. Overall, this project will give the County the ability to use the most appropriate traffic signal operations for each intersection by time of day to achieve the highest level of safety and efficiency.

Scott County and the City of Shakopee have agreed to enter into a Construction Cooperative Agreement formalizing cost shares for construction costs and associated engineering costs. The County Cost Participation Policy is used for major upgrades to traffic signal systems which uses proportional number of approach leg ownership at the signalized intersection. Shakopee’s estimated construction cost share is $122,125 plus project delivery costs (engineering, construction engineering and administration) which will be finalized when the project is completed. Final City costs will be based on actual project costs.

The Cities of Prior Lake and Savage are also participating in cost of construction and engineering (Agreements authorized in separate board actions on this Agenda).

The project has $1,172,700 of funding programmed for construction in the 2018-2027 Transportation Improvement Program for construction year 2018.

Fiscal Impact:

None
RESOLUTION NO. 2018-038; AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE CITY OF SHAKOPEE FOR INSTALLATION OF FLASHING YELLOW ARROW SIGNALS AT EIGHT SIGNALIZED INTERSECTIONS IN THE CITY OF SHAKOPEE

WHEREAS, the County is adjusting signals facilitating flashing yellow arrow turning movements at eight existing County signalized intersections within the City of Shakopee; and

WHEREAS, the overall project will retrofit traffic signal vehicle indications with new assemblies and control hardware to provide flashing yellow arrows at twenty-eight existing County signalized intersections throughout the County, and

WHEREAS, the City of Shakopee will be cost participating on eight of the fourteen signals in the City being retrofitted based on the number of local street legs at those intersections at an estimated construction cost of $122,125 plus project delivery costs; and

WHEREAS, the Cities of Prior Lake and Savage are also participating in cost of construction under separate Agreements; and

WHEREAS, Scott County and the City of Shakopee have agreed to enter into a Construction Cooperative Agreement formalizing cost shares for construction costs.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners in and for the County of Scott, Minnesota, that the Chairperson of the Board is authorized to enter into an Agreement with the City of Shakopee for installation of flashing yellow arrow signals at various County owned and operated intersections.

BE IT FINALLY RESOLVED, that approval of this Agreement is subject to approval by the County Attorney’s Office as to form.

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<tr>
<th>COMMISSIONERS</th>
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<tr>
<td>Ulrich</td>
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State of Minnesota)
County of Scott )

I, Gary L. Shelton, duly appointed qualified County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on the 6th day of March, 2018 now on file in my office, and have found the same to be a true and correct copy thereof.
Witness my hand and official seal at Shakopee, Minnesota, this 6th day of March, 2018.

______________________________
County Administrator

______________________________
Administrator's Designee
**AGENDA #5.5**  
**SCOTT COUNTY, MINNESOTA**  
**REQUEST FOR BOARD ACTION**  
**MEETING DATE:** MARCH 6, 2018

<table>
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<tr>
<th>ORIGINATING DIVISION:</th>
<th>Transportation Services Program Delivery</th>
<th>CONSENT AGENDA:</th>
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<td>ORIGINATING DEPARTMENT:</td>
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<td>ATTACHMENTS:</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>PRESENTER:</td>
<td>Tony Winiecki - 8008</td>
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<tr>
<td>PROJECT:</td>
<td>CP 99-01 Flashing Yellow Arrow Retrofit</td>
<td>TIME REQUESTED:</td>
<td></td>
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<tr>
<td>ACTION REQUESTED:</td>
<td>Adopt Resolution No. 2018-039; Authorizing Entering Into an Agreement With the City of Savage for Installation of Flashing Yellow Arrow Signals on Three Signalized Intersections in the City of Savage</td>
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<tr>
<td>ORGANIZATIONAL VALUES:</td>
<td>✓ Stewardship: Ensuring the responsible and stable investment of taxpayer dollars and communicating its value to the public</td>
<td>✓ Partnership: Aligning existing resources, volunteers and programs to achieve shared goals</td>
<td>✓ Leadership: Anticipating changes and managing challenges based on reliable information and citizen input</td>
<td>✓ Commitment: Developing a high quality workforce that is dedicated to advancing a safe, healthy and livable community</td>
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<tr>
<th>DEPARTMENT/DIVISION HEAD SIGNATURE:</th>
<th>COUNTY ADMINISTRATOR SIGNATURE:</th>
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</thead>
</table>

Approved:  
Denied:  
Tabled:  
Other:  
Deputy Clerk:  
Date:  

**Background/Justification:**  
The purpose of this agenda item is to adopt Resolution No 2018-039; authorizing entering into an Agreement with the City of Savage for installation of flashing yellow arrow (FYA) signals on three signalized intersections in the City of Savage.

The overall project will retrofit traffic signal vehicle indications with new assemblies and control hardware to provide flashing yellow arrows at twenty-eight existing County signalized intersections throughout the County: 7 intersections in Prior Lake, 7 in Savage, and 14 in Shakopee. In the City of Savage, three of the programmed intersections have local street legs on them and this Agreement addresses cost participation at those intersections.
FYA traffic signals feature a flashing yellow arrow in addition to the standard red, yellow, and green arrows. When illuminated, the flashing yellow arrow allows waiting motorists to make a left-hand turn after yielding to oncoming traffic. FYA vehicle indications have been shown to help drivers make fewer mistakes. They keep motorists safer during heavy traffic and reduce delays when traffic is light. A national study demonstrated that drivers found flashing yellow left-turn arrows more understandable than traditional yield-on-green ball indications (individual traffic signal lights). There are more opportunities to make a left turn with the flashing yellow left-turn arrow than with the traditional three-arrow, red, yellow, and green indications. Overall, this project will give the County the ability to use the most appropriate traffic signal operations for each intersection by time of day to achieve the highest level of safety and efficiency.

Scott County and the City of Savage have agreed to enter into a Construction Cooperative Agreement formalizing cost shares for construction costs and associated engineering costs. The County Cost Participation Policy is used for major upgrades to traffic signal systems which uses proportional number of approach leg ownership at the signalized intersection. Savage's estimated construction cost share is $64,450 plus project delivery costs (engineering, construction engineering and administration) which will be finalized when the project is completed. Final City costs will be based on the actual project costs.

The Cities of Prior Lake and Shakopee are also participating in cost of construction and engineering (Agreements authorized in separate Board actions on this Agenda).

The project has $1,172,700 of funding programmed for construction in the 2018-2027 Transportation Improvement Program for construction year 2018.

**Fiscal Impact:**

None
RESOLUTION NO. 2018-039; AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE CITY OF SAVAGE FOR INSTALLATION OF FLASHING YELLOW ARROW SIGNALS AT THREE SIGNALIZED INTERSECTIONS IN THE CITY OF SAVAGE

WHEREAS, the County is adjusting signals facilitating flashing yellow arrow turning movements at three existing County signalized intersections within the City of Savage; and

WHEREAS, the overall project will retrofit traffic signal vehicle indications with new assemblies and control hardware to provide flashing yellow arrows at twenty-eight existing County signalized intersections throughout the County, and

WHEREAS, the City of Savage will be cost participating on three of the seven signals in the City being retrofitted based on the number of local street legs at those intersections at an estimated construction cost of $64,450 plus project delivery costs; and

WHEREAS, the Cities of Prior Lake and Shakopee are also participating in cost of construction under separate Agreements; and

WHEREAS, Scott County and the City of Savage have agreed to enter into a Construction Cooperative Agreement formalizing cost shares for construction costs.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners in and for the County of Scott, Minnesota, that the Chairperson of the Board is authorized to enter into an Agreement with the City of Savage for installation of flashing yellow arrow signals at various County owned and operated intersections.

BE IT FINALLY RESOLVED, that approval of this Agreement is subject to approval by the County Attorney’s Office as to form.

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State of Minnesota)
County of Scott   )
I, Gary L. Shelton, duly appointed qualified County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on the 6th day of March, 2018 now on file in my office, and have found the same to be a true and correct copy thereof.
Witness my hand and official seal at Savage, Minnesota, this 6th day of March, 2018.

_____________________________________________  County Administrator

_____________________________________________  Administrator’s Designee
The purpose of this agenda item is to adopt Resolution No. 2018-040; authorizing the Second Amendment to the Agreement with Bolton and Menk, Inc. for consultant services for County Project (CP) 21-27; County Highway (CH) 21 and Trunk Highway (TH) 13 Intersection Improvement.

The base project reconstructs CH 21 from Duluth Avenue to east of TH 13. CH 21 is currently a four lane undivided roadway without turn lanes at TH 13. The project will include construction of a roundabout at the intersection of CH 21 and TH 13, a partial ¾ access at Main Avenue, a roundabout at Arcadia Avenue, and a ¾ access at Duluth Avenue. The project will also include a partial ¾ access on TH 13 at Pleasant Avenue.
Bolton and Menk was selected and entered into an Agreement with the County to provide preliminary design, public involvement, traffic modeling, surveying, and hydraulics/wetlands work. The Contract was approved by the County Board on May 2, 2017 for an amount not to exceed $411,109 by Resolution No. 2017-057. The first Amendment was approved on December 5, 2017 by Resolution No. 2017-170 to increase the Contract total for additional preliminary design work and to add final design services to the original scope of work for a Contract increase of $499,813.

Since that time Prior Lake, the Minnesota Department of Transportation (MnDOT) and the County have made some project decisions increasing the project limits necessitating a second amendment that will improve project coordination and traffic management during construction. MnDOT has asked the County to extend the work on TH 13 south of CH 21 to just north of Franklin Trail. The County has also decided that CP21-34 (West Ave Pavement Settlement Repair), should be tied together with the larger CH 21 and TH 13 improvement project to better coordinate the needed traffic closure with the larger project to minimize the length, the duration, and number of closures of CH 21 necessitated by these projects.

To accommodate these project changes, the County requested that Bolton and Menk add work totaling $22,992 to the final design services described as follows:

1) An evaluation of the sufficiency of existing storm sewer inlet and pipe capacity on CSAH 21 for the work related to CP 21-34; and
2) Additional soil boring and geotechnical recommendations for TH 13 segment added to the County project (this work will be reimbursed by MnDOT); and
3) Since Amendment One of the initial Contract was approved it has been determined that an existing retaining wall on the north side of CH 21 near Duluth Ave will need to be replaced, so additional design services will be need for that design; and
4) It is still being determined but additional funds are included to design an additional cast-in-place concrete retaining wall.

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<tr>
<th>Description</th>
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<tr>
<td>First Amendment for Preliminary Scope</td>
<td>$77,990.00</td>
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<tr>
<td>First Amendment for Final Design Services</td>
<td>$421,823.00</td>
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<td>Total First Amendment</td>
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<td><strong>Second Amendment</strong></td>
<td>$22,992.00</td>
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<td>Original Contract Value</td>
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<td><strong>New Total Contract Value</strong></td>
<td>$933,914.00</td>
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The 2018-2027 Transportation Improvement Program (TIP) has programmed $989,689 for design costs on this project.

**Fiscal Impact:**

None.
RESOLUTION NO. 2018-040; AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT WITH BOLTON AND MENK, INC. FOR CONSULTANT SERVICES FOR COUNTY PROJECT 21-27 COUNTY HIGHWAY 21 AND TRUNK HIGHWAY 13 INTERSECTION IMPROVEMENT

WHEREAS, Scott County, in partnership with the City of Prior Lake and the Minnesota Department of Transportation (MnDOT), plans to reconstruct County Highway (CH) 21 from Duluth Avenue to east of Trunk Highway (TH) 13; and

WHEREAS, the project is programmed for construction in 2019; and

WHEREAS, in order to ensure timely and improved coordination in the delivery of three separate projects it is necessary to amend the Contract for additional final design services including storm sewer evaluation for CP 21-34 project, designing two retaining walls, and additional geotechnical investigation on TH 13 for the additional segment MnDOT’s pavement reclamation project to be delivered with the County’s project; and

WHEREAS, the 2018-2027 Transportation Improvement Program (TIP) has funds programmed ample to cover the design costs request for this Contract Amendment; and

WHEREAS, the Second Amendment for Bolton and Menk is for $22,992 to extend the Contract to an amount not to exceed $933,914.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners in and for the County of Scott, Minnesota, hereby authorizes the Chairperson of the Board to authorize an Amendment to the Agreement with Bolton and Menk for the CP 21-27, County Highway 21 and Trunk Highway13 Intersection Improvement Project. The Contract, as amended, is for an amount not to exceed $933,914.

BE IT FINALLY RESOLVED, that approval of this Amendment is subject to approval by the County Attorney’s Office as to form.

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State of Minnesota)
County of Scott    )
I, Gary L. Shelton, duly appointed qualified County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on the 6th day of March, 2018 now on file in my office, and have found the same to be a true and correct copy thereof. Witness my hand and official seal at Shakopee, Minnesota, this 6th day of March, 2018.

__________________________________________
County Administrator

__________________________________________
Administrator's Designee
**AGENDA #5.7**  
**SCOTT COUNTY, MINNESOTA**  
**REQUEST FOR BOARD ACTION**  
**MEETING DATE: MARCH 6, 2018**

| ORIGINATING DIVISION: | Transportation Services  
Program Delivery | CONSENT AGENDA: | ☑ Yes  
☐ No |
|-----------------------|---------------------|----------------|--------|
| ORIGINATING DEPARTMENT: | Program Delivery | ATTACHMENTS: | ☑ Yes  
☐ No |
| PRESENTER: | Tony Winiecki – 8008 | TIME REQUESTED: | N/A |
| PROJECT: | 08-17 | ACTION REQUESTED: | Adopt Resolution No. 2018-041; Authorizing Entering Into an Amendment to the Agreement With LHB, Inc. for Professional Engineering Services for the County Highway 8 Bridge #7063 Replacement |
| CONTRACT/POLICY/GRANT: | ☐ County Attorney Review  
☐ Risk Management Review | FISCAL: | ☑ Finance Review  
☐ Budget Change |

**ORGANIZATIONAL VALUES:**

- ☑ Stewardship: Ensuring the responsible and stable investment of taxpayer dollars and communicating its value to the public
- ☐ Partnership: Aligning existing resources, volunteers and programs to achieve shared goals
- ☐ Leadership: Anticipating changes and managing challenges based on reliable information and citizen input
- ☐ Commitment: Developing a high quality workforce that is dedicated to advancing a safe, healthy and livable community
- ☐ Customer Service: Creating a customer experience that is respectful, responsive and solution-oriented
- ☐ Innovation: Exploring and adopting new technologies and processes with the goal of improving service and reducing the long term cost of service delivery

**DEPARTMENT/DIVISION HEAD SIGNATURE:  
COUNTY ADMINISTRATOR SIGNATURE:**

**Background/Justification:**

The purpose of this agenda item is to adopt Resolution No. 2018-041; authorizing entering into an Amendment to the Agreement With LHB, Inc. for Professional Engineering Services for the County Highway 8 Bridge #7063 Replacement.

Bridge #7063 is a timber bridge built in 1951. The bridge is located on CH 8 at the Cynthia Lake Outlet, east of Trunk Highway 13 in Cedar Lake Township. It is listed in the State Bridge Inventory as structurally deficient and is eligible for replacement under the State Local Bridge Bond Program. In 2014 the Board placed this bridge on its priority bridge replacement list.
Design services provided by LHB, Inc under this Contract include:

- Hydraulic determination for size of the bridge opening
- Preliminary bridge and approach plans and structure type determination (30%, 60% and 95% plans)
- Utility coordination
- Soils coordination
- State aid bridge reviews and approved coordination
- Final bridge and road approach plans and specifications

The Board of Commissioners approved the Agreement with LHB, Inc., with a total cost not to exceed $38,439. Construction of the bridge is programmed in 2018.

The bridge plans, services, and specification preparation has exceeded initial hourly estimates and requires a $3,000 increase in compensation. This is due to a County requested change in design. The Amendment would increase the total Agreement not to exceed $41,439.

Design services are programmed in the 2018-2027 Transportation Improvement Program and $17,500 remains in 2018 and is adequate to cover this Amendment.

**Fiscal Impact:**
None
RESOLUTION NO. 2018-041; AUTHORIZING ENTERING INTO AN AMENDMENT TO THE AGREEMENT WITH LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE COUNTY HIGHWAY 8 BRIDGE #7063 REPLACEMENT

WHEREAS, the Provider has entered into an Agreement with the County, effective February 16, 2016, for the provision of a bridge design services for bridge replacement project on County Highway (CH) 8 in Credit River Township; and

WHEREAS, the County required additional hourly services under the scope of services; and

WHEREAS, the Provider and the County find it to be to their mutual benefit to revise the terms of the aforementioned Agreement; and

WHEREAS, the bridge plans, services, and specification preparation has exceeded initial hourly estimates and requires a $3,000 increase in compensation. The Amendment would increase the total Agreement not to exceed $41,390, and

WHEREAS, funding is programmed in the 2018-2027 Transportation Improvement Program to cover this Amendment.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners in and for the County of Scott, Minnesota, hereby authorizes the Chairperson of the Board to enter into Amendment to the Agreement with LHB, Inc. for Professional Engineering Services for the County Highway (CH) 8 Bridge #7063 Replacement.

BE IT FINALLY RESOLVED, that approval of this Contract is subject to approval by the County Attorney’s Office as to form.
### AGENDA #5.8
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: MARCH 6, 2018

<table>
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<tr>
<th>ORIGINATING DIVISION:</th>
<th>Transportation Services Program Delivery</th>
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<tr>
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<td>Program Delivery</td>
<td>ATTACHMENTS:</td>
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<tr>
<td>PRESENTER:</td>
<td>Tony Winiecki - 8008</td>
<td>TIME REQUESTED:</td>
<td></td>
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<tr>
<td>PROJECT:</td>
<td>CP 99-01 Flashing Yellow Arrow Retrofit</td>
<td>ACTION REQUESTED:</td>
<td>Adopt Resolution No. 2018-042; Authorizing Entering Into a Purchase Agreement With Traffic Control Corporation for the Purchase of Signal Cabinets and Controllers for the Flashing Yellow Arrow Project</td>
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<tr>
<td>ORGANIZATIONAL VALUES:</td>
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<td>✓ Budget Change</td>
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<td>✓ Stewardship: Ensuring the responsible and stable investment of taxpayer dollars and communicating its value to the public</td>
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**DEPARTMENT/DIVISION HEAD SIGNATURE:**

**COUNTY ADMINISTRATOR SIGNATURE:**

**Approved:**

**DENIED:**

**Tabled:**

**Other:**

**Deputy Clerk:**

**Date:**

**DISTRIBUTION/FILING INSTRUCTIONS:**

### Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2018-042; authorizing entering into a Purchase Agreement with Traffic Control Corporation for the purchase of signal cabinets and controllers for the Flashing Yellow Arrow (FYA) Project.

The FYA Project will retrofit traffic signal vehicle indications with new assemblies and control hardware to provide flashing yellow arrows at twenty-eight existing County signalized intersections throughout the County: 7 intersections in Prior Lake, 7 in Savage, and 14 in Shakopee.
FYA traffic signals feature a flashing yellow arrow in addition to the standard red, yellow, and green arrows. When illuminated, the flashing yellow arrow allows waiting motorists to make a left-hand turn after yielding to oncoming traffic. FYA vehicle indications have been shown to help drivers make fewer mistakes. They keep motorists safer during heavy traffic and reduce delays when traffic is light. A national study demonstrated that drivers found flashing yellow left-turn arrows more understandable than traditional yield-on-green ball indications (individual traffic signal lights). There are more opportunities to make a left turn with the flashing yellow left-turn arrow than with the traditional three-arrow, red, yellow, and green indications. Overall, this project will give the County the ability to use the most appropriate traffic signal operations for each intersection by time of day to achieve the highest level of safety and efficiency.

These materials are being purchased through the Hennepin County Traffic Equipment Master Contract with Traffic Control Corporation. Every three years Hennepin County seeks proposals from vendors for these products. Selection is based on the vendor meeting the specification. Last year Scott County worked with Hennepin County to add Scott County traffic equipment specifications to the Master Contract. This allows Scott County to work directly with the vendor, Traffic Control Corporation. The County has received intersection specific quotes from Traffic Control Corporation for the cabinets and controllers based on the pricing in that Master Contract. These quotes are consistent with the controller and cabinet prices we have historically received.

Once the equipment is received, County traffic staff will then prepare the cabinets for deployment in the field. After cabinet preparation, a second contract will be forthcoming for the installation of the equipment on site and initial operations.

The project has $1,172,700 of funding programmed for construction in the 2018-2027 Transportation Improvement Program for construction year 2018. The total cost of the signal cabinets and controllers is $458,165. The County’s share of the capital equipment is estimated at $324,915 with the Cities’ of Prior Lake, Savage and Shakopee shares estimated at $133,250 based on contributing signal legs.

Fiscal Impact:
None
RESOLUTION NO. 2018-042; AUTHORIZING ENTERING INTO A PURCHASE AGREEMENT
WITH TRAFFIC CONTROL CORPORATION FOR THE PURCHASE OF SIGNAL CABINETS
AND CONTROLLERS FOR THE FLASHING YELLOW ARROW PROJECT

WHEREAS, the overall project will retrofit traffic signal vehicle indications with new assemblies and control hardware to provide flashing yellow arrows at twenty-eight existing County signalized intersections throughout the County; and

WHEREAS, Scott County worked with Hennepin County to add Scott County traffic equipment specifications to the Master Contract and it allows Scott County to work directly with the vendor, Traffic Control Corporation; and

WHEREAS, the County has received intersection specific quotes from Traffic Control Corporation for the cabinets and controllers based on the pricing in that Master Contract; and

WHEREAS, Scott County and the Cities’ of Shakopee, Prior Lake and Savage have agreed to enter into Construction Cooperative Agreements formalizing cost shares for construction costs.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners in and for the County of Scott, Minnesota, that the County Engineer is authorized to enter into a Purchase Agreement with Traffic Control Corporation the purchase of twenty-eight signal cabinets and controllers for the installation of flashing yellow arrow signals at various County owned and operated intersections.

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State of Minnesota
County of Scott

I, Gary L. Shelton, duly appointed qualified County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on the 6th day of March, 2018 now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Shakopee, Minnesota, this 6th day of March, 2018.

______________________________  County Administrator

______________________________  Administrator’s Designee
The purpose of this agenda item is to approve the out-of-state travel request for Commissioner Michael Beard.

Minnesota Statute 471.661 requires that counties adopt a travel policy for elected officials that controls travel outside of the State of Minnesota. In accordance with Scott County’s Policy, out-of-state travel is to be approved by the County Board.

Commissioner Beard will be traveling to Washington D.C. for private business on March 6, 2017. If the opportunity arises, he may discuss transportation issues with federal officials and Congressional delegates.

Fiscal Impact:
None.
**Background/Justification:**

The purpose of this agenda item is to approve the request for a Conditional Use Permit (CUP) for ScottSun, applicant, and John and Bonita Kane, property owners, to construct and operate a 3 megawatt community solar energy system in Section 16, Blakeley Township.

This action was recommended by the Scott County Planning Advisory Commission on February 12, 2018 in accordance with Chapters 2, 12 and 25 of Scott County Zoning Ordinance No. 3 based on the 8 criteria for approval and 31 Conditions of Approval listed below.
In December 2015 ScottSun made application for a CUP to construct and operate a 5 megawatt solar garden on 40 acres of land owned by John and Bonita Kane in Section 16 of Blakeley Township. This was the first application for a solar garden received by the County. A public hearing on the request was held with the Planning Commission on March 14, 2016. The Planning Commission continued the request to a future date when the following issues are addressed:

- Drain tile
- Powerlines

Since the March 14, 2016 hearing with the Planning Commission, ScottSun has been working with the Public Utilities Commission (PUC) and Xcel to determine what capacity is available in Xcel’s transmission line and substation that serve this area and what the cost will be to upgrade these facilities. This has been a long drawn out process that has involved engineering studies and hearings before the PUC. This process was finalized last summer and resulted in ScottSun proceeding with a smaller 3 megawatt facility.

ScottSun is proposing to relocate some of the drain tile on the property to openings in the solar garden where they can be accessed. They have also developed a Drain Tile Easement for the benefiting landowners. The Drain Tile Easement is attached for review. Chuck Beisner, Director of Project Development for ScottSun has told staff that the benefiting landowners have accepted and signed the Drain Tile Easement.

Since this item originally went before the Planning Commission, staff, with the assistance of Robert Ruppe (attorney representing many of the Townships in the County including Blakeley), have developed a condition to deal with drain tile running through a solar garden facility in a manner that protects the rights of the land owner to use his land and the adjacent property owners to maintain the tile. This condition is Condition 29 of the draft Conditions of Approval. This Condition permits the benefiting landowner to access the property upon reasonable notice and in the company of a competent site representative for the purposes of inspection and maintaining the drain tile.

The Kane property is 40 acres in size and is cropped from end to end. There are no buildings, woodlands or wetlands on the property. Most of the surrounding parcels consist of agricultural land and farmsteads. The proposed solar garden would consume approximately two-thirds of the property. The solar panels would maintain setbacks that meet or exceed the required setbacks for solar panels in the Zoning Ordinance.

The 3 megawatt solar garden would consist of solar panels attached to a fixed racking system over approximately two-thirds of the site. The panels will be placed in rows. The rows will be spaced approximately 15’ apart and reach a height of 10 – 12 feet. The racking system is made of steel posts installed directly into the ground without the use of concrete foundations. Each post will penetrate approximately 8 – 12 feet into the ground. The panels are dark blue in color and are coated with an anti-reflective technology to absorb as much sunlight as possible and minimize glare.

Other electrical components of the system include inverters, combiner boxes, transformers, and disconnects. The disconnects and combiner boxes are used to combine strings of panels, shut off the system at key locations, and protect workers from injury. The inverters convert the DC energy produced by the panels into AC energy. The transformer step up the voltage to be compatible with the utility infrastructure. All internal wiring will be underground as required by ordinance.

As required in the Ordinance, the perimeter of the site will be bound by a 6’ tall chain link fence for security and screening. To aid in screening the solar garden from the closest residence on the north side of the facility and the County Road on the west side, ScottSun is proposing to install a row of 6’ tall Black Hills Spruce trees 30’ on center on the north and west boundaries of the solar garden. In front of and between the Black Hills Spruce trees a row of quick growing Cardinal Dogwood shrubs would also be installed (see Landscape Plan) to provide additional screening. All landscaping/screening materials will be installed outside of the fence. Black Hills Spruce trees reach a mature height of 30’ – 40’ and Cardinal Dogwood are a faster growing plant material with a mature height of 8’ – 10’. The plans are consistent with the requirements in the Zoning Ordinance. As required in the Zoning Ordinance, ScottSun is required to establish of a $5,000 landscaping/screening financial guarantee to maintain the plantings for a full growing season.
ScottSun has submitted a Resource Management Plan for the project which identifies how grading, erosion control, and storm water will be managed. The existing ground cover is row crops. The proposed development of the 3 megawatt solar energy system will include ground mounted solar panels, internal gravel access roads to provide access to the equipment, a gravel access to Union Trail, and three concrete equipment pads for inverters and transformers. Grading throughout the site is done to reduce slopes to no greater than 10% to accommodate the racking and promote drainage. Ground cover under the solar panels is proposed to be short/medium height natural prairie grasses. Consistent with other solar gardens, staff is requiring that forbs be included in any seed mixture used.

The natural resources office has reviewed the Resource Management Plan for compliance with Chapter 6 of the Zoning Ordinance. Their comment memo is attached for your review. Any conditions listed in County staff’s review of the proposed plans have been listed as a condition to be satisfied prior to issuance of a building permit for the solar garden.

As stated earlier, the panels are dark blue in color and coated with an anti-reflective technology. Per Scott County Zoning Ordinance No. 3 Chapter 12-9-2 Subdivision 15, a glare study has been completed for the project using the Solar Glare Hazard Analysis Tool (SGHAT). The level of glare south of the site along Union Trail was investigated. From the northern side of the project, no glare is anticipated at any time of day at any time of year. The results from the southern side of the project estimated that there is a low potential for glare up to 1 hour in the morning from April through September. However, this tool does not allow for incorporation of the screening/landscaping. ScottSun expects that any potential glare from the solar panels will be mitigated by the evergreen plants along the west side of the site. Staff has included a condition (Condition 9) on the CUP that requires ScottSun to address any glare issues created by the project. The Glare Study is attached for your review.

As required in the Zoning Ordinance, a Decommissioning Plan is necessary to ensure that facilities are properly removed after their useful life and that the site is properly restored. The applicant has submitted a Decommissioning Plan that is included with your agenda. The Plan addresses the anticipated manner in which the solar farm will be decommissioned and the site restored, timetable for decommissioning, who is responsible for the decommissioning, financial assurance, and cost estimate. The estimated cost of decommissioning is $89,000. County ordinance requires that ScottSun provide the County a financial security of 125% of the total projected decommissioning cost. Prior to issuance of a building permit for the facility, ScottSun shall provide Scott County a financial security of $111,250.

The Environmental Services Department has completed their review of the CUP. Staff noted that the property owner shall be made aware that if the entire site is disturbed, septic systems cannot be constructed on the site so there will be no opportunity for future development.

**Fiscal Impact:**

None
Criteria for Approval (Chapter 2-6-1):

1. The use will not create an excessive burden on public facilities and utilities that serve or are proposed to serve the area.

   The use is not expected to create an excessive burden on public facilities. After construction of the facility the applicant anticipates the site will generate about one trip a quarter to maintain the facility. The facility does not require sewer or water.

2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.

   The use is allowed with a CUP in the A-1 district. The project is low profile, does not create odors and is virtually noiseless. A screening landscaping plan is proposed to aid in screening the project from existing residences and along the County Road.

3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

   The purpose of the 15 foot height limitation and landscaping and screening is to limit the visual impact on adjacent properties and any adverse effects on development within the district where the project is proposed. The property is in the Agricultural Preservation Area which limits development to one home per 40 acres. Routine maintenance will keep the site clear of garbage and debris.

4. The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

   The use is consistent with the uses allowed as a CUP in the A-1, Agricultural Preservation Zoning District.

5. The use is not in conflict with the Comprehensive Plan of Scott County.

   ScottSun is not in conflict with the County Comprehensive Land Use Plan. It is currently zoned as Agricultural Preservation land and designated as an Agricultural Preservation Area in the Scott County 2030 Plan. The project generally meets the goals of the Agricultural Preservation Area outlined in the 2030 Plan as an area reserved for continued agricultural uses beyond the 2030 planning horizon. Additionally, the solar project helps Scott County achieve goal #IX-10 and goal #XI-5 in the 2030 plan promoting local, renewable, and sustainable energy systems.

6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.

   The site is not manned and will only be accessed periodically for maintenance. ScottSun will not cause a traffic hazard or congestion during the operational phase. Typical construction traffic is expected during the construction of the facility. An approved access permit must be issued prior to construction of the facility.

7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.

   The Project does not require water or sewer. The Resource Management Plan which identifies how grading, drainage and erosion will be managed will comply with County ordinances prior to construction.

8. All buildings/structures must meet the intent of the State Building Code and/or fire codes.

   The proposed community solar energy system will require a building permit prior to construction and the site has ample access for fire service access.
Conditions of Approval:

1. The Applicant is to notify the Scott County Zoning Administration Department in January of each year, stating they are in compliance with the conditions of the Conditional Use Permit (CUP).
2. The Blakeley Town Board may conduct annual CUP compliance review.
3. The CUP holder shall pay an annual inspection fee for the CUP, if and when Scott County adopts an inspection fee ordinance.
4. If property ownership changes or a new applicant/operator is proposed, the applicant/operator shall contact the Blakeley Township Board and Scott County Zoning Administration to review the CUP conditions and any proposed operation changes. The applicant/operator shall notify the Zoning Administration Department of any possible operation changes and at a minimum, a Certificate of Compliance will be required from Scott County Zoning Administration.
5. Oil, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.
6. All signage shall comply with the Scott County Sign Ordinance.
7. The property shall be maintained in a neat and orderly manner. The Applicant shall promptly remove all garbage, trash, construction waste, debris, concrete rubble and all other nonessential or nonfunctional materials from the Property. Applicant shall maintain vegetation, landscaping, and remove weeds within the Project consistent with County Ordinances.
8. Landscaping/Screening shall be installed per the approved landscaping and screening plans dated February 1, 2018, as maybe amended prior to County Board action. Establishment of a $5,000 landscaping/screening financial guarantee is required to maintain the plantings for a full growing season. All plant material required as part of the Landscaping/Screening Plan shall be maintained and kept alive. Any dead or damaged plants shall be replaced. All the existing acreage no longer in production will be planted with a diverse pollinator friendly seed mix. The seed mix will include forbs, native grasses and milk weed.
9. The solar panels shall not reflect sunlight so as to create glare on streets and highways. In the event the panels create glare on streets or highways and the County determines that such glare presents a safety hazard to the traveling public, the Applicant shall be given 90 days to eliminate such hazard. In the event that the Applicant believes that no such hazard exists or believes that it has sufficiently mitigated such hazard and the County continues to believe a hazard to the traveling public exists from the panels, the Applicant shall commission and pay for a glare study to be performed by third-party consultant mutually acceptable to the Applicant and the County, which study shall determine whether such glare presents a hazard to the traveling public. If such study concludes that the glare presents a hazard to the traveling public, the Applicant shall take whatever additional actions are necessary to eliminate such hazard. If the study concludes that, the glare does not present a hazard to the traveling public, such conclusion shall be binding upon the County for a period not to exceed one year and Applicant shall have no obligation to further mitigate such glare. Further, the solar panels shall not reflect sunlight so as to create glare on neighboring properties. In the event the panels create glare onto neighboring properties and the County determines that such glare constitutes a nuisance to the residents of such property, the Applicant shall install additional screening on the Property and/or, as permitted, the neighboring property in a manner that will substantially eliminate or block the glare from entering the neighboring property.
10. All necessary building/electrical permits shall be obtained for construction of all structures on the property.
11. ScottSun LLC shall provide awareness training for emergency services providers (police & fire) to make them aware of the facility and how to manage emergencies on site. ScottSun LLC shall provide emergency services providers with key systems (lockboxes and codes) necessary for emergency access to the property.
12. Applicant shall maintain weeds within the Project consistent with County ordinances.
13. Prior to building permit the applicant shall furnish the County with a performance bond, irrevocable letter of credit or cash escrow in an amount and form agreed upon by the County and Applicant to guarantee decommissioning and removal of site improvements as identified in the approved decommissioning plan. The performance bond, irrevocable letter of credit or cash escrow shall be equal to 125% of the estimated cost of decommissioning as determined by the County.
The County may draw on the performance bond, irrevocable letter of credit or cash escrow to complete work not performed by Applicant and its successors and assigns including, but not limited to, completion of the Decommissioning Plan and to reimburse itself or Blakeley Township for costs incurred in the drafting, execution, administration or enforcement of this Agreement or to otherwise fulfill the obligations of the Applicant and its successors and assigns, under this CUP.

In the event that the performance bond, irrevocable letter of credit or cash escrow referred to herein is ever utilized and found to be deficient in amount to pay or reimburse the County and/or Township in total as required herein, the Applicant, its successor and assigns agree that upon being billed by the County and/or Township, they will pay within thirty (30) days of the mailing of said billing, the said deficient amount.

14. Bills not paid within thirty (30) days of billing by the County and/or Township shall accrue interest at the rate of 6% per year. Further, if the Applicant, its successors and assigns, fail to pay said amounts, then the County and/or Township may specially assess and/or certify the costs thereof against the Property, assert any rights granted under the Decommissioning Plan and/or bring legal action against the Applicant and/or Property Owner to collect any sums due to the County and/or Township pursuant to this CUP, plus all costs, engineering and attorney's fees incurred in enforcing this Permit. If there should be an overage in the amount of utilized security, the County will, upon making said determination, refund to the Applicant, its successor and assigns, without interest, any monies which the County has in its possession which are in excess of the actual costs paid by the County and/or Township.

Until all requirements of the Decommissioning Plan have been satisfied in the sole determination of the County, Applicant will not take any actions to eliminate the performance bond, irrevocable letter of credit or cash escrow or to otherwise materially alter Applicant’s obligations in connection therewith.

15. All lighting shall comply with the Scott County Lighting Ordinance.

16. Site grading and construction shall be consistent with the approved Resource Management Plan, SWPPP, and all applicable Scott County ordinances.

17. Issuance of the CUP is not a substitute for any other permit required in conjunction with the Project, including but not limited to building permits, electrical permits, and driveway permits.

18. Applicant shall construct and operate the Project in full compliance with the approved application narrative, approved project plans and in full compliance with all federal, state, and local laws, rules, ordinances, and regulations.

19. Applicant shall provide potable water and portable toilets at all times during construction of the Project. Toilets shall be serviced on a regular basis.

20. The maximum height of any solar panel shall not exceed 15 feet.

21. Applicant shall bury all electrical lines between solar panels and facilities on the Property, except identified overhead lines intended for interconnection on the approved plans and specifically for the interconnection with the electrical utility.

22. Upon completion of the installation of the solar equipment, Applicant shall maintain groundcover at all times in a manner that prevents soil erosion.

23. Applicant shall allow access to the Property by the County or Blakeley Township’s representatives, or other local, state or federal officials and agents, upon reasonable notice and in the company of a competent site representative, to inspect permitted facilities and site conditions, at reasonable intervals chosen by the County.

24. The solar energy equipment or solar electric system shall not create interference with television, cable, radio, telephone, internet, computers or other electronic devices and services on neighboring properties, or otherwise constitute a public nuisance.

25. Applicant shall reimburse both the County and Blakeley Township for all reasonable out of pocket expenses incurred in the CUP application review and approval, facility inspections and enforcement of this CUP and local ordinances, including planning, engineering, and attorney’s fees. Applicant also agrees to pay all applicable building, plumbing, septic, grading, stormwater, and electrical permit fees.
for the Project, according to the fee schedule established by the County and/or Township, as adjusted from time to time.

26. Except as otherwise provided in this CUP, all solar panels, inverters, panel anchors, and other infrastructure unique to the solar garden shall be removed from the Property at such time as the solar facilities have not produced or sold electricity to an electrical utility in any of the previous 12 month pursuant to the terms of the Decommissioning Plan on file with the County. Where the terms of the Decommissioning Plan and this CUP are in conflict, the terms of the CUP shall control. Upon failure to comply with the Decommissioning Plan by the Applicant, its successors and assigns, the County may thence after 30 days written notice to the Applicant enter onto the Property and complete Applicant’s obligations under this CUP.

27. The CUP shall be terminated following decommissioning of the site as required in Condition #26 above. The Applicant shall be financially responsible for any damage which may occur to public property including but not limited to streets, street sub-base, base, bituminous surface when said damage occurs as a direct or indirect result of the activity which takes place during the development of the Project including, but not limited to, construction of improvements.

28. Should the County receive a complaint related to hazard or safety concerns pertaining to stray voltage from the solar array at the Project site the County shall forward such complaint to the Applicant. It shall be the Applicant’s primary responsibility to resolve such complaints. The Applicant shall have 30 days to assess the complaint and, if the Applicant confirms a hazard or safety concern is caused by the solar array, then the Applicant shall propose a remedial plan to the County for review and approval. If the Applicant does not address the stray voltage complaint to the satisfaction of the County, then the County shall have the authority to review the complaint and may require additional and reasonable mitigation or remedial actions be taken by the Applicant to mitigate and/or eliminate the stray voltage at the Applicant’s sole expense. Such mitigation or remedial actions shall be based on the available evidence including the possibility of a stray voltage study, commissioned by the County, completed by an independent evaluator approved by mutual consent of the County and Applicant, and at the sole expense of the Applicant.

29. Applicant shall not damage or interfere with the use of, or otherwise diminish the functionality of any existing field tiles. Any damage to existing field tile caused by the Applicant and/or its representatives shall be repaired or replaced or rerouted at the sole expense of the Applicant. Following construction, the Applicant shall provide access to the Property to users of the drain tile, upon reasonable notice and in the company a competent site representative, for the purposes of inspection. Applicant shall work in good faith with users of the drain tile to enable any repair or replacement work that may be necessary as a result of normal use of the tiles. Such repair shall be at the user’s expense.

30. Construction hours for pile driving shall be Monday through Friday 8 a.m. to 5 p.m.

31. Prior to issuance of a Building Permit for the Solar Garden all comments in the Natural Resources Department Memo Dated February 13, 2018 shall be fully addressed.
Conditional Use Permit Application

October 15, 2017

Scott County
Planning Commission Request
Attention: Marty Schmitz, Zoning Administrator
Government Center GC 114
200 Fourth Ave West
Shakopee, MN 55379-1220

Dear Marty,

Attached you will find an updated application for a Conditional Use Permit (CUP) to construct a Community Solar Garden within Scott County. The request is being made by ScottSun LLC on behalf of SunShare, LLC.

In 2013, Xcel Energy was directed by the State of Minnesota to obtain 1.5% of its energy from solar by the year 2020. The development and operation of this Community Solar Garden will aid Xcel Energy in complying with this requirement. SunShare, LLC is planning an up to 3 MW garden that will allow Xcel ratepayers, including businesses, residents, government entities and schools, in Scott County to choose solar power and save money on their electricity bill.

The property has been identified and is under contract. The proposed site encompasses approximately 40 acres and is currently used for agricultural purposes.

This property was chosen based on the following criteria:

- Consideration of applicable zoning and permit requirements;
- A willing property owner.
- Absence of topographic obstructions such as buildings, hills, vegetation, etc.;
- Proximity to 3 phase power and an interconnection to the Xcel Energy distribution grid.

The proposed Solar Garden meets all setbacks and requirements of the Zoning Code when this was originally applied for. The property will be fenced for security and safety reasons. SunShare, LLC has also submitted the appropriate applications to Xcel and other regulatory bodies.

When ScottSun originally applied for this permit we were under the assumption that the garden would be 5MW’s in size. We received an interconnection form Xcel stating that their engineering model only allowed a 1MW garden. Our independent engineer reviewed their study and found many issues. We then disputed Xcel’s engineering report and tabled our application until that dispute was settled. After almost 2 years of dispute, Xcel agreed that their infrastructure would handle a 3MW solar garden at this location. We have updated all of our application and are excited to finally move this project forward.

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404
Conditional Use Permit Application

The Scott County Conditional Use Application, Fees, and required submittal materials are attached along with several Exhibits describing, in detail, the Conditional Use Permit proposal. The Exhibits included are as follows:

Exhibits to Application:

- Exhibit A: Scott County Land Use Permit Application
- Exhibit B: Introduction to Community Solar and SunShare
- Exhibit C: Conditional Use Application Requirements
- Exhibit D: Site Maps and Additional Documentation
- Exhibit E: Decommissioning Plan
- Exhibit F: Memorandum of Lease
- Exhibit G: Xcel Documentation
- Exhibit H: Glare Study
- Exhibit I: Resource Management Plan
- Exhibit J: Landscaping Plan

SunShare, LLC hopes this correspondence and enclosures explain our application and address the requirements of Scott County. Should you have any questions regarding the attached application for an Interim Use Permit, please feel free to contact me at 612-701-4855.

SunShare, LLC appreciates the assistance that we have received from you and your staff and we look forward to working with you to better serve the public in this area. Thank you in advance for your consideration of this matter.

Sincerely,

Chuck Beisner
cbeisner@mysunshare.com
612-701-4855

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404
Exhibit C: Conditional Use Application Requirements
Conditional Use Permit Application

Application requirements as set forth in Section 12-11 of the Scott County Zoning Ordinance:

1.) Project applicant: ScottSun LLC

2.) Project owner: ScottSun LLC is the project owner and is leasing land from John and Bonita Kane.

3.) Legal description and address of the project: The project address is 24625 Union Trail, Belle Plaine, MN 56011 and the legal description is as follows:

That part of the Southwest Quarter of Section 16, Township 113 North, Range 25 West, described as follows:

Commencing at the Southwest corner of Section 16; thence North 00 degrees 03 minutes 42 seconds West (assumed bearing) on the West line of the Southwest Quarter 1398.40 feet to the point of beginning; thence continuing North 00 degrees 03 minutes 42 seconds West, 1252.25 feet to the West Quarter corner of Section 16; thence North 89 degrees 21 minutes 53 seconds East, on the North line of the Southwest Quarter, 1374.78 feet; thence South 01 degrees 35 minutes 25 seconds East 1252.36 feet; thence South 89 degrees 21 minutes 53 seconds West, 1408.19 feet to the point of beginning, Scott County, Minnesota

4.) Documentation of land ownership or legal control of the property: The recorded memorandum of the agreement between the project applicant and land owner is located in Exhibit F.

5.) A description of the project: ScottSun LLC is proposing an up to 3 megawatt (3,000 kilowatt) community solar garden on this property. ScottSun LLC will be leasing the land on which the solar garden will be sited.

ScottSun LLC is proposed to use a fixed racking system with photovoltaic panels. Primary raw materials used in this type of module technology consist of but are not limited to aluminum, glass, silicon, trace amounts of phosphorous, boron, silver, and copper. Solar modules will be UL listed, CEC listed, and approved for use by the National Electrical Code (NEC). The panels are dark blue, absorbing as much light as possible in order to convert it into electrical energy. They are coated with an anti-reflective technology to enhance their ability to capture sunlight.

Each solar module is composed of multiple panels and the modules will be attached to the ground surface using a fixed racking system. Each row of modules will be spaced approximately 15 feet apart and reach about 10-12 feet in height. The system is made of steel vertical posts installed directly into the ground without the use of concrete foundations. Each post will penetrate approximately 8 – 12 feet into the ground. We will locate the existing drain tile and propose to relocate lines in order to ensure proper drainage of the area.

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404
Conditional Use Permit Application

The primary electrical components of the system are the inverters, combiner boxes, transformers, and disconnects. Disconnects and combiner boxes are used to combine strings of modules, transition to different wire types, shut off the system and key nodes, and protect non-qualified workers from injury. The inverters convert the DC energy produced by the solar panels into AC energy. Then a transformer will step up this voltage to be compatible with the local utility infrastructure.

The exact method of connecting the solar energy system to the electric load will be determined during the Xcel Energy interconnection process. We are in the process of completing engineering studies with Xcel Energy and documentation for this can be found in Exhibit G.

6.) Site plan: The site plan for this project can be found in Exhibit D. The power and communication lines will run underground.

7.) Existing vegetation and soils information for the proposed site: The land is currently used for row crop agriculture, most recently corn. There is very little vegetation currently on site.

There are both hydric and non-hydric soils present on site. A soil map is attached to this application.

8.) Landscape and screening plan: The landscape plan will meet the requirements of the Scott County zoning ordinance. An evergreen vegetative buffer will be provided along the western and northern boundaries of the property.

9.) Erosion/Sediment control plan: ScottSun will try to minimize the grading required for this site. The racking system can accommodate an up to 10% grade in the east/west direction and greater than that in the north/south direction.

Our engineering contractor will develop a detailed Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plan prior to the start of construction that satisfies all local, state, and federal requirements. The SWPPP will include a summary of the general construction activity, what the receiving waters are, storm water mitigation and management measures, any wetland impact, project plans and specifications, temporary erosion prevention measures, temporary sediment control measures, inspection and monitoring activities, pollution prevention management measures, and final stabilization. Any hazardous or toxic materials brought on site will be stored, contained, and secured in compliance with the project Stormwater Pollution Prevention Plan (SWPPP) and section IV.F of the MPCA NPDES Construction General Permit MN R100001 and other applicable local and state permits. Additionally, industry standard Best Management Practices (BMPs) will be put in place; typical solar construction BMPs may include as appropriate, but are not limited to: run off control, solid waste control, retention ponds, vegetative ground cover, fiber rolls, silt fences, erosion blankets, etc.

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404
Conditional Use Permit Application

The project will include both a temporary and permanent Erosion Control Plan (ECP). Erosion Control. BMPs may include minimizing amount of exposed soil, exposed soil areas within 200 feet of protected water to have temporary erosion protection, normal wetted perimeter of drainage ditch on site to be stabilized, no unbroken slope lengths greater than 75 feet for slopes of grade 3:1 or steeper, use of erosion blankets or vegetative ground cover etc.

We also plant a native seed mixture under the garden that will include white clover (trifolium repens), lion’s tooth, heal all (lanceleaf selfheal), purple prairie clover, asclepias viridiflora (short green milkweed), and a low growth fescue mix (a combination of improved fine fescues with 10% annual ryegrass).

10.) Glare study: A glare study was performed using the Solar Glare Hazard Analysis Tool, as recommended in the Scott County ordinance, and is attached to this application in Exhibit H. Even without accounting for the vegetative screening plan, there is very low potential for glare from the highway adjacent to the property.

11.) A copy of the interconnection agreement with the local electric utility: This document comes very late in the process for connecting a solar energy system to the electric grid. However, we have attached other documentation of the process to this application in Exhibit G. We ask that the interconnection agreement be a condition of the interim use permit, rather than a requirement for application.

12.) Decommissioning plan: Please see Exhibit E for the details on our proposed decommissioning plan.

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404
Exhibit E: Decommissioning Plan
Conditional Use Permit Application

1) Defined conditions upon which decommissioning will be initiated:

A solar farm/garden that ceases to produce energy on a continuous basis for 12 months shall be considered abandoned and the property owner or other responsible party shall be required to decommission the facility and restore the site to substantially its prior condition within 12 months from the time that the facility is deemed to be abandoned, unless substantial evidence is presented to the Planning Manager of the intent to maintain and reinstate the operation of the facility.

2) The anticipated manner in which the solar farm project will be decommissioned and the site restored:

The facility will first be disconnected from the grid. The PV modules will then be disconnected and removed. The above ground electrical interconnection, distribution cables, transformers and inverters will be removed. The racking and support posts will then be removed. The fencing will then be removed. Lastly, the site will then be harrowed and seeded to return it to substantially its condition prior to the installation as an agricultural field.

3) Timetable for completion of decommissioning:

The decommissioning will be completed within 9 months of the commencement of decommissioning.

4) The party responsible for decommissioning:

The permittee or its assignee shall be responsible for the decommissioning. In the event the property owner and/or responsible party fail to timely decommission the solar farm/garden facility as required above, Scott County shall be entitled to take all measures allowed by the Minnesota State Statutes, as well as the right to levy penalties as provided in the Scott County Zoning Ordinance, the right to obtain a permanent injunction ordering the removal of such solar farm/garden facility, and the right to obtain a court order permitting Scott County to remove such solar farm/garden facility.

5) Financial Assurance:

The County requires assurance that funds will be there for the necessary decommissioning work when the project reaches the end of its purposeful life, been condemned, or has been abandoned. The County requires that the decommissioning

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404
Conditional Use Permit Application

work be fully funded at the time of project construction. To that end, a “financial assurance level” of 125% of total project decommissioning cost shall be established by the start of construction. Assurance can be achieved via Bond, Letter of Credit or cash set aside in an escrow account with Scott County being the holder of the decommissioning security.

Solar Garden
Decommissioning Cost Estimate

Remove modules.............................................$20,000
Package & ship modules...............................$5,000
Disassemble rack..........................................$5,000
Pull posts....................................................$12,000
Package & ship rack & posts..........................$3,000
Remove & ship inverter sheds.......................$3,000
Remove electrical equipment & wiring..............$15,000
Remove DC conduit & inverter foundation.........$8,000
Dispose of material with no salvage value..........$5,000

Ag soil restoration - harrow & seed.................$13,000

Total Decommissioning Cost ......................$89,000

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404
Conditional Use Permit Application

Exhibit H: Glare Study

SunShare, LLC
609 South 10th Street, Minneapolis, MN 55404
Conditional Use Permit Application

The glare study was conducted using the methodology suggested in the Scott County Solar Ordinance. The online Solar Glare Hazard Analysis Tool created by Sandia National Laboratories was used. The parameters used matched those of the site plan. The level of glare from various locations along Union Trail was investigated. From the northern side of the project, no glare is anticipated at any time of day at any time of year.

The results from the southern side of the project are attached. The tool estimates that there is a low potential for glare over up to 1 hour in the morning from April to September. However, this tool does not allow for incorporation of the screening plan. We expect that any potential glare from the solar panels will be mitigated by the evergreen plants along the west side of the project.

Overall, the potential for any glare to be created, particularly along the roadway, from this project is low. Any possibility of glare will also be mitigated by the landscape plan. There are not anticipated problems with glare from this project.
GlareGauge Glare Analysis Results

Site Configuration: Untitled

Project site configuration details and results.

Summary of Results

<table>
<thead>
<tr>
<th>PV Name</th>
<th>Tilt</th>
<th>Orientation</th>
<th>&quot;Green&quot; Glare</th>
<th>&quot;Yellow&quot; Glare</th>
<th>Energy Produced</th>
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<tbody>
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<td>PV array 1</td>
<td>25.0</td>
<td>180.0</td>
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Component Data

PV Array(s)

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<th>Name: PV array 1</th>
<th>Axis tracking: Fixed in motion</th>
<th>TR: 180.0 deg</th>
<th>Vertex Latitude</th>
<th>Longitude</th>
<th>Ground elevation</th>
<th>Height above ground</th>
<th>Total elevation</th>
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<tr>
<td>Orientation: 180.0 deg</td>
<td></td>
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<td>Rated power -</td>
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<td>Panel model: Glass-glass without AR coating</td>
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<tr>
<td>Very reflective with sun available? Yes</td>
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<td>Correlation slope error with surface type? Yes</td>
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Discrete Observation Receptors

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<th>Longitude</th>
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<th>Height above ground</th>
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# PV Array Results

## PV array 1

<table>
<thead>
<tr>
<th>Component</th>
<th>Green glare (min)</th>
<th>Yellow glare (min)</th>
<th>Red glare (min)</th>
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<tbody>
<tr>
<td>CP: 1</td>
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<td>0</td>
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</table>

https://www.forgesolar.com/projects/4871/configs/10716/
Assumptions

- Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
- Glare analyses do not account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographic obstructions.
- The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual values may differ.
- Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.
Memo

Date: 2/13/2018
To: Marty Schmitz, Zoning Administrator
From: Ryan Holzer, Water Resources Scientist
Subject: PL2015-099 ScottSun LLC Solar Garden

The Scott County Natural Resources Department has completed a review of the Stormwater Pollution Prevention Plan (dated 2/12/2018) for conformance with the regulations of the Scott County Zoning Ordinance #3, Chapter 6 requirements. Please complete the required changes and resubmit for review and approval.

1. Since portions of the site are already disturbed/exposed soils due to the current agricultural use, in accordance with Chapter 6, specify how the site will be seeded and vegetated over the course of construction in accordance with Scott County Zoning Ordinance #3, Chapter 6C-2.2.a. Either a temporary or permanent seeding is required prior to starting construction on previously tilled agricultural land that is not being proposed for grading on plans sheets. If a permanent seeding is chosen then there may be some additional re-seeding at the end of the project to meet the NPDES General Construction Permit vegetation coverage criteria. The distinction of what is staying in agricultural production and what is being proposed for land disturbances associated with the solar panels should be identified in the narrative, possibly Table of Contents 2.0 and 3.0, and on the grading plan as a note.
2. The soil boring location sketch shows additional solar panels that are not consistent with the rest of the plan set. Please adjust for consistency with the rest of the plans or make a note on the page that the solar panels shown in the drawing do not reflect what is being proposed.
3. Notification of an approved NPDES permit must be submitted.
4. Item 3.6 indicates erosion control blankets will be used to provide stabilization for slopes greater than 6:1. This should be for any slopes at or greater than 3:1.
5. Show grading limits on the plans. This would include existing and proposed contours.
6. In the southeast portion of the site, the stormwater berms are not addressing solar panel runoff and are located in an area that is likely being proposed to stay in agricultural production.

Please note the review of any wetland issues and/or review comments by the Township are not included.

If you have any questions or need clarification of these comments, please feel free to contact us at (952) 496-8882.

Cc: Paul Nelson, Environmental Services Manager
    Brent Koepp, Blakeley Twp. Clerk
Memorandum

TO: Marty Schmitz, Planning and Zoning
FROM: Kate, Environmental Services
DATE: 12-14-2015
RE: IUP PL.2015-99 for ScottSun 24625 Union Trl Belle Plaine

We have reviewed the IUP submitted by ScottSun for a community solar garden. We do not have any concerns with this use related to on-site septic systems. All solid and hazardous waste must be properly disposed.

If you have any questions I can be reached at 952-496-8351
February 06, 2018

Scott County Zoning Department
ATTN: Marty Schmitz
200 South Fourth Avenue West
Shakopee, MN 55379

RE: Blakeley Township Board Supports the ScottSun LLC 3 Megawatt Community Solar Energy System Project (John & Bonita Kane Property, Blakeley Township)

Marty,

Chuck Beisner, Site Acquisition Specialist for SunShare met with the Blakeley Township Board on Monday, February 05, 2018 to present and discuss the ScottSun LLC project plan to construct and operate a 3 megawatt community solar energy system on the John & Bonita Kane property. Also present were adjacent landowners John Meierbachtol (North & East of the project) and Dale Meierbachtol (South of the project). Mr. Beisner handed out copies of the Kane Solar Project plan and presented details about the project. The board then discussed and reviewed the plan in detail. The tile line plan was discussed and it was noted by John Meierbachtol that construction will not begin until a tile easement and agreement is signed between him, site property owner, & SunShare. It was noted by Dale Meierbachtol that his tile line South of the project is not affected by the project and no need to sign a tile easement and agreement. The board questioned why there were no trees shown on the South side of the project panels as requested and John Meierbachtol noted he does not want trees planted in that area due to farming and tile lines in that area. Board also questioned the trees on the West side along Union Trail where it appears they were scaled back to only align with the project panels instead of the full West side of the property. After discussion and confirming all of the township’s requests and concerns were met, the Blakeley Township Board made a motion to support the project plan as presented contingent upon the following conditions: 1) Signed tile easement and agreement between adjacent property owner John Meierbachtol, project site property owner John Kane, and SunShare 2) Project meets Scott County’s landscape requirements, and 3) Project meets all applicable Scott County Solar Energy System ordinance requirements. Motion passed. The Blakeley Township Board supported the project as presented.

If you have any question please contact me at 612-860-0386.

Thank you.

Respectfully,

Brent Koepp
Blakeley Township Clerk
13150 245th St W
Belle Plaine, MN 56011
koeppbw@frontiernet.net
612-860-0386
PREPARED BY AND
WHEN RECORDED RETURN TO:

SunShare LLC
1151 Blake Street
Denver, CO 80204

The space above this line is reserved for recording purposes.

DRAINAGE EASEMENT
AND AGREEMENT

THIS DRAINAGE EASEMENT AND AGREEMENT (this “Agreement”) is entered into on

L. Kane, married to each other (“Kane”), John F. Meierbachtol, married to Catherine A.
Meierbachtol (“Meierbachtol”), and ScottSun LLC, a limited liability company duly
organized under and by virtue of the laws of the State of Colorado, (“ScottSun”) or its
assignee. (Kane, Meierbachtol and ScottSun the “Parties” and each a “Party”)

RECITALS

A. Meierbachtol currently uses and maintains existing drain tiles over and across land
owned by Kane, as more specifically defined in Exhibit A. This use and maintenance
has not previously been memorialized or defined by a written instrument.

B. The existing drain tiles across the Kane land benefit land owned by Meierbachtol, as
more particularly described on Exhibit B.

C. Effective June 26, 2015, Kane and MN Land Acquisitions LLC, a Colorado limited
liability company, entered into that certain SOLAR ENERGY DEVELOPMENT AND
OPERATIONS LEASE AGREEMENT (the “Lease Agreement”), affecting real
property owned by Kane and crossed by the existing drain tiles used by Meierbachtol
(“ScottSun Lease Area”), as evidenced by Memorandum of Solar Energy
Development and Operations Lease Agreement filed July 17, 2015, as Document No.
A983948. By Assignment and Assumption Agreement dated February 10, 2016, and
D. ScottSun will be constructing a solar facility on the ScottSun Lease Area, and has agreed to replace the existing drain tile lines crossing the ScottSun Lease Area property with new drain tile, at ScottSun’s sole cost, over specified corridors described on the attached Exhibit C ("Easement Area") and depicted in the attached Exhibit D. The drain tile replacement shall take place prior to the installation of any solar panels.

E. The Parties wish to create this Drainage Easement and Agreement affecting the land defined in Exhibit A to specifically define the rights and responsibilities of the Parties and the Property subject to the easement.

AGREEMENT

Considering the foregoing, and for good and valuable consideration, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

1. Kane does hereby grant and convey to Meierbachtol, their heirs, successors and assigns, as grantees, a permanent, non-exclusive easement for drainage and tile line purposes and the right of Meierbachtol to connect their present existing drain tile and any future drain tile on the Meierbachtol property into the new drain tile lines to be constructed on the Kane property and to use and maintain such drain tile. Within the ScottSun Lease Area, ScottSun consents to the easement, and the parties agree this easement shall be limited to the easement area identified on the attached Exhibit C. This easement shall be appurtenant to and for the benefit of the Meierbachtol property and shall run with the land of the parties.

2. This Agreement includes the right of Meierbachtol, their heirs, successors and assigns, upon reasonable notice to Kane and ScottSun, and in a time and manner to be mutually agreed upon by the Parties to enter the Easement Area for inspection, cleaning, repairs and general maintenance. ScottSun shall have the right to have an agent accompany Meierbachtol or any party entering the Easement Area on behalf of Meierbachtol. If any part of the tile lines needs to be moved for any reason in the Easement Area, Meierbachtol and Kane agree that no work shall start until ScottSun has approved the proposed change to the tile lines, which approval shall not be unreasonably withheld, conditioned or delayed. Any work by Meierbachtol or its agents shall be done in a manner as to avoid damage to the solar facilities, including electrical lines crossing the Easement Area. Prior to any excavation, Meierbachtol shall locate all private and public utilities affected by the proposed work. If Meierbachtol or its agents shall cause damage to any part of the solar facilities, Meierbachtol shall reimburse ScottSun for the amount required to repair such damage within 30 days after the repair is made. Should ScottSun or its agents cause damage to the tile lines, ScottSun shall repair such damage at its sole cost and expense. If either Meierbachtol or ScottSun shall bring a court proceeding to enforce this section...
and prevails, the other Party shall reimburse the prevailing Party its attorneys’ fees, costs and expenses reasonably incurred in connection with enforcement of this section.

3. The Parties may execute this Agreement in counterparts, each of which will be an original and all of which will constitute the same instrument. Electronically stored copies or photocopies of original, executed copies of this Agreement will be deemed originals.

4. Each Party represents and warrants to the other that (i) it has the power to enter into this Agreement; (ii) it has taken all action needed to authorize the execution and delivery of this Agreement; (iii) its representative executing and delivering this Agreement is authorized to do so; and (iv) the execution and delivery of this Agreement does not require any consent or approval which has not been obtained.

[SIGNATURES AND ACKNOWLEDGMENT PAGES FOLLOW]
SIGNATURE PAGE TO DRAINAGE EASEMENT
AND AGREEMENT

IN WITNESS WHEREOF, the Parties have executed this DRAINAGE EASEMENT AND
AGREEMENT as of the date set forth above.

John T. Kane

Bonita L. Kane

STATE OF Minnesota
COUNTY OF Maricopa

On Feb 14, 2018, before me, the undersigned, a Notary Public in and for
said County and State, personally appeared John T. Kane and Bonita L. Kane, married
to each other, personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument.

WITNESS my hand and official seal.

Notary Public
Commission Expires: August 29, 2020

Drainage Easement and Agreement
Kane-Millerbochtol-ScolzSun
SIGNATURE PAGE TO DRAINAGE EASEMENT
AND AGREEMENT

IN WITNESS WHEREOF, the Parties have executed this DRAINAGE EASEMENT AND AGREEMENT as of the date set forth above.

ScottSun LLC, a Colorado limited liability company

By: David Amster-Olszewski
It's: President and CEO

STATE OF Colorado  )
COUNTY OF Denver  )ss.

On February 16, 2018, before me, the undersigned, a Notary Public in and for said County and State, personally appeared David Amster-Olszewski, personally known to me (or proved to me on the basis of satisfactory evidence) to be the President and CEO of ScottSun LLC, a Colorado limited liability company and acknowledged to me that he/she executed the same in his/her authorized capacity on behalf of the Company, and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the within instrument.

WITNESS my hand and official seal.

By: [Sign]
Notary Public
Commission Expires: 12/30/2018

[Notary Public Seal]

Drainage Easement and Agreement
Kuan-Malschtschot-ScottSun
SIGNATURE PAGE TO DRAINAGE EASEMENT AND AGREEMENT

IN WITNESS WHEREOF, the Parties have executed this DRAINAGE EASEMENT AND AGREEMENT as of the date set forth above.

John F. Meierbachtol  
Catherine A. Meierbachtol

STATE OF Minnesota  
COUNTY OF Scott

On February 23, 2018, before me, the undersigned, a Notary Public in and for said County and State, personally appeared John F. Meierbachtol and Catherine A. Meierbachtol, married to each other, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the within instrument.

WITNESS my hand and official seal.

Notary Public
Commission Expires:

Drainage Easement and Agreement
Kane-Meierbachtol-ScottSun
EXHIBIT A

Kane Property:
That part of the Southwest Quarter of Section 16, Township 113 North, Range 25 West, Scott County, Minnesota, described as follows: Commencing at the Southwest corner of Section 16; thence North 00 degrees 03 minutes 42 seconds West, (assumed bearing) on the West line of the Southwest Quarter 1598.40 feet to the point of beginning; thence continuing North 00 degrees 03 minutes 42 seconds West, 1252.26 feet to the West Quarter corner of Section 16; thence North 00 degrees 21 minutes 53 seconds East, on the North line of the Southwest Quarter, 1374.78 feet; thence South 01 degrees 35 minutes 25 seconds East 1252.36 feet; thence South 89 degrees 21 minutes 53 seconds West, 1408.19 feet to the point of beginning.

ScottSun Lease Area:
That part of the North Half of the Southwest Quarter of Section 16, Township 113 North, Range 25 West, Scott County, Minnesota, described as follows: Beginning at the Northwest Corner of said North Half of the Southwest Quarter; thence North 89 degrees 21 minutes 56 seconds East, assumed bearing along the north line thereof, 1374.78 feet to the Northeast Corner of the Landowner’s Property; thence South 01 degrees 35 minutes 27 seconds East, along the east line of the Landowner’s Property, 730.33 feet; thence North 90 degrees 00 minutes 00 seconds West, 1394.20 feet to the west line of said North Half of the Southwest Quarter; thence North 00 degrees 03 minutes 44 seconds West, along said west line, 714.83 feet to the point of beginning.
Exhibit B

Part of the Northwest Quarter of Section 16, Township 113, Range 25, Scott County, Minnesota, described as follows: Commencing at the northwest corner of said Section 16; thence on an assumed bearing of South 00 degrees 03 minutes 35 seconds East along the West line of said Northwest Quarter 1534.00 feet to the point of beginning of the tract to be described; thence North 89 degrees 10 minutes 57 seconds East 727.14 feet; thence North 01 degrees 48 minutes 56 seconds East 526.00 feet; thence North 54 degrees 41 minutes 45 seconds East 981.63 feet; thence South 84 degrees 49 minutes 04 seconds East 1122.09 feet to the East line of said Northwest Quarter; thence South 00 degrees 17 minutes 36 seconds West along said East line 2089.45 feet to the southeast corner of said Northwest Quarter; thence South 89 degrees 21 minutes 55 seconds West along the South line of said Northwest Quarter 2650.63 feet to the southwest corner of said Northwest Quarter; thence North 00 degrees 03 minutes 35 seconds West along the West line of said Northwest Quarter 1116.72 feet to the point of beginning. This tract contains 109.35 acres of land and is subject to any and all easements of record.

AND New P10 = 0.29160042

Forty (40) acres in the East Half of the Southwest Quarter, (E ¼ of SW ¼), Section 16, Township 113, Range 25, Scott County, Minnesota, described as follows: Commencing at the Northeast corner of said Southwest Quarter (SW ¼); thence running South on the North and South quarter line of said Section 16, 84 ½ rods; thence West 74 ½ rods to the road; thence in a Northwesterly (NWly) direction following the course of the road; 84 ½ rods to the North line of said Southwest Quarter (SW ¼); thence East 77 rods to the place of beginning, all of said lands lying and being in Scott County, Minnesota.

Subject however to existing highway and easements of record.
Said description being in accordance with the recorded maps and plats thereof on file and of record in the Office of the Register of Deeds in and for Scott County, Minnesota.

ALSO DESCRIBED AS FOLLOWS:

Part of the East Half of the Southwest Quarter of Section 16, Township 113, Range 25, Scott County, Minnesota, described as follows: Beginning at the northeast corner of said Southwest Quarter of Section 16; thence on an assumed bearing of South 00 degrees 17 minutes 36 seconds West along the East line of said Southwest Quarter 1394.25 feet; thence South 89 degrees 21 minutes 40 seconds West 1229.25 feet; thence North 01 degrees 25 minutes 11 seconds West 1394.25 feet to the North line of said Southwest Quarter; thence North 89 degrees 21 minutes 55 seconds East along said North line 1270.50 feet to the point of beginning. This tract contains 40.00 acres of land and is subject to any and all easements of record.

Drainage easement and Agreement
Kane-Meteorial-ScottSun
Exhibit C

That part of the North Half of the Southwest Quarter of Section 16, Township 113 North, Range 25 West, Scott County, Minnesota, described as follows: Commencing at the Northwest Corner of said North Half of the Southwest Quarter; thence North 89 degrees 21 minutes 56 seconds East, assumed bearing along the north line thereof, 469.36 feet to the point of beginning of the easement to be described; thence continue North 89 degrees 21 minutes 56 seconds East, along said north line, 69.48 feet; thence South 16 degrees 00 minutes 20 seconds East, 26.76 feet; thence South 00 degrees 22 minutes 55 seconds East, 352.36 feet; thence South 00 degrees 12 minutes 57 seconds East, 352.72 feet; thence South 89 degrees 59 minutes 29 seconds East, 365.64 feet; thence North 00 degrees 04 minutes 53 seconds West, 735.01 feet to the north line of said North Half of the Southwest Quarter; thence North 89 degrees 21 minutes 56 seconds East, along said north line, 122.25 feet; thence South 72 degrees 48 minutes 23 seconds West, 96.52 feet; thence South 00 degrees 04 minutes 53 seconds East, 709.54 feet; thence South 87 degrees 08 minutes 07 seconds East, 191.44 feet; thence North 86 degrees 41 minutes 51 seconds East, 192.75 feet; thence North 61 degrees 05 minutes 39 seconds East, 41.76 feet; thence North 37 degrees 44 minutes 30 seconds East, 45.73 feet to the east line of the Landowner’s Property; thence South 01 degrees 35 minutes 27 seconds East, along said east line, 47.33 feet; thence South 37 degrees 44 minutes 30 seconds West, 15.32 feet; thence South 61 degrees 05 minutes 39 seconds West, 54.77 feet; thence South 86 degrees 41 minutes 51 seconds West, 201.19 feet; thence North 87 degrees 08 minutes 07 seconds West, 227.44 feet; thence North 90 degrees 00 minutes 00 seconds West, 557.92 feet; thence South 77 degrees 10 minutes 23 seconds West, 85.22 feet; thence South 39 degrees 24 minutes 27 seconds West, 83.61 feet; thence South 18 degrees 21 minutes 24 seconds West, 91.67 feet; thence South 13 degrees 44 minutes 04 seconds West, 88.85 feet; thence South 02 degrees 35 minutes 52 seconds West, 75.77 feet; thence South 02 degrees 35 minutes 52 seconds West, 79.15 feet; thence South 17 degrees 11 minutes 00 seconds West, 88.34 feet to the south line of the Landowner’s Property; thence South 89 degrees 21 minutes 51 seconds West, along said south line, 31.51 feet; thence North 17 degrees 11 minutes 00 seconds East, 94.15 feet; thence North 02 degrees 35 minutes 52 seconds East, 75.31 feet; thence North 02 degrees 35 minutes 52 seconds East, 78.69 feet; thence North 13 degrees 44 minutes 04 seconds East, 92.98 feet; thence North 18 degrees 21 minutes 24 seconds East, 98.46 feet; thence North 39 degrees 24 minutes 27 seconds East, 99.44 feet; thence North 77 degrees 10 minutes 23 seconds East, 98.85 feet; thence North 90 degrees 00 minutes 00 seconds East, 171.49 feet; thence North 00 degrees 12 minutes 57 seconds West, 352.57 feet; thence North 00 degrees 22 minutes 55 seconds West, 353.13 feet; thence North 62 degrees 32 minutes 48 seconds West, 52.80 feet to the point of beginning.
**Background/Justification:**

The purpose of this agenda item is to approve the following applications for MN Harvest LLC: On Sale Wine License with Strong Beer, Consumption and Display Permit, and 3.2 Beer License.

The Wine and 3.2 Applications are being combined to authorize the sale of intoxicating malt liquor otherwise known as “strong beer” per MN Statute 340A.404 Subd. 5(b). and Scott County Ordinance No. 26.

All background, tax, debt and judgement searches have been completed and found to be satisfactory.

Scott County staff and the St Lawrence Town Board recommend approval.

**Fiscal Impact:** None
Background/Justification:
The purpose of this agenda item is to adopt Resolution No. 2018-033; authorizing the County to approve all documents relating to land transfers or subdivisions for conformity with the County’s land use ordinances and regulations before the County Recorder records and the County Auditor transfers or subdivides the land or its net tax capacity.

Land owners are not always aware of the requirements for subdividing land and have unknowingly sold parcels in part and not in whole. Property owners can record documents that could intentionally split a parcel of land...
and inadvertently create a non-conforming parcel that does not meet zoning ordinance or development guidelines. Without the land use authority’s ability to review and approve or disapprove, the recording of these documents, parcel legal descriptions, and parcel numbers may be incorrect on documents. The valuation and classification may be impacted, and the owner(s) could be impacted in adverse ways that they are unaware of. In addition, the property may be unbuildable or usable for the purposes it was intended for due to compliance issues with the County’s land use ordinances.

The County has adopted zoning ordinances regarding land use and development within its jurisdiction. This resolution would provide authority to the County to block land transfers of less than a whole parcel from being recorded without proper review and approval from the County Auditor’s and Zoning Administrator’s offices.

Municipalities have had this statutory authority and have recorded resolutions claiming the authority. A law change to Minnesota Statute 272.162 in 2017 has given the authority to the County to assume these powers within its jurisdiction provided the County passes an affirmative resolution and files it with the County Auditor and County Recorder.

The resolution would provide the County Auditor the authority to not transfer or subdivide a parcel of land or its net tax capacity if it does not meet certain provisions outlined in Minnesota Statute 272.162.

**Fiscal Impact:**

None.
RESOLUTION NO. 2018-033; AUTHORIZING THE COUNTY TO APPROVE ALL DOCUMENTS RELATING TO LAND TRANSFERS OR SUBDIVISIONS FOR CONFORMITY WITH THE COUNTY’S LAND USE ORDINANCES AND REGULATIONS BEFORE THE COUNTY RECORDER RECORDS AND THE COUNTY AUDITOR TRANSFERS OR SUBDIVIDES THE LAND OR NET TAX CAPACITY

WHEREAS, Minnesota Statutes 272.162 subd.1 provides for restrictions on filing a deed conveying less than a whole parcel of land if the part conveyed is within an area of application of county subdivision regulations adopted as part of the County Comprehensive and Land Use Plans; and

WHEREAS, the process of dividing land into residential sites or other uses is one of the most important factors relating to the growth of the County; and

WHEREAS, the interest of unsuspecting parties purchasing less than a whole parcel of land could be negatively affected if the deed or other conveyance document is not first approved by the County; and

WHEREAS, Minnesota Statutes 272.162 subd. 3 states that Minnesota Statute 272.162 applies only to land within counties who have chosen to be governed by its provisions and that the county must record a certified copy of a resolution stating that choice.
NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners in and for the County of Scott, Minnesota, that:

1. Pursuant to Minnesota Statute 272.162 the County Auditor shall not transfer or subdivide the land or its net tax capacity in the official records and shall not certify the deed or other instrument of conveyance as provided in Minnesota Statute 272.12, if:
   a. The land conveyed is less than a whole parcel of land as charged in the county’s tax lists;
   b. The part of land conveyed appears within the area of application of county subdivision regulations adopted and filed under Minnesota Statute 394.35 or 462.36 subdivision1; and
   c. That part conveyed is part of or constitutes a subdivision as defined in Minnesota Statute 462.352, subdivision 12.

2. The County Auditor may transfer or subdivide the land and its net tax capacity and may certify the instrument if the instrument contains a certification by the designated county planning official:
   a. That the county’s subdivision regulations to do apply;
   b. That the subdivision has been approved by the governing body of the county; or
   c. That the restrictions on the division of taxes and filing and recording have been waived by resolution of the governing body of the county in the particular case because compliance would create an unnecessary hardship and failure to comply would not interfere with the purpose of the regulations.

3. The County Recorder may not record a document that subdivides a property that has not been approved by the County Auditor and the County Zoning Administrator for compliance with all Land Use Ordinances.

<table>
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<th>COMMISSIONERS</th>
<th>VOTE</th>
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<tr>
<td>Weckman Brekke</td>
<td>☐ Yes ☐ No ☐ Absent ☐ Abstain</td>
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<tr>
<td>Wolf</td>
<td>☐ Yes ☐ No ☐ Absent ☐ Abstain</td>
</tr>
<tr>
<td>Beard</td>
<td>☐ Yes ☐ No ☐ Absent ☐ Abstain</td>
</tr>
<tr>
<td>Beer</td>
<td>☐ Yes ☐ No ☐ Absent ☐ Abstain</td>
</tr>
<tr>
<td>Ulrich</td>
<td>☐ Yes ☐ No ☐ Absent ☐ Abstain</td>
</tr>
</tbody>
</table>

State of Minnesota
County of Scott

I, Gary L. Shelton, duly appointed qualified County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on the 6th day of March, 2018 now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Shakopee, Minnesota, this 6th day of March, 2018.

County Administrator

Administrator’s Designee
### Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2018-035; modifying the Post-Employment Health Care Savings Plan (HCSP) for non-bargaining employees and rescinding Resolution No. 2016-037.

Scott County seeks to be competitive with compensation under a total rewards philosophy that includes assembling pay and benefits that are meaningful to employees. HCSPs enable a tax-free benefit for employees to assist them in saving for future out-of-pocket health care expenses. A survey of non-bargaining employees was conducted and 96% of participants have an interest in a plan to allow employees to prepare for...
the increased cost of health insurance after employment. In consideration of the survey results, the following recommendations are being made:

Effective April 2, 2018, the following shall be the provisions of the post-employment HCSP for non-bargaining employees:

1. In accordance with the Employment Benefits Policy, the County will continue to pay $10.00 per month ($120.00 annually) into the HCSP established through the Minnesota State Retirement System (MSRS) for each employee who is eligible for insurance benefits. MSRS administers the HCSP, and employees can draw from their Plan account in accordance with State law.

2. Ongoing, bi-weekly deductions of gross wages based on years of continuous service in a classified position shall be as follows:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>% of Gross Wages</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 5 years</td>
<td>1.0%</td>
</tr>
<tr>
<td>6 through 10 years</td>
<td>1.5%</td>
</tr>
<tr>
<td>11+ years</td>
<td>2.0%</td>
</tr>
</tbody>
</table>

3. Separation pay based on years of continuous service in a classified position shall be as follows:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>% of Separation Pay (following required deductions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 15 years</td>
<td>50.0%</td>
</tr>
<tr>
<td>16 through 19 years</td>
<td>75.0%</td>
</tr>
<tr>
<td>20+ years</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

4. Non-bargaining employees who are authorized a general adjustment and/or merit increase that will exceed the local government salary cap limit shall have the authorized earnings above the cap amount deposited into their HCSP account.

The management of contributed funds into the HCSP is the responsibility of the State Board of Investment for the employee’s HCSP established through MSRS. The obligation of the County is to deposit funds and accrued benefits as set forth above. The County has no other obligations and is not responsible for other claims made regarding the HCSP.

Fiscal Impact: N/A
RESOLUTION NO. 2018-035; MODIFYING THE POST-EMPLOYMENT HEALTH CARE SAVINGS PLAN (HCSP) FOR NON-BARGAINING EMPLOYEES AND RESCINDING RESOLUTION NO. 2016-037

WHEREAS, Minnesota Statute 352.98 authorizes the County to sponsor health care savings plans giving employees the opportunity to save money for payment of medical expenses and/or medical insurance premiums after employment; and

WHEREAS, the County wishes to participate in this health care savings plan opportunity with its non-bargaining employee group.

NOW THEREFORE BE IT RESOLVED, that in accordance with the Employment Benefits Policy, the County will continue to pay $10.00 per month ($120.00 annually) into the HCSP established through the Minnesota State Retirement System (MSRS) for each employee who is eligible for insurance benefits. MSRS administers the HCSP, and employees can draw from their Plan account in accordance with State law.

BE IT FURTHER RESOLVED, ongoing, bi-weekly deductions of gross wages based on years of continuous service in a classified position shall be as follows:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>% of Gross Wages</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 5 years</td>
<td>1.0%</td>
</tr>
<tr>
<td>6 through 10 years</td>
<td>1.5%</td>
</tr>
<tr>
<td>11+ years</td>
<td>2.0%</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED, separation pay based on years of continuous service in a classified position shall be as follows:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>% of Separation Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 15 years</td>
<td>50.0%</td>
</tr>
<tr>
<td>16 through 19 years</td>
<td>75.0%</td>
</tr>
<tr>
<td>20+ years</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED, non-bargaining employees who are authorized a general adjustment and/or merit increase that will exceed the local government salary cap limit shall have the authorized earnings above the cap amount deposited into their HCSP account.
BE IT FURTHER RESOLVED, the management of contributed funds into the HCSP is the responsibility of the State Board of Investment for the employee’s HCSP established through MSRS. The obligation of the County is to deposit funds and accrued benefits as set forth above. The County has no other obligations and is not responsible for other claims made regarding the HCSP.

BE IT FINALLY RESOLVED, that Resolution No. 2016-037 is hereby rescinded.

<table>
<thead>
<tr>
<th>COMMISSIONERS</th>
<th>VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beer</td>
<td>☑ Yes</td>
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<tr>
<td>Wolf</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Beard</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Weckman-Brekke</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Ulrich</td>
<td>☑ Yes</td>
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State of Minnesota)
County of Scott    )

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Witness my hand and official seal at Shakopee, Minnesota, this 6th day of March, 2018.

__________________________________________
County Administrator
__________________________________________
Administrator's Designee
AGENDA #5.14
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: MARCH 6, 2018

<table>
<thead>
<tr>
<th>ORIGINATING DIVISION:</th>
<th>Sheriff’s Office</th>
<th>CONSENT AGENDA:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>ORIGINATING DEPARTMENT:</td>
<td>Luke Hennen</td>
<td>ATTACHMENTS:</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>PRESENTER:</td>
<td>Adopt Resolution No. 2018-036; Authorizing the Appointment of Sarah Deppe as Communications and Office Coordinator (Personal Secretary), Effective March 1, 2018, Pursuant to Minn. Stat. 375.58</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROJECT:</td>
<td>County Attorney Review</td>
<td>TIME REQUESTED:</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

ORGANIZATIONAL VALUES:
- Stewardship: Ensuring the responsible and stable investment of taxpayer dollars and communicating its value to the public
- Partnership: Aligning existing resources, volunteers and programs to achieve shared goals
- Leadership: Anticipating changes and managing challenges based on reliable information and citizen input
- Commitment: Developing a high quality workforce that is dedicated to advancing a safe, healthy and livable community
- Customer Service: Creating a customer experience that is respectful, responsive and solution-oriented
- Innovation: Exploring and adopting new technologies and processes with the goal of improving service and reducing the long term cost of service delivery

DEPARTMENT/DIVISION HEAD SIGNATURE:  COUNTY ADMINISTRATOR SIGNATURE:

Approved:  DISTRIBUTION/FILING INSTRUCTIONS:
Denied:  Luke Hennen, Scott County Sheriff
Tabled:  Monica Siegle, Employee Relations
Other:  Sarah Deppe, Communications and Office Coordinator
Deputy Clerk: Date:  

Background/Justification:
The purpose of this agenda item is to adopt Resolution 2018-036 appointing Sarah Deppe as Communications and Office Coordinator (Personal Secretary), effective March 1, 2018, pursuant to Minnesota Statute 375.58.

In accordance with Minnesota Statute 375.58, each elected department head may appoint a personal secretary with the approval of the county board. The duties of the Sheriff’s personal secretary were previously conducted by Vicki Sauter, Sheriff’s Administrative Assistant, effective March 16, 1998, until her retirement on February 28, 2018.

Fiscal Impact: N/A
RESOLUTION NO. 2018-036; AUTHORIZING THE APPOINTMENT OF SARAH DEPPE AS COMMUNICATIONS AND OFFICE COORDINATOR (PERSONAL SECRETARY) PURSUANT TO MINN. STAT. 375.58

WHEREAS, this Board declared its intention to fill the position of the Sheriff’s Personal Secretary by appointment pursuant to Minnesota Statute 375.58; and

WHEREAS, Ms. Vicki Sauter resigned her position as Sheriff’s Administrative Assistant (Personal Secretary) effective February 28, 2018.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, in and for the County of Scott, Minnesota, that Ms. Sarah Deppe be and hereby is appointed to the position of Communications and Office Coordinator (Personal Secretary) effective March 1, 2018.

COMMISSIONERS VOTE

<table>
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<td>Beard</td>
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Witness my hand and official seal at Shakopee, Minnesota, this 6th day of March, 2018.

________________________________________
County Administrator

________________________________________
Administrator’s Designee
Approval Payroll Processing of Personnel Actions Indicated Below and Hereby 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.

4. Separation of employment for Allison Futhey, FT Graduate Engineer, Transportation Services Division, effective 03/09/18.

5. Separation of employment for Angela Stenson, FT Principal Planner, Transportation Services Division, effective 03/05/18.

6. Separation of employment for Angela Gjerde, PT (62% FTE) Social Work Case Manager, Health and Human Services Division, effective 03/01/18.

7. FT Probationary employment for Megan Tasca, Professional Engineer, Transportation Services Division, effective 03/12/18.

8. FT Probationary employment for Daniel Lenz, Chief Financial Officer, Office of Management and Budget, effective 04/02/18.

9. FT Probationary employment for Benjamin Burch, 911 Dispatcher, Sheriff’s Office, effective 03/05/18.

10. FT Probationary employment for Shane Roche, Corrections Officer, Sheriff’s Office, effective 03/08/18.

11. FT Probationary employment for Jerome Rademacher, Corrections Officer, Sheriff’s Office, effective 03/05/18.

12. FT Probationary employment for Osman Hersi, Corrections Officer, Sheriff’s Office, effective 03/08/18.

13. Voluntary reduction in employment for Amanda Schultz, FT Financial Assistance Specialist to FT Probationary Case Aide, Health and Human Services Division, effective 03/05/18.

14. The recognition of the following individuals as volunteers which will enable them to be covered for liability insurance purposes in accordance with the insurance contracts currently in force with Scott County:

Add
Jamie Odanga
Ann O’Toole
Nancy Jirik
James McCarthy
Gary Snyder

Delete

Fiscal Impact: N/A
The purpose of this agenda item is for the County Board and the public to receive information on the Scott County Mental Health Local Advisory Council (LAC).

The Comprehensive Mental Health Act of 1987 and the Children’s Mental Health Act of 1989 require counties to establish local mental health advisory councils. The purpose of the LAC is to access the knowledge of a broad range of people who use mental health services, provide services or are concerned about public policy to find ways to improve local mental health services. The Act gives LACs a broad role in the review, evaluation, and planning of local systems. One of the
responsibilities of the LAC is to make recommendations regarding the services provided by the local mental health system and report to the County Board. John Stadler, Chair of the Scott County LAC, will present information on the work of this group.

Fiscal Impact:
None, informational only