



**AGENDA
SCOTT COUNTY
BOARD OF COMMISSIONERS
SHAKOPEE, MINNESOTA
SEPTEMBER 1, 2020**

9:00 a.m.

(1) CONVENE COUNTY BOARD

(2) AMENDMENTS TO THE AGENDA

(3) APPROVE MINUTES OF AUGUST 18, 2020 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

Stewardship: We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government

5.1 Approve Amendment No. 1 to the School-Linked Mental Health Services Grant 143905 From the Minnesota Department of Human Services *(No fiscal impact)*

5.2 Adopt Resolution No. 2020-129; Authorizing a Second Amendment to an Agreement With Kimley Horn and Associates for Design Consultant Services for the County Highway 27 Reconstruction Project in Credit River Township *(No fiscal impact)*

5.3 Adopt Resolution No. 2020-130; Accepting Grant Funding and Authorizing Execution of a Grant Agreement With the Metropolitan Council for Fiscal Year 2021 Metropolitan Area Regional Parks Operation and Maintenance Allocation *(No fiscal impact)*

5.4 Adopt Resolution No. 2020-131; Authorizing Submittal of Trunk Highway 169 Highway Projects Grant Applications to the Minnesota Department of Transportation for Consideration of Funding Through the Minnesota Highway Freight Program *(No fiscal impact)*

5.5 Adopt Resolution No. 2020-132; Awarding the Contract to Dunham Associates, Inc. for the Commissioning of Heating, Ventilation, and Air Conditioning Service in the Justice Center, Government Center I, and Government Center II in the Amount of \$118,200 *(No fiscal impact)*

5.6 Adopt Resolution No. 2020-134; Authorizing Entering Into a Legal Settlement and Approving the Conveyance of Property as Part of the Settlement for the Trunk Highway 169 and Trunk Highway 41 Interchange Project Located in Jackson and Louisville Townships *(No fiscal impact)*

5.7 Adopt Resolution No. 2020-135; Authorizing the Purchase of Communications Equipment in the Amount of \$325,000 Using Coronavirus Aid, Relief, and Economic Security (CARES) Act Special Revenue *(No fiscal impact-utilizing CARES Act Funds)*

5.8 Adopt Resolution No. 2020-136; Approving Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding to be Authorized for Use to Cover Increased Costs for Expenses Included in Operating Budgets *(No fiscal impact-utilizing CARES Act Funds)*

5.9 Adopt Resolution No. 2020-137; Authorizing the Purchase of CivicOptimize Software in the Amount of \$46,376.18 Using Coronavirus Aid, Relief, and Economic Security (CARES) Act Special Revenue *(No fiscal impact-utilizing CARES Act Funds)*

Customer Service: We will deliver government services in a respectful, responsive, and solution-oriented manner

5.10 Approve the Request for Conditional Use Permit Amendment for Indoor Commercial Recreation Facility, Bar/Restaurant, and Outdoor Commercial Recreation Facility (Shakopee Bowl, LLC-Applicant and Property Owner) in Section 22 of Louisville Township (*No fiscal impact*)

5.11 Approve Payroll Processing of Personnel Actions (*No fiscal impact*)

(6) Stewardship: We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government

6.1 Adopt Resolution No. 2020-133; Authorizing the Government Center I/Justice Center Renovation Bid Package Contract Awards for the Government Center Campus Project (*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 RECEIVE INFORMATION ON THE FOLLOWING:

- **BUILDING CAPITAL UPDATE – COST AND FUNDING – INCLUDING THE LAW ENFORCEMENT CENTER AND MEDICAL EXAMINER FACILITY**
- **PROPOSED 2021 BUDGET**
- **PROPOSED 2021 CAPITAL IMPROVEMENT PROGRAM**

UPCOMING MEETINGS

September 10, 2020	1:00 p.m. Scott County-Three Rivers Boards of Commissioners Joint Meeting
September 15, 2020	8:00 a.m. County Board Tour of New Building Construction Project 9:00 a.m. County Board Meeting
September 29, 2020	9:00 a.m. County Board Workshop 1:00 p.m. Intensive Residential Treatment Services Facility, Savage, Ribbon Cutting

**Lezlie A. Vermillion
County Administrator
(952) 496-8100**

MINUTES

BOARD OF COMMISSIONERS

COUNTY OF SCOTT

AUGUST 18, 2020

(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 Beer, presiding, Commissioner Weckman Brekke, Commissioner Wolf, and Commissioner Beard. Commissioner Ulrich participated via phone. Chair Beer announced all votes will be by roll call vote.

(2) County Staff Present:

- A. Lezlie Vermillion, County Administrator
- B. Jeanne Andersen, Assistant County Attorney
- C. Chris Harder, Quality Improvement Manager
- D. Suzanne Arntson, Child Welfare Manager
- E. Scott Haas, Sheriff's Captain
- F. Lori Huss, Employee Relations Manager
- G. Tracy Cervenka, Administrative Office Supervisor
- H. Lisa Freese, Transportation Services Director
- I. Joan Schwarz, Human Resources Business Partner, via phone
- J. Heather Shue, Human Resources Business Partner, via phone
- K. Kari Ouimette, Economic Assistance Director, via phone
- L. Troy Beam, Transit and Fleet Manager, via phone
- M. Danny Lenz, Chief Financial Officer/Deputy County Administrator
- N. Luke Hennen, Sheriff, via phone
- O. Pete Schmitt, Environmentalist
- P. Kate Sedlacek, Environmental Services Manager
- Q. Mary VonEschen, Environmentalist
- R. Noreen Kleinfehn-Wald, Public Health Supervisor
- S. Lisa Brodsky, Public Health Director
- T. Brad Davis, Planning and Resource Management Director
- U. Debra Brazil, Deputy Clerk to the Board

(3) Minutes:

On a motion by Commissioner Weckman Brekke, seconded by Commissioner Wolf, the Minutes of August 4, 2020 were approved on a roll call vote.

(4) Innovation: We will take informed risks to deliver services more effectively and will learn from our successes and failures:

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

(5) Consent Agenda:

Commissioner Beard requested the agenda item approving a contract increase to Ames Construction, Inc. be pulled from the consent agenda for additional information.

A. Commissioner Weckman Brekke moved, seconded by Commissioner Wolf to approve the Agreement for receipt of funding in the amount of \$50,000 from Casey Family Programs for Scott County Children's Services to support prevention work in 2020. The motion carried unanimously on a roll call vote.

B. Commissioner Weckman Brekke moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-118; Entering Into a Grant Agreement With the Minnesota Department of Veterans Affairs for an Operational Enhancement Grant. 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 on a roll call vote.

C. Commissioner Weckman Brekke moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-120; Awarding a Contract to Molnau Trucking, LLC for the 2020 Building Demolition Project in the City of Savage and the Townships of Blakeley and Cedar Lake. 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 on a roll call vote.

D. Commissioner Weckman Brekke moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-121; Authorizing Entering Into an Agreement With Xcel Energy, Inc. to Relocate its Underbuilt Electrical Distribution Line to Provide Vertical Clearance for Installation of Traffic Signals on County Highway 27 at its Intersection with Connelly Parkway in the City of Savage. 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 on a roll call vote.

E. Commissioner Weckman Brekke moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-122; Awarding the Contract to KONE, Inc. for the 2020 Justice Center Elevator B Modernization Project in the Amount of \$127,168. 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 on a roll call vote.

F. Commissioner Weckman Brekke moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-124; Authorizing Entering Into an Agreement With SRF Consulting Group, Inc. for Preliminary Design Services for the Merriam Junction Regional Trail in Louisville Township. 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 on a roll call vote.

G. Commissioner Weckman Brekke moved, seconded by Commissioner Wolf to approve the Record of Disbursements and approve the claims made to Scott County from July 1, 2020 through July 31, 2020 in the amount of \$18,013,473.45. A copy of the Record of Disbursements is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

H. Commissioner Weckman Brekke moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-125; Adopting the Payable 2021 Final Levy of \$40,000 for the Cedar Lake Improvement District. 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 on a roll call vote.

I. On the recommendation of the Scott County Planning Advisory Commission and the Spring Lake Town Board, Commissioner Weckman Brekke moved, seconded by Commissioner Wolf to approve the request for rezoning of 3 acres from RR-1, Rural Residential Reserve District, to RR-2, Rural Residential Single-Family District (Diane Jackson, Applicant and Property Owner) in Section 13 of Spring Lake Township. This action is in accordance with Chapters 2 and 42 of Scott County Zoning No. 3 based on the criteria listed for approval. The motion carried unanimously on a roll call vote.

J. On the recommendation of the County Administrator, Commissioner Weckman Brekke moved, seconded by Commissioner Wolf 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 Ellen Paulsen, FT Taxation Supervisor, Community Services Division, effective 09/22/20.
2. Separation of employment for Cody Walton, FT Corrections Officer, County Sheriff's Office, effective 08/09/20.
3. Separation of employment for Todd Beck, FT Sheriff's Deputy, County Sheriff's Office, effective 08/31/20.
4. Separation of employment for Judith Strande, PT (90% FTE) Public Health Nurse, Health and Human Services Division, effective 09/11/20.
5. Separation of employment for Kelly Barrett, PT (50% FTE) Field Probation Officer, Health and Human Services Division, effective 09/11/20.
6. FT probationary employment for Thomas Krause, Inspector-Building, Community Services Division, effective 08/17/20.
7. FT probationary employment for Nona Meester, Corrections Officer, County Sheriff's Office, effective 08/17/20.
8. FT probationary employment for Jaleel Johnson, Corrections Officer, County Sheriff's Office, effective 08/17/20.
9. FT probationary employment for Haylee Plahn, 911 Dispatcher, County Sheriff's Office, effective 08/20/20.
10. Intermittent employment for Cassandra Johnson, PT (34% FTE) On-Call Facility Probation Officer-Unclassified, Health and Human Services Division, effective 08/05/20.

Motion carried unanimously on a roll call vote.

- (6) Stewardship: We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government:

A. Transportation Services Director Lisa Freese explained the reasons for the request for the contract increase of \$332,821.21 for the Trunk Highways 169/41 and County Highways 78/14 freight mobility project. Correcting a drainage issue at a cost of \$254,554.49 is the largest amount of the increase. Ms. Freese explained approximately \$2.2 million in programmed funds will remain for the project after this contract increase.

Commissioner Beard moved, seconded by Commissioner Weckman Brekke to adopt Resolution No. 2020-127; Approving a Contract Increase of \$332,821.21 to Ames Construction, Inc. for the Trunk Highway 169/41 and County Highways 78/14 Freight Mobility Project in Jackson and Louisville Townships. 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 on a roll call vote.

- (7) Customer Service: We will deliver government services in a respectful, responsive, and solution-oriented manner:

A. Commissioner Beard moved, seconded by Commissioner Wolf to open the public hearing at 10:33 a.m. to receive public comments on the proposed amendments to Subsurface Sewage Treatment System Ordinance No. 4. The motion carried unanimously on a roll call vote.

Environmental Services Manager Kate Sedlacek presented an overview of the proposed Amendments to Subsurface Sewage Treatment System Ordinance No. 4. The Amendments ensure the County's Ordinance is consistent with current state rules and statutes, remove redundant definitions and terms, clarify current ordinance language, and update the variance process.

Hearing no public comment, Commissioner Wolf moved, seconded by Commissioner Beard to close the public hearing at 10:41 a.m. The motion carried unanimously on a roll call vote.

Commissioner Wolf moved, seconded by Commissioner Weckman Brekke to adopt Resolution No. 2020-126; Adopting Subsurface Sewage Treatment System Ordinance No. 4 and Rescinding Resolution No. 2010-015. The Amendments ensure the Ordinance is consistent with current state rules and statutes, remove redundant definitions and terms, clarify current ordinance language, and update the variance process. 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 on a roll call vote.

B. Commissioner Beard moved, seconded by Commissioner Wolf to open the public hearing at 10:42 a.m. to receive public comment on the proposed Scott County Ordinance No. 31, a Public Health Nuisance Ordinance. The motion carried unanimously on a roll call vote.

Public Health Director Lisa Brodsky presented the proposed Scott County Ordinance No. 31, a Public Health Nuisance Ordinance. Ms. Brodsky stated the proposed Ordinance more thoroughly defines the authority of the Public Health entity to inspect and abate and streamline the abatement process Countywide and provides additional resources to the local City partners. All local Cities and Townships have had an opportunity to review, edit, and provide comments on the draft Ordinance. Ms. Brodsky added this Public Health Nuisance Ordinance is a key recommendation in the Scott County 2040 Comprehensive Plan.

Hearing no public comment, Commissioner Wolf moved, seconded by Commissioner Weckman Brekke to close the public hearing at 10:44 a.m. The motion carried unanimously on a roll call vote.

Commissioner Wolf moved, seconded by Commissioner Weckman Brekke to adopt Resolution No. 2020-119; Adopting Scott County Ordinance No. 31, a Public Health Nuisance Ordinance in Scott County. The purpose of the Ordinance is to establish standards and authority to protect the public health, safety and general welfare of the people of Scott County pursuant to powers granted under Minn. Stat. Chapters 145A, 375, 152, and other applicable state law, as may be amended from time to time. 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 on a roll call vote.

C. Planning and Resource Management Director Brad Davis presented the request to adopt revisions to Scott County Zoning Ordinance No. 3 and Scott County Land Subdivision Ordinance No. 7. Pursuant to State law, the Scott County Zoning and Land Subdivision Ordinances must be consistent with the 2040 Comprehensive Plan which was recently adopted. Mr. Davis reviewed the background and purpose of the revisions, the process for developing the revisions, the key revisions, and the four new zoning districts. Comments received prior to and at the public hearing held by the Scott County Planning Advisory Commission on July 13, 2020 were reviewed. Mr. Davis reported after closing the public hearing, the Planning Advisory Commission unanimously recommended approval of the Ordinance revisions with modifications. The recommendations have been incorporation into the revisions.

On the recommendation of the Scott County Planning Advisory Commission, Commissioner Beard moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-123; Adopting Revisions to Scott County Zoning Ordinance No. 3 and Scott County Land Subdivision No. 7. Key revisions include establishing four new zoning districts; requiring deeper home setbacks from bluffs; allowing a non-family caregiver to occupy an Accessory Dwelling Unit; setting new post-mining reclamation standards; clarifying site access requirements and turn lanes for development, in both zoning and subdivision ordinances; updating sign standards for commercial, industrial, and institutional uses; setting clearer standards for kennels, day parks, shooting ranges, and recreational land uses; allowing larger sheds and accessory buildings on rural lots; reduce the minimum lot size in the Heavy Industrial (I-2) District; modifying draft Zoning Map to show four parcels in Louisville Township as I-2 Heavy Industrial; and holding off rezoning a parcel in Sand Creek Township until property owner has more information. 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 on a roll call vote.

(8) Stewardship: We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government:

B. Quality Improvement Manager Chris Harder and Transportation Services Director Lisa Freese presented information on the proposed distribution of Coronavirus Aid, Relief, and Economic Security (CARES) Act funding in the amount of \$1.2 million for school, food support, and non-profit assistance programs. On August 4, 2020 the County Board authorized \$2.2 million to food shelf and distribution non-profits for personal protection equipment, food, refrigeration equipment, and other needed supplies and to schools to assist in costs related to providing daycare for essential workers and distance learning not covered by other funds. Due to the State distributing additional CARES Act funds directly to school districts and the Minnesota Housing COVID-19 Housing Assistance Program funding received by the County being less than anticipated, staff is recommending that \$1 million of the original \$2.2 million approved be reallocated for housing supports.

Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution 2020-128; Authorizing Development of Schools, Food Support and Non-Profit Assistance Programs; Entering Into Sub-Recipient Agreements With Invited Organizations Based on Documented COVID-19 Related Expenses Utilizing \$1.2 Million From the Coronavirus Aid, Relief, and Economic Security (CARES) Act Special Revenue Fund to Fund These Grants; and Amending the Special Revenue Fund Budget to Reallocate \$1 Million of the Funds Designated by Resolution 2020-115 for These Purposes to the Housing Assistance Program From the CARES Act Special Revenue Fund. 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 on a roll call vote.

(9) Committee Reports and Commissioner Updates:

A. The Commissioners all participated in the County Board workshop on August 4.

B. The Commissioners all participated in the diversity strategy workshop on August 4.

C. Commissioner Weckman Brekke met with County Administrator Lezlie Vermillion on August 5.

D. Commissioner Weckman Brekke participated in the Justice Steering Committee teleconference meeting on August 6.

E. Commissioner Weckman Brekke participated in the AFSCME Labor Management Committee teleconference meeting on August 11.

F. The Commissioners all participated in the Scott County Association for Leadership and Efficiency (SCALE) teleconference meeting on August 14.

G. Commissioner Weckman Brekke participated in the Scott County Human Services Resource Council teleconference meeting on August 17

H. Commissioner Weckman Brekke participated in the National Association of Counties Human Services and Education Committee teleconference meeting on August 18.

I. The Commissioners reported receiving calls and emails regarding voting.

J. Commissioner Weckman Brekke reported the filing period for local elections has closed.

K. Commissioners Beard and Ulrich participated in the Scott County Transportation Committee teleconference meeting on August 6.

L. Commissioner Beard participated in the Scott-Carver-Dakota Community Action Program Financial Committee teleconference meeting on August 11.

M. Commissioner Beard participated in the Association of Minnesota Counties Board of Directors teleconference meeting on August 12.

N. Commissioners Beard and Ulrich participated in the Minnesota Inter-County Association Board of Directors teleconference meeting on August 12.

O. Commissioner Beard reported the next Minnesota Legislative Special Session is scheduled for September 13.

P. Commissioner Beard participated on the Canvassing Board on August 14.

Q. Commissioner Wolf participated in the New Market Town Board teleconference meeting on August 4.

R. Commissioner Wolf participated in the Scott County Planning Advisory Commission teleconference meeting on August 10.

S. Commissioner Wolf met with the Scott County Environmental Services Manager on August 12 regarding illegal dumping in County ditches.

- T. Commissioner Wolf participated in the Cedar Lake Water and Sanitary Sewer District Board teleconference meeting on August 12.
- U. Commissioner Wolf participated in the I35W Solutions Alliance teleconference meeting on August 13.
- V. Commissioner Wolf met with County staff and residents on August 13 regarding McMahon Lake.
- W. Commissioner Wolf participated in the Elko New Market City Council teleconference meeting on August 13.
- X. Commissioner Wolf participated in the Spring Lake Town Board teleconference meeting on August 13.
- Y. Commissioner Wolf attended the Prior Lake City Council meeting on August 17.
- Z. Commissioner Ulrich met with Ms. Vermillion via phone on August 6.
- AA. Commissioner Ulrich participated in the SCALE Executive Committee teleconference meeting on August 7.
- AB. Commissioner Ulrich participated in the Suburban Transit Association teleconference meeting on August 10.
- AC. Commissioner Ulrich participated in the Families and Individuals Sharing Hope (FISH) Programming Committee teleconference meeting on August 11.
- AD. Commissioners Ulrich and Beer participated in the FISH teleconference meeting on August 13.
- AE. Commissioner Ulrich participated in the Trunk Highway 169 Corridor Coalition Executive Committee teleconference meeting on August 14.
- AF. Commissioner Ulrich participated in the Greater MSP teleconference meeting on August 17.
- AG. Commissioner Ulrich participated in the SCALE Executive Committee teleconference meeting on August 14.
- AH. Commissioner Ulrich participated in the Minnesota Valley Transit Authority teleconference meeting on August 17.
- AI. Commissioner Beer met with representatives of Beacon Interfaith Housing Collaborative on August 6.
- AJ. Commissioner Beer participated in the FISH Fundraising Committee teleconference meeting on August 11.
- AK. Commissioner Wolf reported the Minnesota Renaissance Festival has been cancelled for 2020.

On a motion by Commissioner Wolf, seconded by Commissioner Weckman Brekke, the meeting adjourned at 12:17 p.m.

David Beer
Chair

Lezlie A. Vermillion
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: SEPTEMBER 1, 2020**

ORIGINATING DIVISION: ORIGINATING DEPARTMENT:	Health & Human Services	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PRESENTER:	Barb Dahl, Social Services Director, x8151	ATTACHMENTS:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
PROJECT:		TIME REQUESTED:	N/A
ACTION REQUESTED:	Approve Amendment No. 1 to the School-Linked Mental Health Services Grant 143905 From the Minnesota Department of Human Services		
CONTRACT/POLICY/GRANT:	<input type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change

ORGANIZATIONAL VALUES:

- Customer Service:** We will deliver government services in a respectful, responsive, and solution-oriented manner
- Communication:** We will always be clear about what we're doing and why we're doing it
- Collaboration:** We will work with partners – communities, schools, faith groups, private business, and non-profit agencies – to see that services are not duplicated but rather are complimentary, aligned and provided by the partners who can deliver the service most effectively
- Stewardship:** We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government
- Empowerment:** We will work with individuals and families to affirm strengths, develop skills, restore hope, and promote self-reliance
- Resiliency:** We will foster public preparedness and respond when families and communities face health and safety emergencies
- Innovation:** We will take informed risks to deliver services more effectively and will learn from our successes and failures

DEPARTMENT/DIVISION HEAD SIGNATURE:		COUNTY ADMINISTRATOR SIGNATURE:	
Approved:		DISTRIBUTION/FILING INSTRUCTIONS: Pam Selvig Barb Dahl Terry Raddatz Tawnya Ward	
Denied:			
Tabled:			
Other:			
Deputy Clerk :			
Date:			

Background/Justification:

The purpose of this agenda item is to approve Amendment No. 1 to the School-Linked Mental Health Services Grant 143905 from the Minnesota Department of Human Services.

On June 19, 2018, the County Board approved the receipt of funds and the Grant Contract between the Minnesota Department of Human Services (DHS) and the Scott County Mental Health Center for the provision of school-linked mental health services in the amount of \$989,946. The Scott County Mental Health Center (MHC) had established successful partnerships with the schools and was awarded \$989,946 to continue to

provide and expand school-linked mental health services in Scott County schools over a three-year period that runs from July 1, 2018 through June 30, 2021.

School-linked mental health services are provided on-site in the schools. The therapists provide:

- diagnostic assessments; and
- psychological evaluations; and
- individual, family, and group therapy; and
- crisis assessments and intervention; and
- connection to needed resources for students with significant mental health issues and their families.

Therapists also provide consultation and training to staff and parents regarding mental health issues and resources. The mental health practitioner provides skills training and skills groups on an as-needed basis to students. Services are offered to students who would not otherwise have access to mental health resources. Insurance is billed when students have coverage. Outcome measures gathered from parents, students, therapists, and teachers indicate very positive results for students receiving services from the program including improved functioning and symptom reduction.

Amendment No. 1 increases the Grant amount by \$19,280. The original Grant Contract is being amended to allow for additional funds and duties that are necessary for the completion of the Grant Contract in light of the COVID-19 peacetime emergency. These duties include telemedicine, supports for teachers, students and their family as “distance learners”; and administrative services to establish an electronic communications platform. The new Grant amount is \$1,009,226. This Amendment does not change the Grant term of July 1, 2018 through June 30, 2021.

Fiscal Impact:

None. The additional funding of \$19,280 will be used to pay for these additional duties as described above.

**AGENDA #5.2
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: SEPTEMBER 1, 2020**

ORIGINATING DIVISION: ORIGINATING DEPARTMENT:	Transportation Services Highway Department	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PRESENTER:	Lisa Freese 8363	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:	CP 27-16	TIME REQUESTED:	NA
ACTION REQUESTED:	Adopt Resolution No. 2020-129; Authorizing a Second Amendment to an Agreement With Kimley-Horn and Associates for Design Consultant Services for the County Highway 27 Reconstruction Project in Credit River Township		
CONTRACT/POLICY/GRANT:	<input checked="" type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change

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- Resiliency:** We will foster public preparedness and respond when families and communities face health and safety emergencies
- Innovation:** We will take informed risks to deliver services more effectively and will learn from our successes and failures

DEPARTMENT/DIVISION HEAD SIGNATURE:		COUNTY ADMINISTRATOR SIGNATURE:	
Approved:		DISTRIBUTION/FILING INSTRUCTIONS:	
Denied:			
Tabled:			
Other:			
Deputy Clerk :			
Date:			

Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2020-129; Authorizing a Second Amendment to an Agreement With Kimley-Horn and Associates for Design Consultant Services for the County Highway 27 Reconstruction Project in Credit River Township.

Kimley-Horn and Associates was awarded an Engineering Design Services Agreement in the amount of \$693,300 by Resolution No. 2017-083 dated June 6, 2017 for a scope of work consisting of preliminary design, environmental documentation, and final design for a segment of County Highway (CH) 27 from CH 21 to CH 44 known as County Project (CP) 21-16.

The first amendment was approved on April 2, 2019 by Resolution No. 2019-039 to increase the contract total for additional utility corridor evaluation, preliminary evaluation of alternative geometrics, and final design not in the original scope for a contract increase of \$30,000 and a new not to exceed contract amount of \$723,300.

Since that time, the County has made additional project decisions to reduce the overall construction cost necessitating a second amendment. The design of the roadway will change to reduce shoulder width from 8 feet to 4 feet. Storm sewer design changes will also be necessary.

This amendment to the Agreement for design changes in shoulder width and storm sewer will increase the contract sum from a previous not to exceed amount of \$723,300 by an increase in an amount of \$95,770 to a total amount not to exceed of \$819,070. The design changes will result in construction costs savings and reduce future maintenance costs.

Original Agreement	\$693,300
Amendment #1	\$ 30,000
<u>Amendment #2</u>	<u>\$ 95,770</u>
New Total	\$819,070

The project design amendment of \$95,770 will be covered by the 2020 Spot Safety Funds in the 2020-2029 Transportation Improvement Program.

Fiscal Impact:
None

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	September 1, 2020
Resolution No.:	2020-129
Motion by Commissioner:	
Seconded by Commissioner:	

RESOLUTION NO. 2020-129; AUTHORIZING A SECOND AMENDMENT TO AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES FOR DESIGN CONSULTANT SERVICES FOR THE COUNTY HIGHWAY 27 RECONSTRUCTION PROJECT IN CREDIT RIVER TOWNSHIP

WHEREAS, County Project (CP) 27-16 consists of reconstruction of a segment of County Highway (CH) 27 from CH 21 to CH 44 as a four lane highway; and

WHEREAS, the project is in the 2020-2029 Transportation Improvement Program (TIP) as County Project (CP) 27-16 programmed for construction in year 2021; and

WHEREAS, Kimley-Horn was selected and entered into an Agreement with the County to provide environmental documentation, preliminary and final design, and public involvement; and

WHEREAS, the Contract was approved by the County Board on June 6, 2017 for an amount not to exceed \$693,300 by Resolution No. 2017-083; and

WHEREAS, the first Amendment was approved on April 2, 2019 by Resolution No. 2019-039 to increase the Contract total for additional utility evaluation and design services to the original scope of work; and

WHEREAS, the County has made additional project decisions to reduce the overall construction cost necessitating a second Amendment for additional final design services; and

WHEREAS, to accommodate these project changes, the County requested that Kimley-Horn add work through a second Amendment totaling \$95,770 to the final design services; and

WHEREAS, the project design amendment of \$95,770 will be covered by the 2020 Spot Safety funds in the 2020-2029 Transportation Improvement Program.

NOW THEREFORE BE IT RESOLVED, that by the Board of Commissioners in and for the County of Scott, Minnesota, the Chairperson of the Board is authorized to enter into a second Amendment to an Agreement by and between Kimley-Horn and Associates, Inc. and the County of Scott in a sum of \$95,770, which increases the Agreement to a not to exceed total of \$819,070.

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

COMMISSIONERS	VOTE			
Weckman Brekke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Wolf	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beard	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Ulrich	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

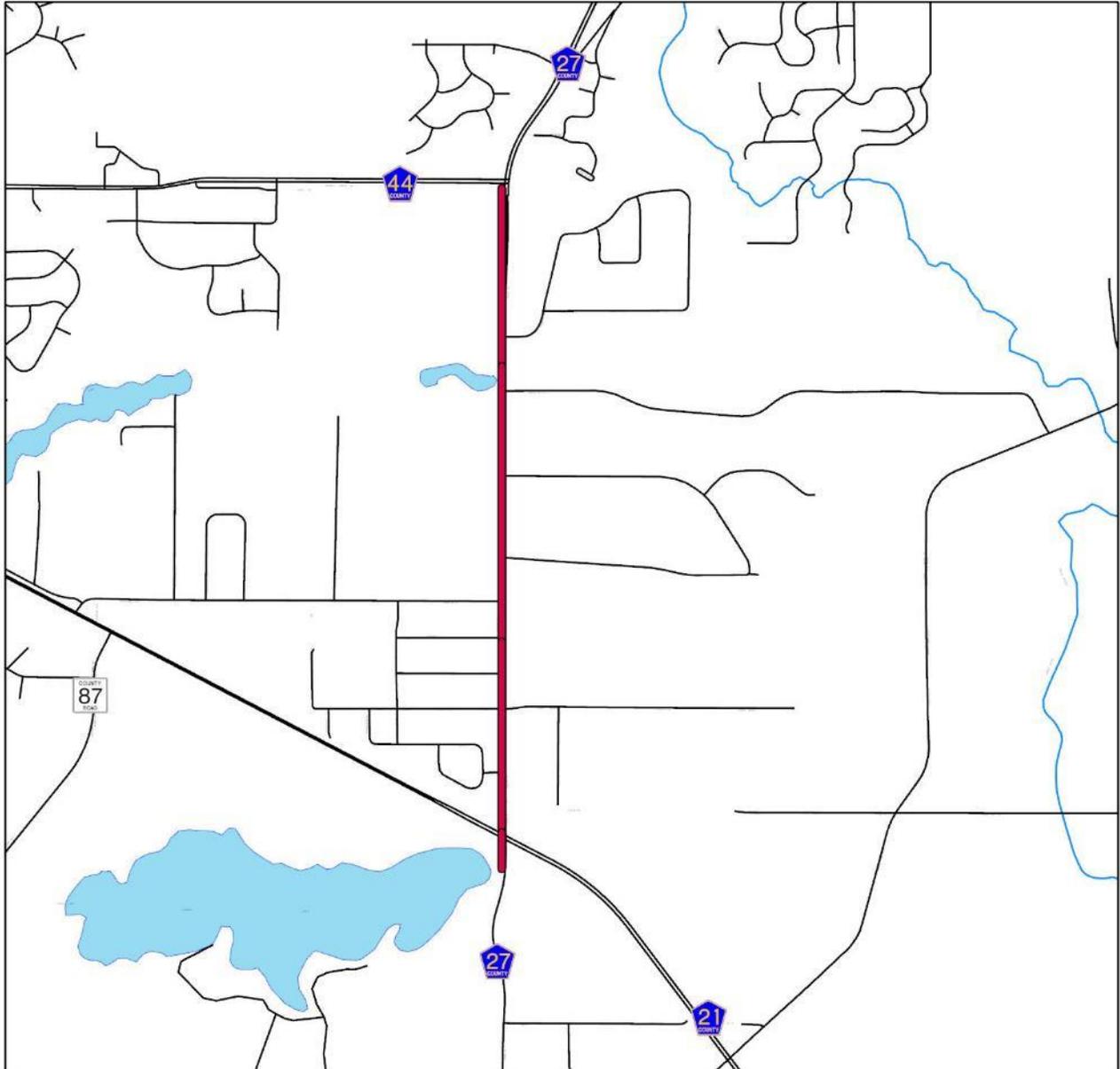
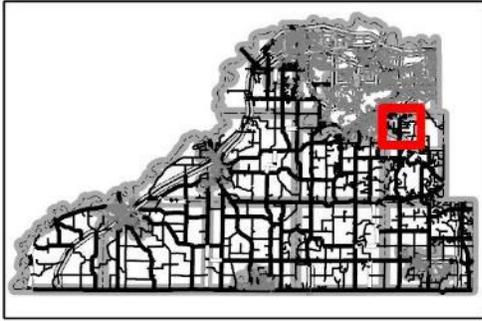
State of Minnesota)
County of Scott)

I, Lezlie A. Vermillion, 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 1st day of September, 2020 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 1st day of September, 2020.

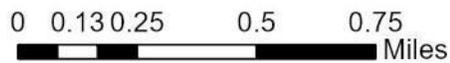
County Administrator
Administrator's Designee

SCOTT COUNTY

2020 RBA
CP 27-16



This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. Scott County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact the Scott County Surveyors Office.



Date: 8/17/2020

**AGENDA #5.3
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: SEPTEMBER 1, 2020**

ORIGINATING DIVISION: ORIGINATING DEPARTMENT:	Planning and Res. Mgmt. Parks and Trails	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PRESENTER:	Patty Freeman -8752	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:	Regional Parks O&M Grant Agreement	TIME REQUESTED:	NA
ACTION REQUESTED:	Adopt Resolution No. 2020-130; Accepting Grant Funding and Authorizing Execution of a Grant Agreement With the Metropolitan Council for Fiscal Year 2021 Metropolitan Area Regional Parks Operation and Maintenance Allocation		
CONTRACT/POLICY/GRANT:	<input type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change

ORGANIZATIONAL VALUES:

- Customer Service:** We will deliver government services in a respectful, responsive, and solution-oriented manner
- Communication:** We will always be clear about what we're doing and why we're doing it
- Collaboration:** We will work with partners – communities, schools, faith groups, private business, and non-profit agencies – to see that services are not duplicated but rather are complimentary, aligned and provided by the partners who can deliver the service most effectively
- Stewardship:** We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government
- Empowerment:** We will work with individuals and families to affirm strengths, develop skills, restore hope, and promote self-reliance
- Resiliency:** We will foster public preparedness and respond when families and communities face health and safety emergencies
- Innovation:** We will take informed risks to deliver services more effectively and will learn from our successes and failures

DEPARTMENT/DIVISION HEAD SIGNATURE:		COUNTY ADMINISTRATOR SIGNATURE:	
Approved:		DISTRIBUTION/FILING INSTRUCTIONS:	
Denied:			
Tabled:			
Other:			
Deputy Clerk :			
Date:			

Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2020-130; Accepting Grant Funding and Authorizing Execution of a Grant Agreement With the Metropolitan Council for the Fiscal Year (FY) 2021 Metropolitan Area Regional Parks Operation and Maintenance Allocation.

Scott County is an implementing agency of the Metropolitan Area Regional Parks System and as such has received operations and maintenance funds from the Metropolitan Council for many years. The Council distributes funds, which come from the State of Minnesota, based on a formula contained in state law that factors in number of visitors served, acreage, and amounts spent of regional parks. For the 2020 fiscal year (July 1, 2019 to June 30, 2020) Scott County received \$147,775 for operations and maintenance.

The Grant covers the period of July 1, 2020 to June 30, 2021. Scott County will receive \$150,108 for this period.

The Grant Agreement does not place any new requirements on the County. It only puts in writing the terms and requirements for operations and maintenance funding and reporting which have been in place for many years. The Metropolitan Council is requiring this Grant Agreement for the first time so that the operations and maintenance allocation program complies with the requirements of all Metropolitan Council grants.

Fiscal Impact:

This revenue is accounted for the Parks operating budget.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	September 1, 2020
Resolution No.:	2020-130
Motion by Commissioner:	
Seconded by Commissioner:	

RESOLUTION NO. 2020-130; ACCEPTING GRANT FUNDING AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE METROPOLITAN COUNCIL FOR FISCAL YEAR 2021 METROPOLITAN AREA REGIONAL PARKS OPERATION AND MAINTENANCE ALLOCATION

WHEREAS, Scott County is an implementing agency of the Metropolitan Area Regional Parks System; and

WHEREAS, the Metropolitan Council distributes to implementing agencies operations and maintenance funds which come from the State of Minnesota and are based on a formula contained in state law that factors in visitors served, acreage, and amounts spent of regional parks; and

WHEREAS, Scott County has received an allocation for many years; and

WHEREAS, the Metropolitan Council is requiring an Agreement for the allocation for the first time so that the operations and maintenance allocation program complies with the requirements of all Metropolitan Council grants; and

WHEREAS, the Grant Agreement does not place any new requirements on the County, only putting in writing the terms and requirements for operations and maintenance funding and reporting which have been in place for many years; and

WHEREAS, the Grant covers the period of July 1, 2020 to June 30, 2021 and Scott County will receive \$150,108; and

WHEREAS, this revenue is accounted for the parks operating budget.

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 Metropolitan Council for the Fiscal Year 2021 Metropolitan Area Regional Parks Operation and Maintenance Allocation.

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

COMMISSIONERS	VOTE			
Weckman Brekke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Wolf	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beard	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Ulrich	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

State of Minnesota)

County of Scott)

I, Lezlie A. Vermillion, 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 1st day of September, 2020 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 1st day of September, 2020.

County Administrator

Administrator's Designee

**AGENDA #5.4
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: SEPTEMBER 1, 2020**

ORIGINATING DIVISION: ORIGINATING DEPARTMENT:	Transportation Services- Program Delivery	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PRESENTER:	Lisa Freese- 8363	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:		TIME REQUESTED:	N/A
ACTION REQUESTED:	Adopt Resolution No. 2020-131; Authorizing Submittal of Trunk Highway 169 Highway Projects Grant Applications to the Minnesota Department of Transportation for Consideration of Funding Through the Minnesota Highway Freight Program		
CONTRACT/POLICY/GRANT:	<input checked="" type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change

ORGANIZATIONAL VALUES:

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- Resiliency:** We will foster public preparedness and respond when families and communities face health and safety emergencies
- Innovation:** We will take informed risks to deliver services more effectively and will learn from our successes and failures

DEPARTMENT/DIVISION HEAD SIGNATURE:	COUNTY ADMINISTRATOR SIGNATURE:
Approved:	DISTRIBUTION/FILING INSTRUCTIONS:
Denied:	
Tabled:	
Other:	
Deputy Clerk :	
Date:	

Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2020-131; Authorizing Submittal of Trunk Highway (TH) 169 Highway Projects Grant Applications to the Minnesota Department of Transportation (MnDOT) for Consideration of Funding Through the Minnesota Highway Freight Program.

The Minnesota Highway Freight Program (MHFP) provides federal funding to construction projects on public roads that provide measurable freight transportation benefits. The program consists of federal funding made available by the National Highway Freight Program. Projects that improve the safety, mobility, or efficiency of freight transportation, or improve road access to freight facilities, are the intended recipients of these program dollars. The highly competitive statewide solicitation is for federal funding of approximately \$56.9 million over fiscal years 2023-2025. It is anticipated 60% of the funding available will be reserved for the Metro District. Application submittals are due on September 28, 2020.

Staff is recommending the submittal of one project and sponsorship of another project on the Trunk Highway (TH) 169 Corridor. They are as follows:

Roadway Project	
TH 169/TH 282 Interchange (Jordan Interchange)	This project would construct a grade separated interchange with TH 169 at TH 282 and County Highway 9 to reduce congestion and freight delay on TH 169. The project is supported by MnDOT and the City of Jordan. The County will request up to \$10 million for the project.
Sand Creek Township TH 169 Overpass	This project would construct an overpass of TH 169 south of 166 th street and convert Bluff Drive to a right in/right out to improve safety as this intersection. In addition a frontage road between Jordan Avenue and 173 rd Street would be constructed. Sand Creek requests this application and requests Scott County sponsorship. The County has been a sponsor of a similar Township application for the regional solicitation.

Projects are anticipated to be selected by the end of October 2020.

Fiscal Impact:

Both of these projects would be eligible for funding through the Transportation Sales Tax program.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	September 1, 2020
Resolution No.:	2020-131
Motion by Commissioner:	
Seconded by Commissioner:	

**RESOLUTION NO. 2020-131; AUTHORIZING SUBMITTAL OF COUNTY HIGHWAY PROJECTS
TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR CONSIDERATION OF FUNDING
THROUGH THE MINNESOTA HIGHWAY FREIGHT PROGRAM**

WHEREAS, the Minnesota Department of Transportation (MnDOT) is soliciting transportation projects through the Minnesota Highway Freight Program (MHFP) Grant Program, which is federal funding made available by the National Highway Freight Program, focused on improving the state's economic competitiveness through transportation investment in the state's freight transportation network; and

WHEREAS, funding is available in the 2023-2025 federal fiscal years; and

WHEREAS, Scott County has identified a project that improves the freight safety and mobility of the regional transportation system; and

WHEREAS, Scott County is a willing sponsor of Sand Creek Township's MHFP Application; and

WHEREAS, the Scott County Board of Commissioners desires to support these projects and commits to the local construction match funding in the application.

NOW, THEREFORE BE IT RESOLVED, the Board of Commissioners in and for the County of Scott, Minnesota hereby supports the submittal of the Jordan Interchange Project and the Sand Creek Township Overpass Project to the Minnesota Department of Transportation for consideration in the Minnesota Highway Freight Program (MHFP).

COMMISSIONERS	VOTE			
Weckman Brekke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Wolf	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beard	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Ulrich	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

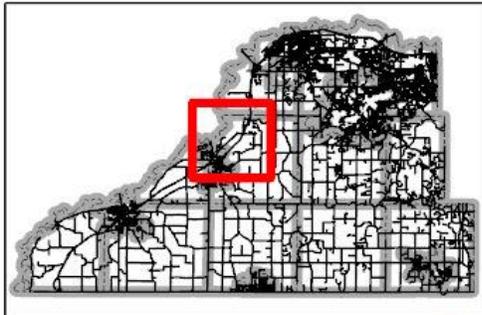
**State of Minnesota)
County of Scott)**

I, Lezlie A. Vermillion, 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 1st day of September, 2020 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 1st day of September, 2020.

County Administrator

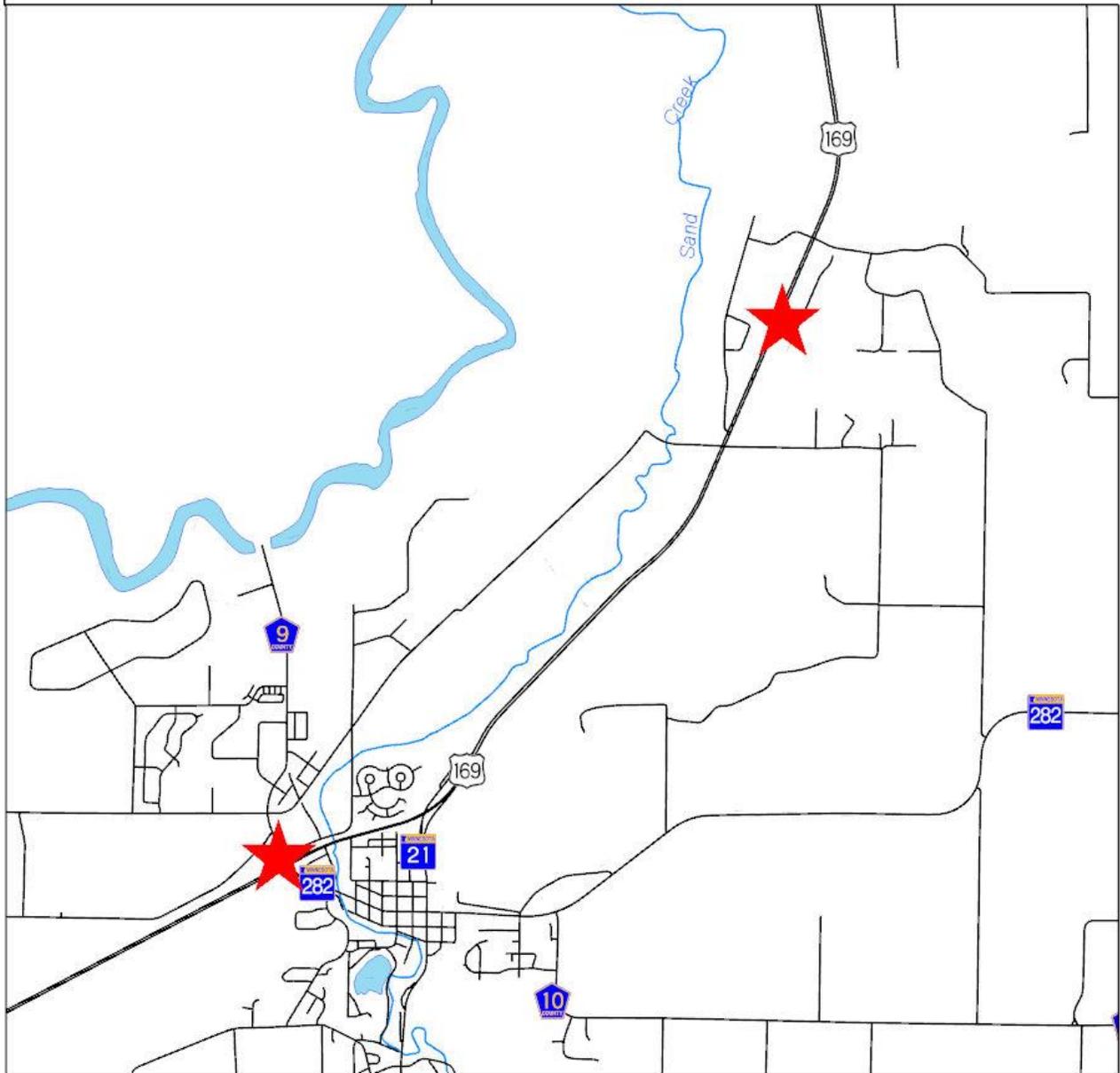
Administrator's Designee



SCOTT COUNTY

2020 RBA

MnDOT Highway Freight Application Locations



Date: 8/19/2020

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. Scott County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact the Scott County Surveyor Office.



0 0.2 0.4 0.8 1.2 Miles

Scale:

R.F.:

1 inch = 500 ft.

**AGENDA #5.5
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: SEPTEMBER 1, 2020**

ORIGINATING DIVISION: ORIGINATING DEPARTMENT:	Planning and Res. Mgmt. Facilities Department	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PRESENTER:	Joe Wiita - 8063	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:	Commissioning HVAC Services	TIME REQUESTED:	N/A
ACTION REQUESTED:	Adopt Resolution No. 2020-132; Awarding the Contract to Dunham Associates, Inc. for the Commissioning of Heating, Ventilation, and Air Conditioning Service in the Justice Center, Government Center I, and Government Center II in the Amount of \$118,200		
CONTRACT/POLICY/GRANT:	<input type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change

ORGANIZATIONAL VALUES:

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- Resiliency:** We will foster public preparedness and respond when families and communities face health and safety emergencies
- Innovation:** We will take informed risks to deliver services more effectively and will learn from our successes and failures

DEPARTMENT/DIVISION HEAD SIGNATURE:		COUNTY ADMINISTRATOR SIGNATURE:	
Approved:		DISTRIBUTION/FILING INSTRUCTIONS:	
Denied:			
Tabled:			
Other:			
Deputy Clerk :			
Date:			

Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2020-132; Awarding the Contract to Dunham Associates, Inc. for the Commissioning of Heating, Ventilation, and Air Conditioning (HVAC) Service in the Justice Center, Government Center I, and Government Center II in the Amount of \$118,200.

The County is committed to ensuring that all HVAC and other systems identified for the new building and renovation of the existing buildings are complete and functioning properly upon occupancy per the design intent and current and applicable Minnesota statutes and standards. HVAC review work will start immediately following award for the Government Center II project, and after the project has been designed and bid for renovations at Government Center I and Justice Center. Dunham will review the system design with the architect and engineer to ensure a full understanding of the design intent. The primary role of Dunham will be to provide site inspection and testing services to ensure that the construction team has fully completed the requirements of the contract documents and the systems operate to meet the intent of the design. Dunham will observe construction, develop and coordinate the execution of a commissioning plan, lead commissioning team meetings, and document the testing results.

As with all new mechanical system installations, there is a need to commission the overall HVAC systems within each facility. This is a necessary action to ensure that each facility is operating at an optimal range of efficiency in addition to ensuring each space within the building is maintaining the preset ambient temperature throughout. Dunham will review existing equipment and new equipment/systems being installed and make any necessary adjustments to make certain the facility is operating as designed by the mechanical engineers.

On August 7, 2020, three quotes were received for inspection and commissioning HVAC services for the new building and renovation projects. Dunham submitted the lowest responsible quote. Wold Architects has indicated that they have successfully completed and witnessed commissioning services performed by Dunham in the past and are confident they can perform the scope of work as outlined in the proposal.

Company	GC I	GC II	Justice Center	Sum Total
Hallberg Engineering	\$49,000.00	\$34,000.00	\$19,000.00	\$102,000.00
KFI Engineers	\$50,175.00	\$61,850.00	\$25,750.00	\$137,750.00
Dunham Associates, Inc.	\$39,700.00	\$39,900.00	\$18,900.00	\$98,500.00

A 20% contingency amount of \$19,700 will be included in the contract amount which brings the total to \$118,200.

Fiscal Impact:

The budget for this HVAC commissioning contract service is included in the Capital Improvement Program.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	September 1, 2020
Resolution No.:	2020-132
Motion by Commissioner:	
Seconded by Commissioner:	

RESOLUTION NO. 2020-132; AWARDING THE CONTRACT TO DUNHAM ASSOCIATES, INC FOR THE COMMISSIONING OF HEATING, VENTILATION, AND AIR CONDITIONING SERVICE IN THE JUSTICE CENTER, GOVERNMENT CENTER I, AND GOVERNMENT CENTER II IN THE AMOUNT OF \$118,200

WHEREAS, the Scott County Government Center campus project will add and change heating, air conditioning, and ventilation (HVAC) systems in the Government Center I, Government Center II, and Justice Center buildings; and

WHEREAS, Scott County is committed to commissioning these facilities to ensure that all HVAC and other systems identified are complete and functioning properly upon occupancy per the design intent and current and applicable Minnesota statutes and standards; and

WHEREAS, three completed quotes were received on August 7, 2020 and the bid from Dunham Associates, Inc. in the amount of \$98,500 was the lowest responsible quote; and

WHEREAS, a twenty percent contingency amount will be included in the contract to ensure unforeseen issues can be addressed immediately.

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 a Contract with Dunham Associates, Inc. for the commissioning of heating, ventilation, and air conditioning service in the Justice Center, Government Center I, and Government Center II.

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

COMMISSIONERS	VOTE			
Weckman Brekke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Wolf	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beard	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Ulrich	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

**State of Minnesota)
County of Scott)**

I, Lezlie A. Vermillion, 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 1st day of September 2020 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 1st day of September 2020.

County Administrator
Administrator's Designee



August 11, 2020

Dustin Kruger
Facilities Project Manager
Scott County
200 Fourth Avenue West
Shakopee, Minnesota 55379

Re: Scott County Government Center Addition and Renovations Projects
Inspection/Commissioning Services
Commission No. 182017, 182018, 182019

Dear Dustin:

On Friday, August 7, 2020, three (3) quotes were received for inspection/commissioning services for the Scott County Government Center Addition and Renovations Projects.

Three companies were invited to quote and were able to respond and provide pricing for the proposed work. It is the intent to determine the low responsive bid based upon the low responsive bid. The responses are attached.

A summary of the responses received is as follows:

<u>Company</u>	<u>GC I</u>	<u>GC II</u>	<u>Justice Center</u>	<u>Sum Total</u>
1. Hallberg Engineering	\$49,000.00	\$34,000.00	\$19,000.00	\$102,000.00
2. KFI Engineers	\$50,175.00	\$61,850.00	\$25,750.00	\$137,750.00
3. Dunham	\$39,700.00	\$39,900.00	\$18,900.00	\$98,500.00

Wold has successfully completed and witnessed their commissioning services in the past and are confident they can perform the scope of work as outlined in the proposal. We recommend entering into contract with Dunham for inspection/commission services at the Scott County Government Center Addition and Renovations Projects.

Please issue a purchase order to Dunham in the amount of \$98,500.00 for the Scott County Government Center Addition and Renovations Projects.

Sincerely,

Wold Architects and Engineers

Teng Vang

Enclosure

cc: Jonathan Loose, Wold Kevin Marshall, Wold
Andrew Dahlquist, Wold
Joel Dunning, Wold

MW/COU_Scott/182017/crsp/aug20

Wold Architects and Engineers
332 Minnesota Street, Suite W2000
Saint Paul, MN 55101
woldae.com | 651 227 7773

PLANNERS
ARCHITECTS
ENGINEERS



Project Name: Kenwood Trail MS Improvements & McGuire MS Gym Addition - Commissioning

Commission No.: 182017, 182018, 182019
Date: August 7, 2020
Time: 2:00 PM

Wold Architects and Engineers
332 Minnesota Street, Suite W2000
Saint Paul, Minnesota 55101
651.227.7773 Fax: 651.223.5646

Bidders Name	Commissioning Services				Total
	Government Center 1	Government Center 2	Justice Center		
Halberg Engineering, Inc. 1750 Commerce Court White Bear Lake, MN 55110 651-748-1100	\$49,000	\$34,000	\$19,000	\$102,000	
KFI Engineers 670 County Road B W Saint Paul, MN 55113 651-771-0880	\$50,175	\$61,850	\$25,725	\$137,750	
Dunham 50 S 6th Street, Suite 1100 Minneapolis, MN 55402 612-465-7550	\$39,700	\$39,900	\$18,900	\$98,500	

AGENDA #5.6
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: SEPTEMBER 1, 2020

ORIGINATING DIVISION: ORIGINATING DEPARTMENT:	Transportation Services Highway Department	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PRESENTER:	Lisa Freese 8363	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:	CP T169-06	TIME REQUESTED:	NA
ACTION REQUESTED:	Adopt Resolution No. 2020-134; Authorizing Entering Into a Legal Settlement and Approving the Conveyance of Property as Part of the Settlement for the Trunk Highway 169 and Trunk Highway 41 Interchange Project Located in Jackson and Louisville Townships		
CONTRACT/POLICY/GRANT:	<input checked="" type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change

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DEPARTMENT/DIVISION HEAD SIGNATURE:	COUNTY ADMINISTRATOR SIGNATURE:
Approved:	DISTRIBUTION/FILING INSTRUCTIONS:
Denied:	
Tabled:	
Other:	
Deputy Clerk :	
Date:	

Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2020-134; Authorizing Entering Into a Legal Settlement and Approving the Conveyance of Property as Part of the Settlement for the Trunk Highway (TH) 169 and TH 41 Interchange Project Located in Jackson and Louisville Townships.

This action is authorizing entering into a legal settlement for right-of-way needs on two commercial properties for Project CP T169-06 (Project), which includes exchanges by the conveyance of property held in fee by the County as part of legal settlement administered by the County Attorney's Office in support by the Highway Department. These properties are located in Jackson Township.

The Project, under construction, includes a grade-separated interchange to replace an at-grade intersection at TH 169, TH 41, and County Highway (CH) 78; an overpass for CH 14 over TH 169; and frontage roads to enable the conversion of TH 169 from an expressway to a freeway. Part of the right-of-way needs had to be acquired through the District Court eminent domain/condemnation process. Currently two impacted parcels have proposed settlements that include land exchanges, a process that is authorized under Minn. Stat. 373.01, subd. 1(d). Under the Statute, the County can exchange land that it owns for land that it needs to acquire for right-of-way as long as the exchange values are substantially similar.

The first proposed legal settlement involves a commercial property located along the west side of TH 169 at 12525 Weckman Road (former address 12580 Johnson Memorial Highway). The proposed legal settlement includes exchanging a portion of the County owned parcel, Outlot A, Emerald Park 3rd Addition, Scott County, Minnesota, for the new right-of-way needs. Under the exchange, the County also reserves the Project's continuing right-of-way needs on the Outlot property. The Project has no further need for the Outlot property beyond that reservation. This exchange will create a remnant parcel which the County will sell pursuant to Minn. Stat. 373.01 subd. 1(i).

The second proposed legal settlement involves a commercial property located at the northwesterly corner of the interchange under construction at TH 169, TH 41, and CH 78 at 12681 Chestnut Boulevard. The Project required the acquisition of the right of direct access onto TH 169. The acquisition of access rights was necessary in order to construct an interchange and change TH 169 from an expressway with limited at grade intersections to a freeway with grade separated interchanges with no at grade intersections. The proposed legal settlement includes exchanging a County owned parcel known as Outlot B, Emerald Park 3rd Addition, Scott County, Minnesota. The proposed legal settlement reserves the Project's ongoing right-of-way needs on the property and the Project has no further use of the property beyond that.

Authorization of the exchanges will allow final acceptance of the proposed legal settlements and will avoid further condemnation proceedings for the included properties. Staff believes the proposed legal settlements are as good as, or more favorable, for the County than what would be obtained through further condemnation proceedings. The exchanges are equal to, or part of, the value owed to landowners as damages due to the takings on their properties.

Funds for the TH 169 and TH 41 Transportation Investment Generating Economic Recovery (TIGER) Grant Project were in the 2018 Transportation Improvement Program with funding reserved in the cash flow to cover ongoing construction and right-of-way settlement costs. All savings from the funds held in reserve are part of the Transportation Sales Tax Program and will be reprogrammed when final project costs have been determined.

Fiscal Impact:

By exchanging the land already owned by the County, direct monetary reimbursement will be avoided. The exchanges will also benefit the public in the long term by returning both properties to the tax rolls.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	September 1, 2020
Resolution No.:	2020-134
Motion by Commissioner:	
Seconded by Commissioner:	

**RESOLUTION NO. 2020-134; AUTHORIZING ENTERING A LEGAL SETTLEMENT
AND APPROVING THE CONVEYANCE OF PROPERTY AS PART OF THE SETTLEMENT
FOR THE TRUNK HIGHWAY 169 AND TRUNK HIGHWAY 41 INTERCHANGE PROJECT
LOCATED IN JACKSON AND LOUISVILLE TOWNSHIPS**

WHEREAS, the County is the lead agency for a highway project, which is under construction, to construct a grade-separated interchange to replace an at-grade intersection at Trunk Highway (TH) 169; TH 41; and County Highway (CH) 78; an overpass for CH 14 over TH 169; and frontage roads to enable the conversion of TH 169 from an expressway to a freeway (Project); and

WHEREAS, the Project required the acquisition of right-of-way needs on numerous properties; and

WHEREAS, the County acquired the Project's right-of-way needs by either mutual agreement or by Court Order under condemnation proceedings; and

WHEREAS, the County continues good faith efforts to negotiate legal settlements by mutual agreements, which are under pending condemnation proceedings; and

WHEREAS, part of two (2) proposed legal settlements include exchanges by the conveyance of property held in fee by the County, which are described as follows:

- Outlot A, Emerald Park 3rd Addition, Scott County, Minnesota;
- Outlot B, Emerald Park 3rd Addition, Scott County, Minnesota; and

WHEREAS, Minn. Stat. 373.01 subd. 1(d) allows the County to exchange parcels of real property of substantially similar or equal value for right-of-way needs; and

WHEREAS, the proposed legal settlements reserve the Project's right-of-way needs on the above described properties and the Project has no further need for the properties.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	September 1, 2020
Resolution No.:	2020-134
Motion by Commissioner:	
Seconded by Commissioner:	

NOW THEREFORE BE IT RESOLVED, the Board of Commissioners in and for the County of Scott, Minnesota, hereby approves the conveyances in fee of the above-described property in an exchange as part of legal settlements by mutual agreements in lieu of condemnation proceedings.

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

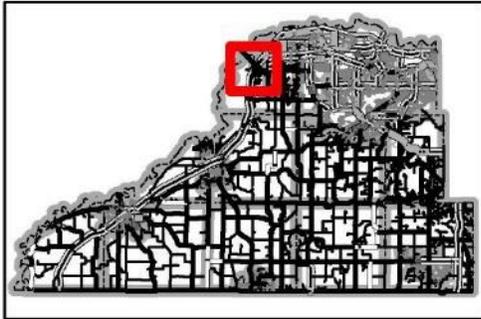
COMMISSIONERS	VOTE			
Weckman Brekke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Wolf	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beard	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Ulrich	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

State of Minnesota)
County of Scott)

I, Lezlie A. Vermillion, 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 1st day of September, 2020 now on file in my office, and have found the same to be a true and correct copy thereof.

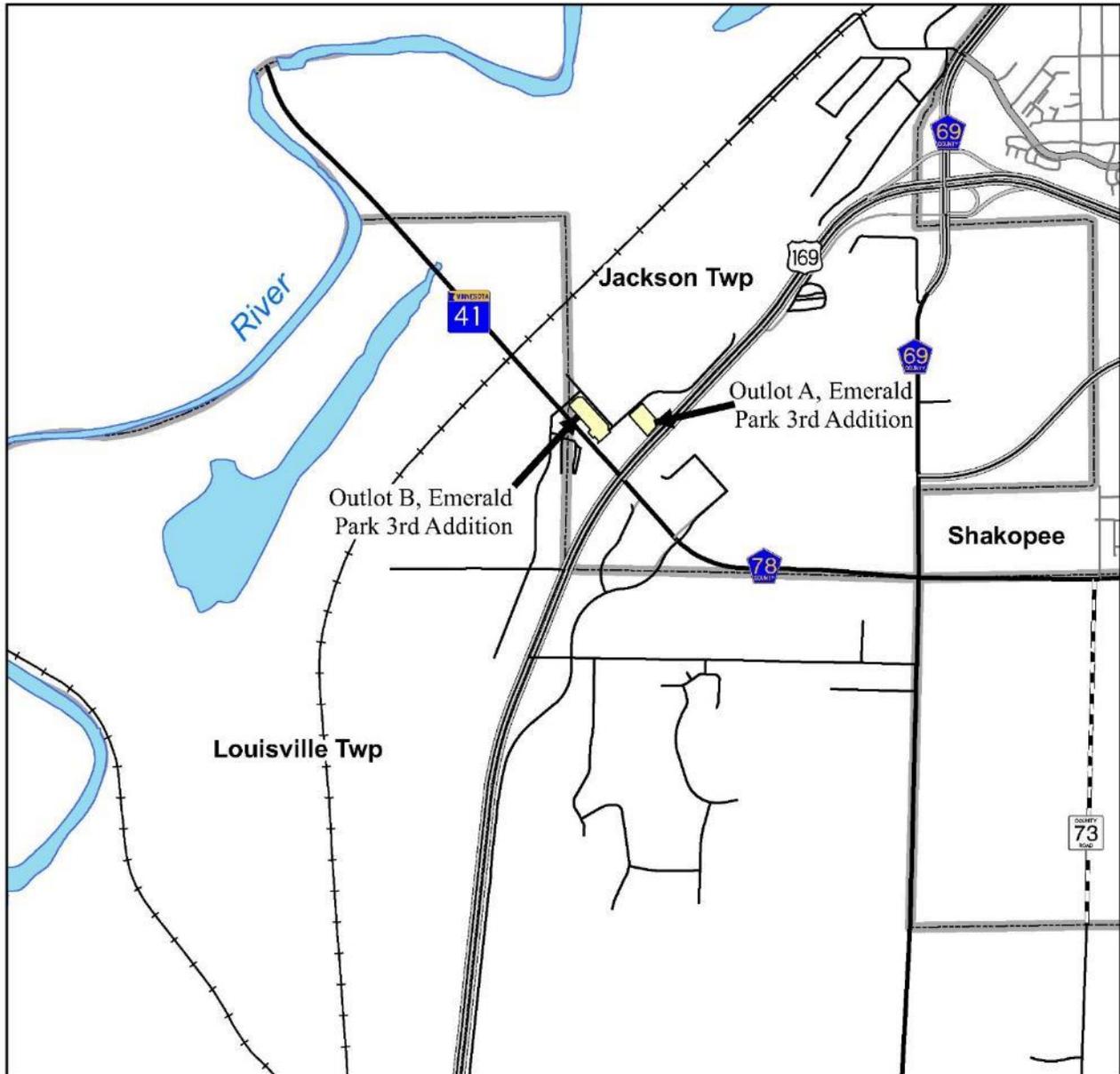
Witness my hand and official seal at Shakopee, Minnesota, this 1st day of September 2020.

County Administrator
Administrator's Designee



SCOTT COUNTY

Conveyance of Outlots
 RBA/Resolution No. 2020-134
 Project CP T169-06



This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. Scott County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact the Scott County Surveyors Office.



Date: 8/24/2020

Scale: 1 inch = 2,800 ft.
 R.F.:

**AGENDA #5.7
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: SEPTEMBER 1, 2020**

ORIGINATING DIVISION: ORIGINATING DEPARTMENT:	Sheriff Communications	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PRESENTER:	Scott Haas	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:	COVID 19	TIME REQUESTED:	
ACTION REQUESTED:	Adopt Resolution No. 2020-135; Authorizing the Purchase of Communications Equipment in the Amount of \$325,000 Using Coronavirus Aid, Relief, and Economic Security (CARES) Act Special Revenue		
CONTRACT/POLICY/GRANT:	<input type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input checked="" type="checkbox"/> Finance Review <input checked="" type="checkbox"/> Budget Change

ORGANIZATIONAL VALUES:

- Customer Service:** We will deliver government services in a respectful, responsive, and solution-oriented manner
- Communication:** We will always be clear about what we're doing and why we're doing it
- Collaboration:** We will work with partners – communities, schools, faith groups, private business, and non-profit agencies – to see that services are not duplicated but rather are complimentary, aligned and provided by the partners who can deliver the service most effectively
- Stewardship:** We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government
- Empowerment:** We will work with individuals and families to affirm strengths, develop skills, restore hope, and promote self-reliance
- Resiliency:** We will foster public preparedness and respond when families and communities face health and safety emergencies
- Innovation:** We will take informed risks to deliver services more effectively and will learn from our successes and failures

DEPARTMENT/DIVISION HEAD SIGNATURE:	COUNTY ADMINISTRATOR SIGNATURE:
Approved:	DISTRIBUTION/FILING INSTRUCTIONS:
Denied:	
Tabled:	
Other:	
Deputy Clerk :	
Date:	

Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2020-135; Authorizing the Purchase of Communications Equipment in the Amount of \$325,000 Using Coronavirus Aid, Relief, and Economic Security (CARES) Act Special Revenue.

Since early 2020, Scott County has been impacted by an outbreak of a respiratory disease caused by a novel coronavirus that has been detected across the world, including in Minnesota.

- On March 11, the World Health Organization declared COVID-19 as a pandemic.
- On March 13, the President of the United States declared a national emergency for the COVID-19 pandemic.
- On March 13, the Governor of Minnesota declared a peacetime emergency due to the COVID-19 pandemic.
- On March 17, 2020, the Scott County Board of Commissioners declared a local state of emergency due to the COVID-19 pandemic.

On March 27, 2020, the Federal Government passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which provides over \$2 trillion in federal economic relief to protect the American people from the public health and economic impacts of COVID-19. Part of those funds was sent to states for local allocation and disbursement.

Minnesota Governor Tim Walz, through executive authority and a legislative review committee, allocated and dispersed a portion of Minnesota's CARES Act funds as Local Government Assistance based on population targets to counties, cities and townships throughout the state. Scott County has received \$17,719,998.

The funds may be spent by the local agencies to offset public health and economic impacts of COVID-19. In order to be eligible for the funding, expenditures must pass a three-step test:

1. Expenses must be necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19)
2. They must be costs that were not accounted for in the budget most recently approved as of March 27, 2020
3. Performance or delivery must occur during the covered period, but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred.) The County deadline is 12/1/2020.

To assist in understanding eligible expenses, the United States Department of the Treasury published two documents: *Coronavirus Relief Fund Guidance to State, Territorial, Local, and Tribal Governments Updated June 30, 2020* ("Guidance"); and *Coronavirus Relief Fund Frequently Asked Questions Updated as of August 10, 2020* ("Frequently Asked Questions").

All CARES Act Funds are subject to State and Federal audit for use of the funds. This means that any subrecipients of CARES Funds from the County must also meet audit requirements.

The Scott County Board of Commissioners met in a workshop on July 7, 2020 to discuss and reiterated at their County Board meeting on July 21, 2020, their goals for allocation of the County's CARES funds. The County Board indicated that local business support was their highest priority with housing security, food security, nonprofit support, school support, and rural broadband also being priorities. The goals behind this focus are:

- Keeping employees working or getting residents working again;
- Filling in gaps that unemployment insurance (+ stimulus), Payroll Protection Program (PPP) and other programs didn't serve;
- Helping businesses, organizations, and residents most harmed by the pandemic;
- Providing support to business that can sustain and grow the economy;
- Supporting operational changes to keep businesses operating during the pandemic;
- Providing food support for families at risk in the short term;
- Targeting rental and mortgage programs to those in need not covered by State;
- Supporting distance learning; and
- Supporting childcare for essential employees.

On August 4, 2020, the Scott County Board of Commissioners passed a resolution approving the establishment of a Special Revenue Fund for the CARES Act funds, targeting \$5.5 million for business support, \$2 million for housing support and \$1 million for rural broadband.

A Scott County committee reviewed staff submissions for use of CARES Act funding based on alignment with CARES Act guidance and strategies adopted by the Scott County Board. The committee approved the following projects.

Encrypted Radios - \$225,000: The Department of Health has classified that COVID-19 health data may only be transmitted over encrypted radios in order to be in compliance with Governor Walz executive order 20-34 (<https://www.leg.state.mn.us/archive/execorders/20-34.pdf>). This prevents the 911 Communications Center from notifying officers before they enter a location with confirmed COVID-19. This critical notification permits officers and deputies time to wear personal protective equipment prior to contacting the patient. This project will upgrade 911 consolettes and Deputy radios to encrypt this data. The Sheriff's Office will withdraw CIP requests for radio replacement in 2021 and 2022 (\$204,216.00 in future cost reduction).

Mobile Dispatch Radio Systems - \$90,000: CARES Act guidance prioritizes funding expenses to improve telework capabilities for public employees: The job requirements of a 911 Dispatcher and physical layout of the 911 Communications Center is prohibitive for physical distancing. This project purchases two additional deployable (laptop based) radio consoles. Two were previously approved by the Board of Commissioners on April 21st. Funding limitations prevented purchase of a complete continuity solution at that time.

Ruggedized Mobile Routers - \$10,000: A cellular data solution using ruggedized mobile routers will be implemented using diverse cellular carrier networks to allow access from the computer aided dispatch, 911 phone system, and radio system laptops to their separate VPN hosts.

Upon implementation of the 911 phone and mobile radio laptop solutions, nearly all functions of the 911 dispatch center may be operated remotely. This will create options to physically separate 911 Dispatchers including work from home and/or work from an alternative county facility without compromising 911 call taking or dispatching services.

Fiscal Impact:

Scott County has received \$17,719,998 in CARES relief funds. By a resolution on August 4, 2020 a CARES Act Special Revenue Fund was created, the County Budget amended, and the funds deposited. These purchases will be coded to utilize these funds, having no impact on the Scott County operating budget.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	SEPTEMBER 1, 2020
Resolution No.:	2020-135
Motion by Commissioner:	
Seconded by Commissioner:	

**RESOLUTION 2020-135; AUTHORIZING THE PURCHASE OF COMMUNICATIONS
EQUIPMENT IN THE AMOUNT OF \$325,000 USING CORONAVIRUS AID, RELIEF, AND
ECONOMIC SECURITY (CARES) ACT SPECIAL REVENUE**

WHEREAS, COVID-19, a global pandemic has caused a public health emergency at all levels of government in the United States; and

WHEREAS, response and support to affected individuals, communities, medical systems, business, and government has caused significant impact to the County as a whole; and

WHEREAS, COVID-19, has caused and will continue to cause increased service needs on County functions and additional work for staff; and

WHEREAS, COVID-19 has had significant impacts on the businesses and residents of Scott County; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, passed on March 27, 2020, provides over \$2 trillion in federal economic relief to protect the American people from the public health and economic impacts of COVID-19; and

WHEREAS, Governor Tim Walz on June 26, 2020 formally allocated funding for counties, cities, and townships in the State of Minnesota, to provide support and economic relief on a local level, with Scott County receiving \$17,719,998 from the CARES Act; and

WHEREAS, at its work session on July 7, 2020 the Scott County Board discussed their priorities for dissemination of the funds and affirmed their direction during the July 21, 2020 Board meeting; and

WHEREAS, the Federal CARES Act funds are subject to State and Federal spending requirements and subject to State and Federal Audit; and

WHEREAS, the Scott County Board of Commissioners has been presented and has approved a plan for the use of the County's allocation; and

WHEREAS, the County's plan is consistent with the United States Department of the Treasury's "Coronavirus Relief Fund Guidance to State, Territorial, Local, and Tribal Governments Updated June 30, 2020" attached and hereby incorporated as Exhibit A and "Coronavirus Relief Fund Frequently Asked Questions Updated as of August 10, 2020" attached and hereby incorporated as Exhibit B.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	SEPTEMBER 1, 2020
Resolution No.:	2020-135
Motion by Commissioner:	
Seconded by Commissioner:	

NOW THEREFORE BE IT FURTHER RESOLVED, that the Scott County Board of Commissioners does hereby authorize the purchase of \$325,000 in communications equipment using the CARES Act special revenue fund.

COMMISSIONERS	VOTE			
Weckman Brekke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Wolf	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beard	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Ulrich	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

State of Minnesota)
County of Scott)

I, Lezlie A. Vermillion, 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 1st day of September, 2020 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 1st day of September, 2020.

County Administrator
Administrator's Designee

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
Updated June 30, 2020¹

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.²

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the

¹ This version updates the guidance provided under “Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020”.

² See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID-19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period, but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, *e.g.*, the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020, will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient’s control.

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
 6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

*Nonexclusive examples of ineligible expenditures*³

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.⁴
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

³ In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

⁴ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

Exhibit B

Coronavirus Relief Fund Frequently Asked Questions Updated as of August 10, 2020¹

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).² Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

A. Eligible Expenditures

1. *Are governments required to submit proposed expenditures to Treasury for approval?*

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

2. *The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?*

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

3. *The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?*

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

¹ On August 10, 2020, these Frequently Asked Questions were revised to add Questions 49–52. The previous revision was made on July 8.

² The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

4. *May a State receiving a payment transfer funds to a local government?*

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

5. *May a unit of local government receiving a Fund payment transfer funds to another unit of government?*

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

6. *Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?*

No. For example, a county recipient is not required to transfer funds to smaller cities within the county’s borders.

7. *Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?*

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

8. *Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?*

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

9. *Are States permitted to use Fund payments to support state unemployment insurance funds generally?*

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

10. *Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?*

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

11. *The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?*

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

12. *In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?*

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

13. *If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?*

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

14. *May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?*

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

15. *May Fund payments be used for COVID-19 public health emergency recovery planning?*

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

16. *Are expenses associated with contact tracing eligible?*

Yes, expenses associated with contact tracing are eligible.

17. *To what extent may a government use Fund payments to support the operations of private hospitals?*

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

18. *May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?*

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

19. *May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?*

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

20. *Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?*

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

21. *May recipients create a “payroll support program” for public employees?*

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

22. *May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?*

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

23. *May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?*

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

24. *The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?*

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

25. *The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?*

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

26. *May Fund payments be used to assist impacted property owners with the payment of their property taxes?*

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

27. *May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?*

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

28. *Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?*

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

29. *The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?*

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

30. *The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?*

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

31. *May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?*

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

32. *Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?*

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

33. *Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?*

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

34. *May a State impose restrictions on transfers of funds to local governments?*

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

35. *If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?*

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

36. *May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?*

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

37. *Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?*

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

38. *May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?*

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

39. *May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?*

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

40. *May recipients use Fund payments to provide loans?*

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

41. *May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?*

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

42. *May funds be used to satisfy non-federal matching requirements under the Stafford Act?*

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

43. *Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?*

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

44. *May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?*

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

45. *May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?*

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

46. *May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?*

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

47. *The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?*

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

48. *May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?*

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

49. *Are States permitted to use Coronavirus Relief Fund payments to satisfy non-federal matching requirements under the Stafford Act, including “lost wages assistance” authorized by the Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019 (August 8, 2020)?*

Yes. As previous guidance has stated, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund’s eligibility criteria and the Stafford Act. States are fully permitted to use payments from the Fund to satisfy 100% of their cost share for lost wages assistance recently made available under the Stafford Act.

50. *At what point would costs be considered to be incurred in the case of a grant made by a State, local, or tribal government to cover interest and principal amounts of a loan, such as might be provided as part of a small business assistance program in which the loan is made by a private institution?*

A grant made to cover interest and principal costs of a loan, including interest and principal due after the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”), will be considered to be incurred during the covered period if (i) the full amount of the loan is advanced to the borrower within the covered period and (ii) the proceeds of the loan are used by the borrower to cover expenses incurred during the covered period. In addition, if these conditions are met, the amount of the grant will be considered to have been used during the covered period for purposes of the requirement that expenses be incurred within the covered period. Such a grant would be analogous to a loan provided by the Fund recipient itself that incorporates similar loan forgiveness provisions. As with any other assistance provided by a Fund recipient, such a grant would need to be determined by the recipient to be necessary due to the public health emergency.

51. *If governments use Fund payments as described in the Guidance to establish a grant program to support businesses, would those funds be considered gross income taxable to a business receiving the grant under the Internal Revenue Code (Code)?*

Please see the answer provided by the Internal Revenue Service (IRS) available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

52. *If governments use Fund payments as described in the Guidance to establish a loan program to support businesses, would those funds be considered gross income taxable to a business receiving the loan under the Code?*

Please see the answer provided by the IRS available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

B. Questions Related to Administration of Fund Payments

1. *Do governments have to return unspent funds to Treasury?*

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

2. *What records must be kept by governments receiving payment?*

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

3. *May recipients deposit Fund payments into interest bearing accounts?*

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

4. *May governments retain assets purchased with payments from the Fund?*

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

5. *What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?*

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

6. *Are Fund payments to State, territorial, local, and tribal governments considered grants?*

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

7. *Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?*

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

8. *Are Fund payments subject to other requirements of the Uniform Guidance?*

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

9. *Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?*

Yes. The CFDA number assigned to the Fund is 21.019.

10. *If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?*

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

11. *Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?*

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

12. *If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?*

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

**AGENDA #5.8
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: SEPTEMBER 1, 2020**

ORIGINATING DIVISION:	Office of Management & Budget	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ORIGINATING DEPARTMENT:	Budget & Strategic Planning		
PRESENTER:	Danny Lenz	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:		TIME REQUESTED:	N/A
ACTION REQUESTED:	Adopt Resolution No. 2020-136; Approving Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding to be Authorized for Use to Cover Increased Costs for Expenses Included in Operating Budgets		
CONTRACT/POLICY/GRANT:	<input type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input checked="" type="checkbox"/> Finance Review <input checked="" type="checkbox"/> Budget Change

ORGANIZATIONAL VALUES:

- Customer Service:** We will deliver government services in a respectful, responsive, and solution-oriented manner
- Communication:** We will always be clear about what we're doing and why we're doing it
- Collaboration:** We will work with partners – communities, schools, faith groups, private business, and non-profit agencies – to see that services are not duplicated but rather are complimentary, aligned and provided by the partners who can deliver the service most effectively
- Stewardship:** We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government
- Empowerment:** We will work with individuals and families to affirm strengths, develop skills, restore hope, and promote self-reliance
- Resiliency:** We will foster public preparedness and respond when families and communities face health and safety emergencies
- Innovation:** We will take informed risks to deliver services more effectively and will learn from our successes and failures

DEPARTMENT/DIVISION HEAD SIGNATURE:	COUNTY ADMINISTRATOR SIGNATURE:
Approved:	DISTRIBUTION/FILING INSTRUCTIONS:
Denied:	
Tabled:	
Other:	
Deputy Clerk :	
Date:	

Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2020-136; Approving Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding to be Authorized for Use to Cover Increased Costs for Expenses Included in Operating Budgets

Since early 2020, Scott County has been impacted by an outbreak of a respiratory disease caused by a novel coronavirus that has been detected across the world, including in Minnesota.

- On March 11, the World Health Organization declared COVID-19 as a pandemic.
- On March 13, the President of the United States declared a national emergency for the COVID-19 pandemic.
- On March 13, the Governor of Minnesota declared a peacetime emergency due to the COVID-19 pandemic.
- On March 17, 2020, the Scott County Board of Commissioners declared a local state of emergency due to the COVID-19 pandemic.

On March 27, 2020, the Federal Government passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which provides over \$2 trillion in federal economic relief to protect the American people from the public health and economic impacts of COVID-19. Part of those funds were sent to states for local allocation and disbursement.

Minnesota Governor Tim Walz, through executive authority and a legislative review committee, allocated and dispersed a portion of Minnesota's CARES Act funds as Local Government Assistance based on population targets to counties, cities and townships throughout the state. Scott County has received \$17,719,998.

The funds may be spent by the local agencies to offset public health and economic impacts of COVID-19. In order to be eligible for the funding expenditures must pass a three-step test:

1. Expenses must be necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19)
2. They must be costs that were not accounted for in the budget most recently approved as of March 27, 2020
3. Performance or delivery must occur during the covered period, but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred.) The County deadline is 12/1/2020.

To assist in understanding eligible expenses, the United States Department of the Treasury published two documents: *Coronavirus Relief Fund Guidance to State, Territorial, Local, and Tribal Governments Updated June 30, 2020* ("Guidance"); and *Coronavirus Relief Fund Frequently Asked Questions Updated as of July 8, 2020* ("Frequently Asked Questions").

All CARES Act Funds are subject to State and Federal audit for use of the funds. This means that any subrecipients of CARES Funds from the County must also meet audit requirements.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act, passed on March 27, 2020, provides over \$2 trillion in federal economic relief to protect the American people from the public health and economic impacts of COVID-19.

The Governor, through executive authority and a legislative review committee, has allocated and dispersed Local Government Assistance in the CARES Act based on population targets to Counties, Cities and Townships throughout the state. Scott County has received \$17,719,998.

The CARES Act sets criteria that expenses must meet to be eligible for CRF funding and are subject to state and federal audits. Criteria includes:

1. Necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19)
2. Costs not accounted for in the budget most recently approved as of March 27, 2020
3. Performance or delivery must occur during the covered period, but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred.) The County deadline is 12/1/2020.

At a Board Workshop on July 7, 2020 the Scott County Board discussed its priorities for dissemination of the CARES funds. Included in those priorities was the need to cover increased operational costs directly related to the COVID-19 pandemic, as well as to provide needed items to allow for remote service delivery and teleworking of Scott County employees.

The CIP Governance committee reviewed, scored and prioritized internal funding requests from departments based on guidance from The Board and federal guidance and requirements. The criteria includes that the expense is being caused by COVID-19, the need in order to protect employees and the public, the cost benefit of the investment, improvements for teleworking, whether it was tied to a board strategy and if it could be completed in the required timeframe. Additional projects addressing more specific needs, or that were not ready to implement yet, will come to future agendas for Board approval.

The increased funding will be authorized for these areas:

- \$535,000 for the purchase of laptops, monitors, printers, and other equipment to allow employees to telework. The primary purchase will be for approximately 200 laptops to replace existing desktop computers. It will also provide “hoteling” drop-in locations in the County so equipment doesn’t have to be moved to and from an employee’s home. Finally, it will provide the necessary equipment to allow for remote hearings for those in custody in Scott County facilities.
- \$343,000 for part-time or temporary employees to assist in the election process this year. With the significant increase in demand for absentee ballots, significant additional staff resources are expected in order to provide adequate time to send out ballots, as well as receive and process them.
- \$66,300 for increased printing and postage related to increased absentee ballot requests for this year’s elections.
- \$142,700 for increased need for personal protective equipment (PPE) and cleaning supplies across the organization to meet the PPE and sanitation requirements to prevent the spread of COVID-19.
- \$50,000 for increasing the Scott County Library’s digital content offering. A significant increase in e-books and audiobooks demand has occurred due to COVID-19. This funding would allow the Library to increase its content offerings and provide additional availability of digital content.
- \$36,000 for an enterprise-wide remote meeting software platform for 1-year
- \$20,000 to provide resources for early learning programming from Public Health and the Scott County Library. This funding will provide information on healthy behaviors, age-appropriate books, learning activities, and resource information.
- \$10,000 for low-cost computers for Mental Health Center client usage for non-contact therapy and additional on-line psychological testing.
- \$7,500 for increased printing and postage related to Scott County Library’s conversion of programs to a by-mail service delivery method in order to continue services, while reducing interactions within the Library.
- \$1,200 for increased “hot spot” monthly charges. The hot spots allow a very limited number of employees who do not have adequate home internet speeds to be able to work from home.

The above costs are all associated with contracts or purchases that are typically made by the County in a fiscal year; however, the difference is that the County is seeing a significant increase in demand, beyond average anticipated increases, leading to costs significantly above originally budgeted amounts being needed in order to respond to the pandemic. Allowing the use of the CARES Act Special Revenue Fund to cover these costs will allow the County to continue to provide existing services to residents and allow for employees to work safely.

The usage of these funds for the above outlined purposes are considered allowable based on guidance provided by the U.S. Department of the Treasury. All of the items listed above fit within the following areas of the guidance:

- Direct response and second order impacts of COVID-19. This includes staff who are directly working to prevent the spread of the disease and assist those who have contracted it. Primary examples include public health staff participating in contact tracing, providing essential services, assisting in testing

functions, providing guidance to residents on preventative practices, and working with businesses on maintaining sanitary and safe environments.

- Authorized under “Coronavirus Relief Fund Guidance to State, Territorial, Local, and Tribal Governments Updated June 30, 2020” - “Nonexclusive examples of eligible expenditures” – Number 2 “Public Health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
- Authorized under “Coronavirus Relief Fund Guidance to State, Territorial, Local, and Tribal Governments Updated June 30, 2020” - “Nonexclusive examples of eligible expenditures” – Number 4 “Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as: COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions”

- Cover the costs of expenses that were unaccounted for in the County budget, or were used for a “substantially different use” than approved for in the budget. Examples include employees working in the Emergency Operations Center, sanitizing and cleaning beyond typical practices, and redeploying staff to different areas to allow for compliance with COVID-19 public health precautions.

- Authorized under “Coronavirus Relief Fund Frequently Asked Questions Updated as of August 10, 2020”
 - Page 1: ***“The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?”***

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

- Cover the costs of teleworking improvement for employees. The primary focus of these funds is to provide mobile capabilities for employees who do not currently have it, and to implement or enhance new software applications that allow for the County to meet COVID-19 public health precautions, such as scheduling software and licenses to allow for remote meetings with clients.
 - Authorized under “Coronavirus Relief Fund Guidance to State, Territorial, Local, and Tribal Governments Updated June 30, 2020” - “Nonexclusive examples of eligible expenditures” –

Number 4 “Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as: Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.”

The dollar amounts for the above expenditures are the maximum that is expected to be spent, based on current anticipated costs. The costs for some areas may be less than stated, at which point the funds may be re-purposed to different needs. Expenses exceeding the amounts listed will need to be approved per County policy.

Fiscal Impact:

This additional expenditure is not expected to have a significant operational cost. Some costs may already have been incurred related to COVID-19, but most purchases or expenses has been delayed in order to have prior Board approval. There is the potential for some additional costs in future years for on-going licensing costs.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	September 1, 2020
Resolution No.:	2020-136
Motion by Commissioner:	
Seconded by Commissioner:	

RESOLUTION NO. 2020-136; APPROVING CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDING TO BE AUTHORIZED FOR USE TO COVER INCREASED COSTS FOR EXPENSES INCLUDED IN OPERATING BUDGETS

WHEREAS, COVID-19, a global pandemic has caused a public health emergency at all levels of government in the United States; and

WHEREAS, response and support to affected individuals, communities, medical systems, businesses, and government has caused significant impact to the County as a whole; and

WHEREAS, COVID-19, has caused and will continue to cause increased service needs on County functions and additional work for staff; and

WHEREAS, COVID-19 has had significant impacts on the businesses and residents of Scott County; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, passed on March 27, 2020, provides over \$2 trillion in federal economic relief to protect the American people from the public health and economic impacts of COVID-19; and

WHEREAS, Governor Tim Walz on June 26, 2020 formally allocated funding for counties, cities, and townships in the State of Minnesota, to provide support and economic relief on a local level with Scott County receiving \$17,719,998 from the CARES Act; and

WHEREAS, on July 29, 2020 Scott County was provided an allocation of \$17,719,998 from the State of Minnesota from the Federal CARES Act; and

WHEREAS, the Federal CARES Act funds are subject to State and Federal spending requirements and subject to State and Federal Audit; and

WHEREAS, the Scott County Board of Commissioners has been presented and has approved a plan for the use of the County's allocation; and

WHEREAS, the Scott County Board of Commissioners desires the funds to be accounted for in a manner that will demonstrate full compliance with Federal requirements and guidance; and

WHEREAS, the United States Department of the Treasury's "Coronavirus Relief Fund Guidance to State, Territorial, Local, and Tribal Governments Updated June 30, 2020" (The Guidance), attached and hereby incorporated as Exhibit A, provides information on eligible costs; and

WHEREAS, the United States Department of the Treasury's "Coronavirus Relief Fund Frequently Asked Questions Updated As of August 10, 2020" (The Frequently Asked Questions), attached and hereby incorporated as Exhibit B, provides additional information on eligible costs; and

WHEREAS, The Guidance states that CARES Act funds may be used to "...cover costs that were not accounted for in the budget..." or "the costs is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation." and

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	September 1, 2020
Resolution No.:	2020-136
Motion by Commissioner:	
Seconded by Commissioner:	

WHEREAS, the Guidance states that CARES Act funds may be used to "...improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions."

NOW, THEREFORE, BE IT RESOLVED, That the Scott County Board of Commissioners hereby approves the following expenditure of funds:

- \$535,000 for the purchase of laptops, monitors, printers, and other equipment to allow employees to telework and facilitate remote communication; and
- \$343,000 for part-time or temporary employees to assist in the election process; and
- \$66,300 for increased printing and postage related to increased election costs; and
- \$142,700 for increased need for personal protective equipment (PPE) and cleaning supplies; and
- \$50,000 for increasing the Scott County Library's digit content offering; and
- \$36,000 for an enterprise-wide remote meeting software platform for 1-year; and
- \$20,000 to provide resources for early learning programming from Public Health and the Scott County Library; and
- \$10,000 for low-cost computers for Mental Health Center client usage for non-contact therapy and additional on-line psychological testing.
- \$7,500 for increased printing and postage related to Scott County Library's conversion of programs to a by-mail service delivery method; and
- \$1,200 for increased "hot spot" monthly charges.

BE IT FURTHER RESOLVED, the Board provides the County Administrator the flexibility to adjust the dollar amounts based on the actual cost and need.

BE IT FINALLY RESOLVED, the purchase or expenditure of these funds will follow all County, State and Federal procurement requirements for the use of such funds.

COMMISSIONERS	VOTE			
Weckman Brekke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Wolf	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beard	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Ulrich	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

State of Minnesota)
County of Scott)

I, Lezlie A. Vermillion, 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 1st day of September 2020 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 1st day of September 2020.

County Administrator
Administrator's Designee

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
Updated June 30, 2020¹

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.²

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the

¹ This version updates the guidance provided under “Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020”.

² See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID-19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period, but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, *e.g.*, the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020, will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient’s control.

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
 6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures³

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.⁴
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

³ In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

⁴ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

Exhibit B

Coronavirus Relief Fund Frequently Asked Questions Updated as of August 10, 2020¹

The following answers to frequently asked questions supplement Treasury's Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, ("Guidance").² Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").

A. Eligible Expenditures

1. *Are governments required to submit proposed expenditures to Treasury for approval?*

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

2. *The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the "substantially dedicated" condition?*

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

3. *The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a "substantially different use" for purposes of the Fund eligibility?*

Costs incurred for a "substantially different use" include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities.

¹ On August 10, 2020, these Frequently Asked Questions were revised to add Questions 49–52. The previous revision was made on July 8.

² The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

4. *May a State receiving a payment transfer funds to a local government?*

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

5. *May a unit of local government receiving a Fund payment transfer funds to another unit of government?*

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

6. *Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?*

No. For example, a county recipient is not required to transfer funds to smaller cities within the county’s borders.

7. *Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?*

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

8. *Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?*

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

9. *Are States permitted to use Fund payments to support state unemployment insurance funds generally?*

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

10. *Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?*

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

11. *The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?*

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

12. *In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?*

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

13. *If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?*

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

14. *May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?*

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

15. *May Fund payments be used for COVID-19 public health emergency recovery planning?*

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

16. *Are expenses associated with contact tracing eligible?*

Yes, expenses associated with contact tracing are eligible.

17. *To what extent may a government use Fund payments to support the operations of private hospitals?*

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

18. *May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?*

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

19. *May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?*

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

20. *Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?*

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

21. *May recipients create a “payroll support program” for public employees?*

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

22. *May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?*

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

23. *May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?*

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

24. *The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?*

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

25. *The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?*

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

26. *May Fund payments be used to assist impacted property owners with the payment of their property taxes?*

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

27. *May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?*

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

28. *Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?*

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

29. *The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?*

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

30. *The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?*

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

31. *May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?*

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

32. *Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?*

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

33. *Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?*

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

34. *May a State impose restrictions on transfers of funds to local governments?*

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

35. *If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?*

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

36. *May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?*

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

37. *Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?*

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

38. *May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?*

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

39. *May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?*

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

40. *May recipients use Fund payments to provide loans?*

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

41. *May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?*

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

42. *May funds be used to satisfy non-federal matching requirements under the Stafford Act?*

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

43. *Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?*

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

44. *May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?*

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

45. *May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?*

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

46. *May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?*

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

47. *The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?*

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

48. *May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?*

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

49. *Are States permitted to use Coronavirus Relief Fund payments to satisfy non-federal matching requirements under the Stafford Act, including “lost wages assistance” authorized by the Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019 (August 8, 2020)?*

Yes. As previous guidance has stated, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund’s eligibility criteria and the Stafford Act. States are fully permitted to use payments from the Fund to satisfy 100% of their cost share for lost wages assistance recently made available under the Stafford Act.

50. *At what point would costs be considered to be incurred in the case of a grant made by a State, local, or tribal government to cover interest and principal amounts of a loan, such as might be provided as part of a small business assistance program in which the loan is made by a private institution?*

A grant made to cover interest and principal costs of a loan, including interest and principal due after the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”), will be considered to be incurred during the covered period if (i) the full amount of the loan is advanced to the borrower within the covered period and (ii) the proceeds of the loan are used by the borrower to cover expenses incurred during the covered period. In addition, if these conditions are met, the amount of the grant will be considered to have been used during the covered period for purposes of the requirement that expenses be incurred within the covered period. Such a grant would be analogous to a loan provided by the Fund recipient itself that incorporates similar loan forgiveness provisions. As with any other assistance provided by a Fund recipient, such a grant would need to be determined by the recipient to be necessary due to the public health emergency.

51. *If governments use Fund payments as described in the Guidance to establish a grant program to support businesses, would those funds be considered gross income taxable to a business receiving the grant under the Internal Revenue Code (Code)?*

Please see the answer provided by the Internal Revenue Service (IRS) available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

52. *If governments use Fund payments as described in the Guidance to establish a loan program to support businesses, would those funds be considered gross income taxable to a business receiving the loan under the Code?*

Please see the answer provided by the IRS available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

B. Questions Related to Administration of Fund Payments

1. *Do governments have to return unspent funds to Treasury?*

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

2. *What records must be kept by governments receiving payment?*

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

3. *May recipients deposit Fund payments into interest bearing accounts?*

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

4. *May governments retain assets purchased with payments from the Fund?*

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

5. *What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?*

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

6. *Are Fund payments to State, territorial, local, and tribal governments considered grants?*

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

7. *Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?*

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

8. *Are Fund payments subject to other requirements of the Uniform Guidance?*

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

9. *Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?*

Yes. The CFDA number assigned to the Fund is 21.019.

10. *If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?*

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

11. *Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?*

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

12. *If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?*

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

**AGENDA #5.9
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: SEPTEMBER 1, 2020**

ORIGINATING DIVISION: ORIGINATING DEPARTMENT:	Administration	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PRESENTER:	Mary Keen	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:	COVID 19	TIME REQUESTED:	N/A
ACTION REQUESTED:	Adopt Resolution No. 2020-137; Authorizing the Purchase of CivicOptimize Software in the Amount of \$46,376.18 Using Coronavirus Aid, Relief, and Economic Security (CARES) Act Special Revenue		
CONTRACT/POLICY/GRANT:	<input type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change

ORGANIZATIONAL VALUES:

- Customer Service:** We will deliver government services in a respectful, responsive, and solution-oriented manner
- Communication:** We will always be clear about what we're doing and why we're doing it
- Collaboration:** We will work with partners – communities, schools, faith groups, private business, and non-profit agencies – to see that services are not duplicated but rather are complimentary, aligned and provided by the partners who can deliver the service most effectively
- Stewardship:** We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government
- Empowerment:** We will work with individuals and families to affirm strengths, develop skills, restore hope, and promote self-reliance
- Resiliency:** We will foster public preparedness and respond when families and communities face health and safety emergencies
- Innovation:** We will take informed risks to deliver services more effectively and will learn from our successes and failures

DEPARTMENT/DIVISION HEAD SIGNATURE:	COUNTY ADMINISTRATOR SIGNATURE:
Approved:	DISTRIBUTION/FILING INSTRUCTIONS:
Denied:	
Tabled:	
Other:	
Deputy Clerk :	
Date:	

Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2020-137; Authorizing the Purchase of CivicOptimize Software in the Amount of \$46,376.18 Using Coronavirus Aid, Relief, and Economic Security (CARES) Act Special Revenue.

Since early 2020, Scott County has been impacted by an outbreak of a respiratory disease caused by a novel coronavirus that has been detected across the world, including in Minnesota.

- On March 11, the World Health Organization declared COVID-19 as a pandemic.
- On March 13, the President of the United States declared a national emergency for the COVID-19 pandemic.
- On March 13, the Governor of Minnesota declared a peacetime emergency due to the COVID-19 pandemic.
- On March 17, 2020, the Scott County Board of Commissioners declared a local state of emergency due to the COVID-19 pandemic.

On March 27, 2020, the Federal Government passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which provides over \$2 trillion in federal economic relief to protect the American people from the public health and economic impacts of COVID-19. Part of those funds was sent to states for local allocation and disbursement.

Minnesota Governor Tim Walz, through executive authority and a legislative review committee, allocated and dispersed a portion of Minnesota's CARES Act funds as Local Government Assistance based on population targets to counties, cities and townships throughout the state. Scott County has received \$17,719,998.

The funds may be spent by the local agencies to offset public health and economic impacts of COVID-19. In order to be eligible for the funding, expenditures must pass a three-step test:

1. Expenses must be necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19).
2. They must be costs that were not accounted for in the budget most recently approved as of March 27, 2020.
3. Performance or delivery must occur during the covered period, but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred.) The County deadline is 12/1/2020.

To assist in understanding eligible expenses, the United States Department of the Treasury published two documents: *Coronavirus Relief Fund Guidance to State, Territorial, Local, and Tribal Governments Updated June 30, 2020* ("Guidance"); and *Coronavirus Relief Fund Frequently Asked Questions Updated as of July 8, 2020* ("Frequently Asked Questions").

All CARES Act Funds are subject to State and Federal audit for use of the funds. This means that any subrecipients of CARES Funds from the County must also meet audit requirements.

The Scott County Board of Commissioners met in a workshop on July 7, 2020 to discuss and reiterated at their County Board meeting on July 21, 2020, their goals for allocation of the County's CARES funds. The County Board indicated that local business support was their highest priority with housing security, food security, nonprofit support, school support, and rural broadband also being priorities. The goals behind this focus are:

- Keeping employees working or getting residents working again;
- Filling in gaps that unemployment insurance (+ stimulus), Payroll Protection Program (PPP) and other programs didn't serve;
- Helping businesses, organizations, and residents most harmed by the pandemic;
- Providing support to business that can sustain and grow the economy;
- Supporting operational changes to keep businesses operating during the pandemic;
- Providing food support for families at risk in the short-term;
- Targeting rental and mortgage programs to those in need not covered by State;
- Supporting distance learning; and
- Supporting childcare for essential employees.

On August 4, 2020, the Scott County Board of Commissioners passed a resolution approving the establishment of a Special Revenue Fund for the CARES Act funds, targeting \$5.5 million for business support, \$2 million for housing support and \$1 million for rural broadband.

A Scott County committee reviewed staff submissions for use of CARES Act funding based on alignment with CARES Act guidance and strategies adopted by the Scott County Board. The committee approved the following project:

CivicOptimize \$46,376.18 In 2015/2016, a project called eCitizen began with the purpose of making available certain “ready” County Government services online for our citizens to easily and securely interact over the internet. CivicOptimize would be a project that can bring the goal of eCitizen to life by implementing a form building application that publishes to the website. CivicOptimize is a new product from our website vendor, CivicPlus, that is an enhanced version of a secure form where there is greater functionality, is user friendly, has encryption abilities, includes calculation fields, location services, electronic signatures, workflows, automations, and payment processing.

Many departments have a need to gather information from their clients in an easy to use method. CivicOptimize would allow this information gathering. Forms are built for mobile devices, so it will be easy to use on a phone or tablet. Integrating this application with other applications could help eliminate the need for duplicate entry. CivicOptimize also integrates with Office365, which is where the County is heading.

This would allow our clients/staff to easily gather information needed to do business with the County in a remote fashion and could potentially eliminate the need for clients/residents to come to the Government Center for certain services.

There will also be an integration to Heartland, our payment processing vendor, if there is a need to eventually collect fees.

Fiscal Impact:

Scott County has received \$17,719,998 in CARES relief funds. By a resolution on August 4, 2020 a CARES Act Special Revenue Fund was created, the County Budget amended, and the funds deposited. These purchases will be coded to utilize these funds, having no impact on the Scott County operating budget.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	SEPTEMBER 1, 2020
Resolution No.:	2020-137
Motion by Commissioner:	
Seconded by Commissioner:	

**RESOLUTION 2020-137; AUTHORIZING THE PURCHASE OF CIVICOPTIMIZE SOFTWARE IN
THE AMOUNT OF \$46,376.18 USING CORONAVIRUS AID, RELIEF, AND
ECONOMIC SECURITY (CARES) ACT SPECIAL REVENUE**

WHEREAS, COVID-19, a global pandemic has caused a public health emergency at all levels of government in the United States; and

WHEREAS, response and support to affected individuals, communities, medical systems, business, and government has caused significant impact to the County as a whole; and

WHEREAS, COVID-19, has caused and will continue to cause increased service needs on County functions and additional work for staff; and

WHEREAS, COVID-19 has had significant impacts on the businesses and residents of Scott County; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, passed on March 27, 2020, provides over \$2 trillion in federal economic relief to protect the American people from the public health and economic impacts of COVID-19; and

WHEREAS, Governor Tim Walz on June 26, 2020 formally allocated funding for counties, cities, and townships in the State of Minnesota, to provide support and economic relief on a local level, with Scott County receiving \$17,719,998 from the CARES Act; and

WHEREAS, at its work session on July 7, 2020 the Scott County Board discussed their priorities for dissemination of the funds and affirmed their direction during the July 21, 2020 Board meeting; and

WHEREAS, the Federal CARES Act funds are subject to State and Federal spending requirements and subject to State and Federal Audit; and

WHEREAS, the Scott County Board of Commissioners has been presented and has approved a plan for the use of the County's allocation; and

WHEREAS, the County's plan is consistent with the United States Department of the Treasury's "Coronavirus Relief Fund Guidance to State, Territorial, Local, and Tribal Governments Updated June 30, 2020" attached and hereby incorporated as Exhibit A and "Coronavirus Relief Fund Frequently Asked Questions Updated as of August 10, 2020" attached and hereby incorporated as Exhibit B.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	SEPTEMBER 1, 2020
Resolution No.:	2020-137
Motion by Commissioner:	
Seconded by Commissioner:	

NOW THEREFORE BE IT FURTHER RESOLVED, that the Scott County Board of Commissioners does hereby authorize the purchase of CivicOptimize Software in the amount of \$46,376.18 using the CARES Act special revenue fund.

COMMISSIONERS	VOTE			
Weckman Brekke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Wolf	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beard	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Ulrich	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

State of Minnesota)
County of Scott)

I, Lezlie A. Vermillion, 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 1st day of September, 2020 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 1st day of September, 2020.

County Administrator

Administrator's Designee

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
Updated June 30, 2020¹

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.²

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the

¹ This version updates the guidance provided under “Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020”.

² See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID-19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period, but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, *e.g.*, the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020, will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient’s control.

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
 6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

*Nonexclusive examples of ineligible expenditures*³

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.⁴
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

³ In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

⁴ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

Exhibit B

Coronavirus Relief Fund Frequently Asked Questions Updated as of August 10, 2020¹

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).² Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

A. Eligible Expenditures

1. *Are governments required to submit proposed expenditures to Treasury for approval?*

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

2. *The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?*

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

3. *The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?*

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

¹ On August 10, 2020, these Frequently Asked Questions were revised to add Questions 49–52. The previous revision was made on July 8.

² The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

4. *May a State receiving a payment transfer funds to a local government?*

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

5. *May a unit of local government receiving a Fund payment transfer funds to another unit of government?*

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

6. *Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?*

No. For example, a county recipient is not required to transfer funds to smaller cities within the county’s borders.

7. *Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?*

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

8. *Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?*

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

9. *Are States permitted to use Fund payments to support state unemployment insurance funds generally?*

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

10. *Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?*

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

11. *The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?*

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

12. *In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?*

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

13. *If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?*

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

14. *May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?*

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

15. *May Fund payments be used for COVID-19 public health emergency recovery planning?*

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

16. *Are expenses associated with contact tracing eligible?*

Yes, expenses associated with contact tracing are eligible.

17. *To what extent may a government use Fund payments to support the operations of private hospitals?*

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

18. *May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?*

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

19. *May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?*

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

20. *Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?*

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

21. *May recipients create a “payroll support program” for public employees?*

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

22. *May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?*

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

23. *May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?*

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

24. *The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?*

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

25. *The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?*

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

26. *May Fund payments be used to assist impacted property owners with the payment of their property taxes?*

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

27. *May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?*

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

28. *Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?*

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

29. *The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?*

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

30. *The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?*

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

31. *May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?*

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

32. *Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?*

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

33. *Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?*

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

34. *May a State impose restrictions on transfers of funds to local governments?*

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

35. *If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?*

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

36. *May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?*

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

37. *Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?*

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

38. *May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?*

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

39. *May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?*

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

40. *May recipients use Fund payments to provide loans?*

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

41. *May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?*

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

42. *May funds be used to satisfy non-federal matching requirements under the Stafford Act?*

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

43. *Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?*

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

44. *May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?*

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

45. *May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?*

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

46. *May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?*

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

47. *The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?*

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

48. *May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?*

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

49. Are States permitted to use Coronavirus Relief Fund payments to satisfy non-federal matching requirements under the Stafford Act, including “lost wages assistance” authorized by the Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019 (August 8, 2020)?

Yes. As previous guidance has stated, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund’s eligibility criteria and the Stafford Act. States are fully permitted to use payments from the Fund to satisfy 100% of their cost share for lost wages assistance recently made available under the Stafford Act.

50. At what point would costs be considered to be incurred in the case of a grant made by a State, local, or tribal government to cover interest and principal amounts of a loan, such as might be provided as part of a small business assistance program in which the loan is made by a private institution?

A grant made to cover interest and principal costs of a loan, including interest and principal due after the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”), will be considered to be incurred during the covered period if (i) the full amount of the loan is advanced to the borrower within the covered period and (ii) the proceeds of the loan are used by the borrower to cover expenses incurred during the covered period. In addition, if these conditions are met, the amount of the grant will be considered to have been used during the covered period for purposes of the requirement that expenses be incurred within the covered period. Such a grant would be analogous to a loan provided by the Fund recipient itself that incorporates similar loan forgiveness provisions. As with any other assistance provided by a Fund recipient, such a grant would need to be determined by the recipient to be necessary due to the public health emergency.

51. If governments use Fund payments as described in the Guidance to establish a grant program to support businesses, would those funds be considered gross income taxable to a business receiving the grant under the Internal Revenue Code (Code)?

Please see the answer provided by the Internal Revenue Service (IRS) available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

52. If governments use Fund payments as described in the Guidance to establish a loan program to support businesses, would those funds be considered gross income taxable to a business receiving the loan under the Code?

Please see the answer provided by the IRS available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

B. Questions Related to Administration of Fund Payments

1. Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

2. *What records must be kept by governments receiving payment?*

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

3. *May recipients deposit Fund payments into interest bearing accounts?*

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

4. *May governments retain assets purchased with payments from the Fund?*

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

5. *What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?*

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

6. *Are Fund payments to State, territorial, local, and tribal governments considered grants?*

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

7. *Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?*

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

8. *Are Fund payments subject to other requirements of the Uniform Guidance?*

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

9. *Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?*

Yes. The CFDA number assigned to the Fund is 21.019.

10. *If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?*

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

11. *Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?*

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

12. *If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?*

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

**AGENDA #5.10
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: SEPTEMBER 1, 2020**

ORIGINATING DIVISION: ORIGINATING DEPARTMENT:	Planning & Res Mgmt. Zoning Administration	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PRESENTER:	Greg Wagner - 8360	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:	Shakopee Bowl, LLC	TIME REQUESTED:	N/A
ACTION REQUESTED:	Approve the Request for Conditional Use Permit Amendment for Indoor Commercial Recreation Facility, Bar/Restaurant, and Outdoor Commercial Recreation Facility (Shakopee Bowl, LLC-Applicant and Property Owner) in Section 22 of Louisville Township		
CONTRACT/POLICY/GRANT:	<input type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change

ORGANIZATIONAL VALUES:

- Customer Service:** We will deliver government services in a respectful, responsive, and solution-oriented manner
- Communication:** We will always be clear about what we're doing and why we're doing it
- Collaboration:** We will work with partners – communities, schools, faith groups, private business, and non-profit agencies – to see that services are not duplicated but rather are complimentary, aligned and provided by the partners who can deliver the service most effectively
- Stewardship:** We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government
- Empowerment:** We will work with individuals and families to affirm strengths, develop skills, restore hope, and promote self-reliance
- Resiliency:** We will foster public preparedness and respond when families and communities face health and safety emergencies
- Innovation:** We will take informed risks to deliver services more effectively and will learn from our successes and failures

DEPARTMENT/DIVISION HEAD SIGNATURE:	COUNTY ADMINISTRATOR SIGNATURE:
Approved:	DISTRIBUTION/FILING INSTRUCTIONS:
Denied:	
Tabled:	
Other:	
Deputy Clerk :	
Date:	

Background/Justification:

The purpose of this agenda item is to approve the request for Conditional Use Permit Amendment for indoor commercial recreation (bowling alley), bar/restaurant, and outdoor commercial recreation facility (Shakopee Bowl, LLC-Applicant and Property Owner) in Section 22 of Louisville Township.

The applicant attended several Louisville Town Board meetings to discuss the operational changes and conditions of their existing and proposed Conditional Use Permit. Most of the discussion was focused on outdoor noise, hours of operation for outdoor patio and play fields, and scope of outside events planned for the property. Louisville Township recommended modifications to the conditions that were accepted by the applicant and County Planning Commission at the public hearing (underlined are proposed new conditions, ~~strike-through~~ are proposed deleted conditions). No other public comments were received.

This action was recommended by the Scott County Planning Advisory Commission on August 10, 2020 in accordance with Chapters 2, 16 and 50 of the Scott County Zoning Ordinance No. 3 based on the criteria for approval listed below.

Fiscal Impact:

None

SCOTT COUNTY, MINNESOTA REQUEST FOR BOARD ACTION

Shakopee Bowl, LLC, Applicant and Property Owner

Conditional Use Permit Amendment

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 has been operating since 1978 and has not created a burden on public facilities or utilities.

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 5-acre parcel is surrounded on all sides by vacant commercially zoned property. The nearest residential home is 1/8 mile to the east and the east lot line of the subject property has a mature wood line that provides screening.

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 bowling alley building is a precast concrete structure constructed in 1998 and is similar to other commercial venues of this type. They have added windows and doors to improve lighting in the bar/restaurant area.

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.

Indoor and Outdoor Commercial Recreation are allowed as Administrative Permits in the Commercial District. Bars/Restaurants are allowed via Conditional Use Permits.

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

The Comprehensive Plan guides this property as Commercial, which would support this type of recreational use and bars/restaurants.

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 has two existing paved accesses to 133rd Street West, a paved township road, and the applicants repaved and striped the parking lot where it previously had no delineated parking rows or spaces. Proposed parking meets County Ordinance standards for required spaces. No off-site parking is allowed.

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

The facility has its own well for water supply and has a septic system that has passed compliance inspections in 1998 and 2018. The applicants have also begun pumping the system on a quarterly basis as recommended by Scott County Environmental Services.

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

Building permits have been obtained for the remodeling work as required by the State Building Code and Scott County Building Official.

Conditions of Approval:

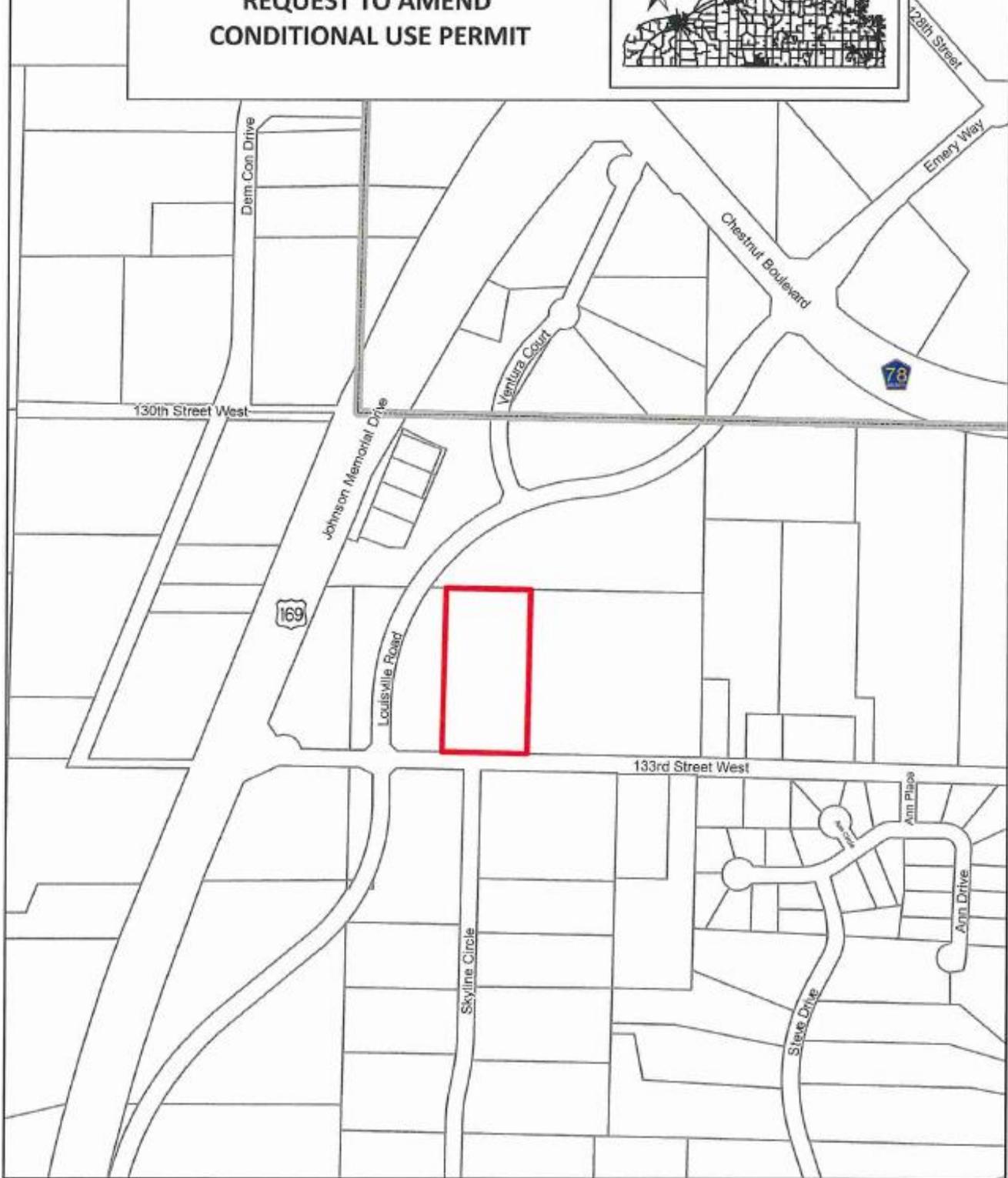
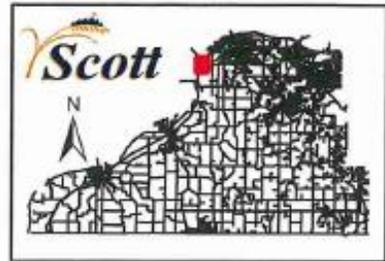
1. The applicant is to file with ~~Scott County Planning Office~~ Scott County Zoning Administration in January of each year a statement indicating that ~~he is~~ the site and business are in compliance with the conditions of the Conditional Use Permit (CUP). ~~Failure to do so may be a basis for revocation of the Conditional Use Permit.~~
2. If ownership of the business changes, the new owner shall contact ~~the Scott County Planning Office~~ Zoning Administration and Louisville Township to review the conditions of the permit.
3. This CUP issued specifically to Shakopee Bowl LLC (d.b.a. Horseshoe Bar and Grill) to allow an indoor/outdoor commercial recreational facility, bar/restaurant, and certain outdoor events
 - a. Outdoor commercial recreational consists of the volleyball courts, wiffleball fields, and recreational games area, all as shown on the site plans.
 - b. Outdoor events consisting of periodic special events limited to less than 250 persons and are also limited to car shows, flea markets, antique shows, corporate functions, weddings, farmers market, and family carnivals.
4. Any one-time outdoor event in excess of 250 people shall be subject to the Scott County Large Assembly Ordinance procedures and requirements. The maximum number of people at any outdoor event shall be limited to 1,000 established as part of a Large Assembly Permit Application review by the County and Township Board.
5. All parking shall be provided on site. No parking shall be allowed on private driveways or state, county, or township road rights-of-way. All lighting shall comply with the Scott County Zoning Ordinance for lighting standards.
6. Signage shall comply with the Scott County Zoning Ordinance for signage. ~~be limited to 400 sq. ft. allowed by Variance #850-V-2 approved in 1982.~~
7. ~~All outdoor events shall be located west of the existing building.~~ The site shall be developed in compliance with existing building and outdoor facilities (volleyball courts and associated patio), and new outdoor recreation areas as identified on the application site plan that include a 50'x 50' concrete patio for bar/restaurant seating, a 30'x 50' concrete area for recreational games (corn hole, rope toss, and other

similar games) with seating and a 42"x42" firepit, a 20'x 40' smoking patio, and a 100'x 100' whiffle ball play field. (Site plans attached to this report will be stamped and dated on County Board approval date).

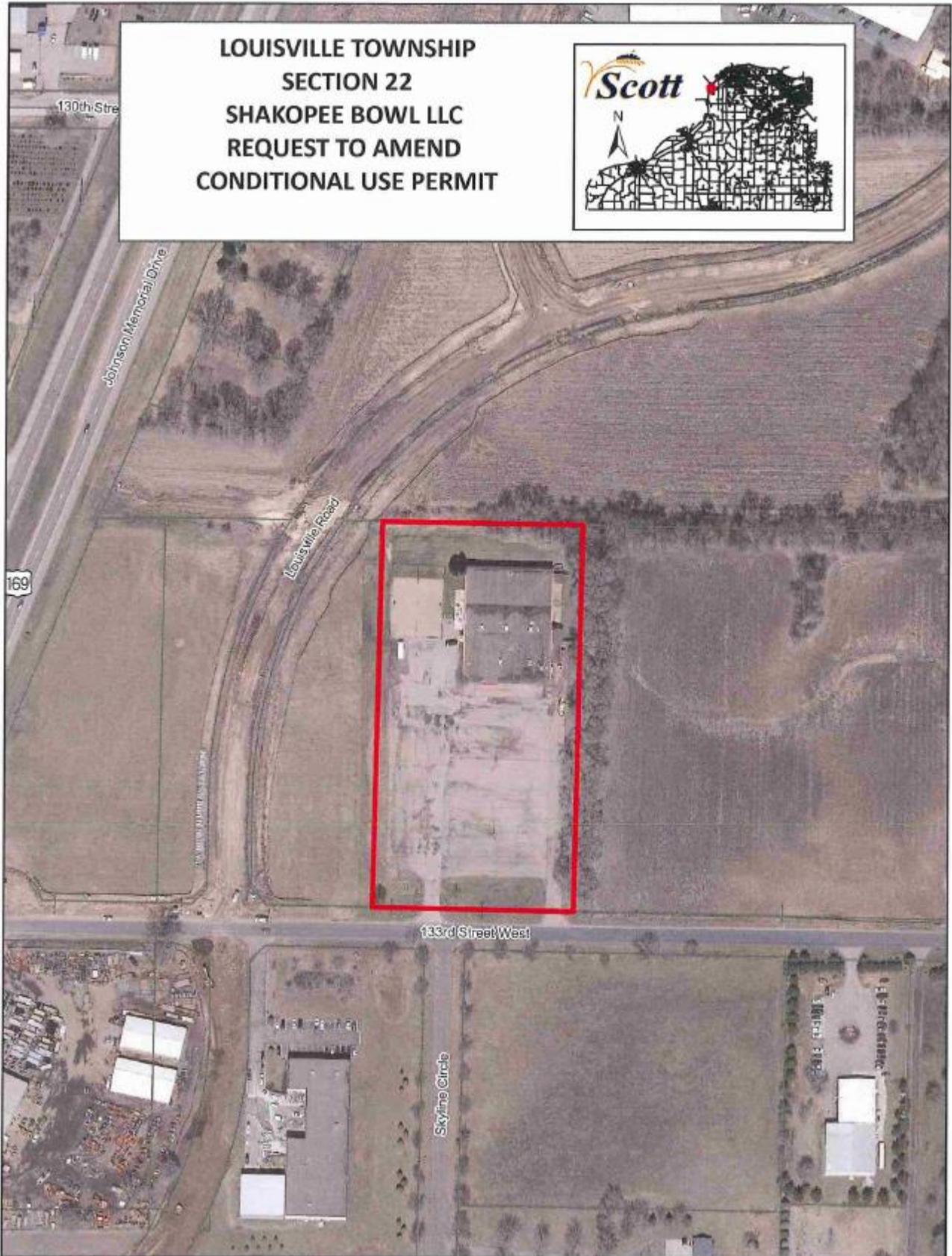
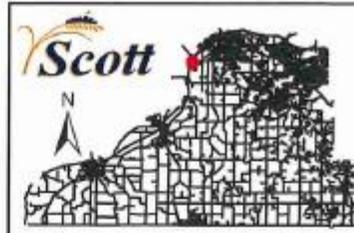
8. Alcoholic beverages may be allowed by legal permit approved liquor license for the sale and consumption of alcohol according to state and county regulations.
- ~~9. The applicant shall provide fire protection, medical services, and security for outdoor events. (Condition removed as it would be addressed under a Large Assembly Permit Application).~~
- ~~10. All solid waste shall be properly disposed of within 24 hours of an outdoor event. (Condition removed as it would be addressed under a Large Assembly Permit Application).~~
9. Hours of operation for serving food and liquor on the outdoor patios shall be from 9:00 a.m. to 1:00 a.m., or as otherwise established under an approved liquor license. Hours of operation for outdoor events, specifically the volleyball courts and wiffleball field, shall be limited from 9:00 a.m. – 10:00 p.m. on Sunday through Thursday, and until 11:00 p.m. on Friday and Saturday.
10. Live music allowed outside on the patio area shall consist of acoustic style performance with acoustic style speakers only. Speakers shall face westward, so sound is directed toward the west opposite from residential areas to the east and south. Hours for any outdoor patio music shall be 9:00 a.m. to 10:00 p.m. Noise levels shall at all times comply with MPCA decibel standards for noise control. Further, no music, instruments, speakers, or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to disturb the peace, quiet, and comfort of any person nearby is permitted. Noise from music or the gatherings of persons on the property between 10:00 p.m. and 9:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located shall be a violation.
11. No camping or open fires shall be allowed, except for the outdoor fire pit allowed on the patio.
12. Operation of the property shall be in conformance with Louisville Township ordinances, including but not limited to nuisance and parking ordinances, as amended from time to time.
- ~~13. No concerts or bands shall be permitted at an outdoor event without prior written approval of the Louisville Town Board. (Condition removed as it would be addressed under a Large Assembly Permit Application).~~
- ~~14. The request shall not be forwarded to the County Board until the compliance inspection for the sewer system has been evaluated and approved by County staff. (Condition removed as septic system compliance is reviewed for any building permit and a 2018 passing compliance inspection report was received).~~
- ~~15. Restroom facilities for outdoor events shall be provided by portable facilities in compliance with requirements of the Department of Health. (Condition removed as it would be addressed under a Large Assembly Permit Application).~~
- ~~16. The applicant shall provide the County and Town Board with an operational plan of events at least 30 days prior to each event. (Condition removed as it would be addressed under a Large Assembly Permit Application).~~
- ~~17. This CUP shall be reviewed in November of 1998 to review compliance of the conditions. (Condition removed as passing compliance inspection received in 2018).~~

And noting that the Louisville Town Board recommended approval of the CUP Amendment.

**LOUISVILLE TOWNSHIP
SECTION 22
SHAKOPEE BOWL LLC
REQUEST TO AMEND
CONDITIONAL USE PERMIT**



**LOUISVILLE TOWNSHIP
SECTION 22
SHAKOPEE BOWL LLC
REQUEST TO AMEND
CONDITIONAL USE PERMIT**



The owners of Shakopee Bowl purchased Louisville Lanes September 28th 2018. The old bowling alley was set to close and be turned into a warehouse and a community eyesore for years. Since the purchase the owners Julie Rich and Dave Johnson have turned the property into the place to be in the community. League bowling participation is up, recreational bowling is up, dine in food sales are up and the live entertainment has come back. The community support has been outstanding and just continues to grow each month.

Shakopee Bowl has reached out to all parts of the community with parties and fundraising opportunities. We have hosted over 50 fundraisers in the first 18 months, helping raise well over \$150,000.00 for those organizations. Some of the organizations that have benefited are Shakopee Indians baseball team, Jordan Brewers baseball team, Jordan Lionesses, Jonny Price Foundation for inner city activities, Shakopee High School sports teams (baseball, football, mens hockey, girls hockey, track and field, swimming, wrestling, band, choir to name a few). Being an active member in the community is something we love and will always do.

The Bowling Entertainment Center business is a difficult and low margin business. The bulk of the sales take place between September and April. Bowling Alleys across America are closing at an alarming rate. We plan on being different and to be the hometown entertainment center for all of Scott and Carver county. We have already taped into the community and will continue to grow these relationships. To do so, we need to be profitable all year round. We currently employ 36 employees and generate over \$400,000.00 in payroll, \$80,000.00 in sales tax and over \$30,000.00 in property tax each year. We need these changes to the CUP to increase revenue and be successful. The addition of the outdoor patio and whiffle ball field will bring people to Shakopee Bowl from May – September. The ability to have outdoor seating, games, activities, music and a play field will entertain all ages. The Whiffle ball field will be used by kids for fun while the parents are enjoying themselves on the patio, we will have youth and adult leagues. We have already reached out to groups for children and adults with disabilities and they will be using the field for activities for those wonderful people.

Shakopee Bowl is not just a bowling alley. We are a Community Entertainment Center and will continue to grow and be a partner with the residence of the surrounding communities. These changes to the CUP are needed for that partnership to expand and to be successful.

Thanks,

Shakopee Bowl



Dave Johnson

Exhibit A

Shakopee Bowl LLC. (d.b.a. Horseshoe Bar and Grill)

Conditional Use Permit #498-C-8

As owners of Shakopee Bowl, Dave Johnson and Julie Rich, intend to operate the bowling facility and land per the approved CUP under the current approved conditions, that were in effect when the business was purchased on September 28th, 2018. The Conditional Use Permit issued to S.K.I. Development, Inc. (d.b.a. Louisville Lanes/Louie's Bar and Grill) should be transferred to Shakopee Bowl LLC (d.b.a. Horseshoe Bar and Grill).

Dave Johnson:  _____ Date: 9-5-19

Julie Rich:  _____ Date: 9/5/19

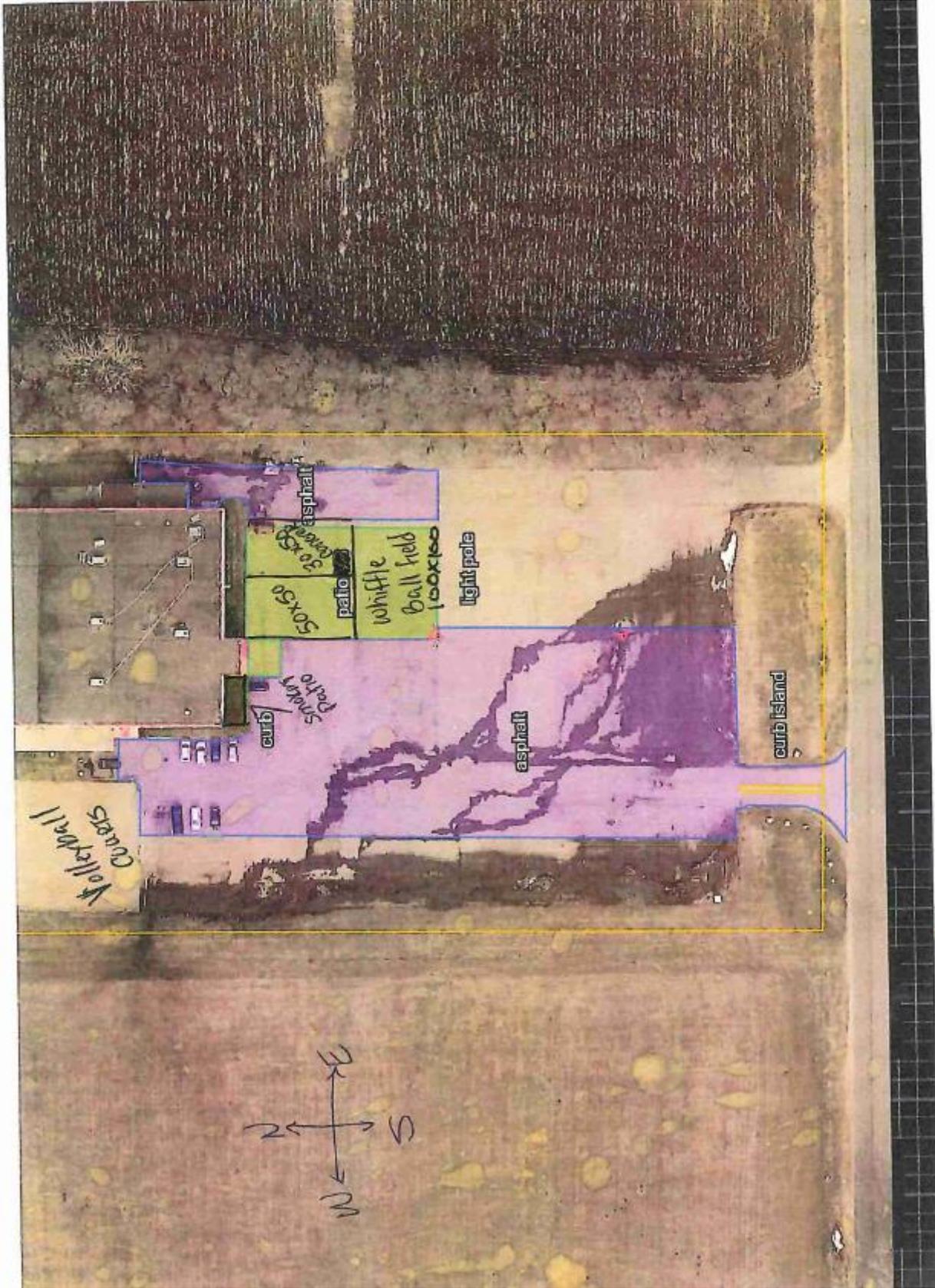
Exhibit B

Shakopee Bowl LLC. (d.b.a. Horseshoe Bar and Grill)

Conditional Use Permit #498-C-8

Shakopee Bowl LLC, Requests the following items be added or changed to the existing Conditional Use Permit.

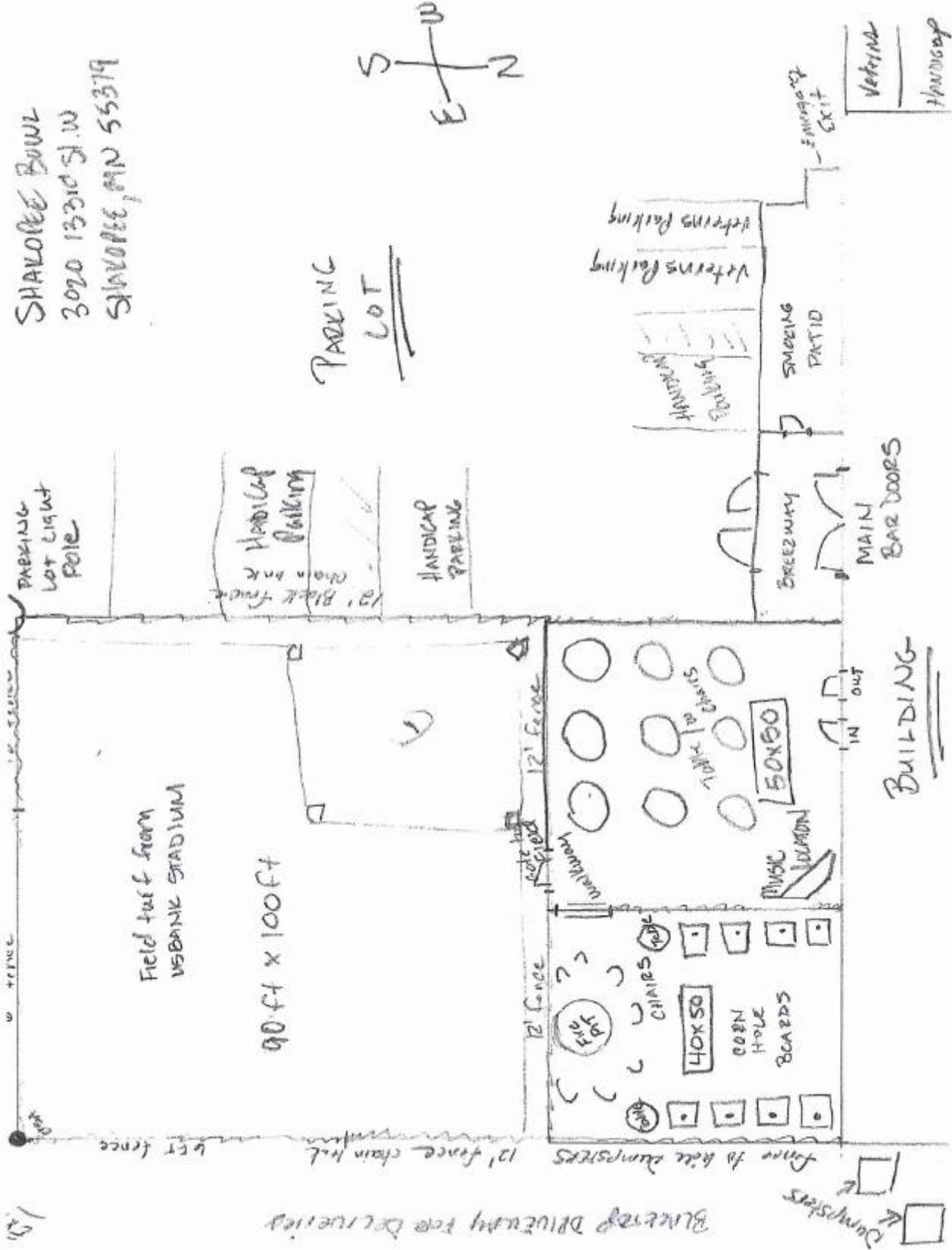
1. The addition and use of a 50'x50' concrete patio on the south side of the building. The patio will be accessible from the bar portion of the building. The patio will be used for serving drinks and food from 9:00am – 1:00am. The patio will be used when weather permits. See attached drawing for tables. Lighting of patio will consist of 2 LED flood lights. They will be from the location of the existing lights on the building. Additional decorative landscape lighting and over head string lights may be used.
2. The addition and use of a 30'x50' concrete slab on the south side of the building. The concrete slab will be used for cornhole games, rope toss and other games with seating. See attached drawing for location of the games and firepit.
3. The additional 30'x50' concrete slab will have a 42"x42" metal ring firepit on the far south side of the concrete slab. The firepit will be a minimum of 40' away from the building.
4. The addition of a whiffle ball/play field will be built. The field will consist of artificial turf purchased from US BANK stadium. The fencing will be combination of wood and or chain link fencing. The field will be used for recreational play by children and adults. The field will also be used for children and adults with disabilities to play activities and sports, also known as a "miracle field". Field hours will be during normal operating hours. Lighting would be optional with a LED flood light off the existing parking lot pole. Future lights may be added. Any lights added will be lower than existing parking lot lights and of equal to or less LED lumens.
5. The addition of live music on the outdoor patio. Music would be limited to the hours of 9:00am – 10:00pm. The music would consist of 1-3 performers in an acoustic style performance with karaoke style speakers. Speakers will be positioned to be on the east side of the patio and pointing west. Speakers used will be like the ones we currently own. 2 of these will be used. (TOTAL PA ULTRA, model #iPA91D ION AUDIO. 500 watt
6. The addition of a 20'x40' concrete patio with a 6' privacy fence on the southwest side of the building. This patio will only be accessible from inside the bar and will be used for smoking.
7. Change to #7 of Exhibit B to read: All outdoor events to be on the West of South side of the existing building.
8. Change #11 of the Exhibit B to read: Hours of operation for outdoor events shall be limited from 9:00am – 1:00am. Not to include Live Music hours as referred to in #5 of between 9:00am – 10:00pm. Outdoor events would include the firepit, games area, patio and whiffle ball field during business hours. Outside music will end at 10:00pm.
9. Change #12 of Exhibit B to read: No camping allowed and only (one) open fire allowed on the approved concrete slab on the southeast side of the building. See above item #3.



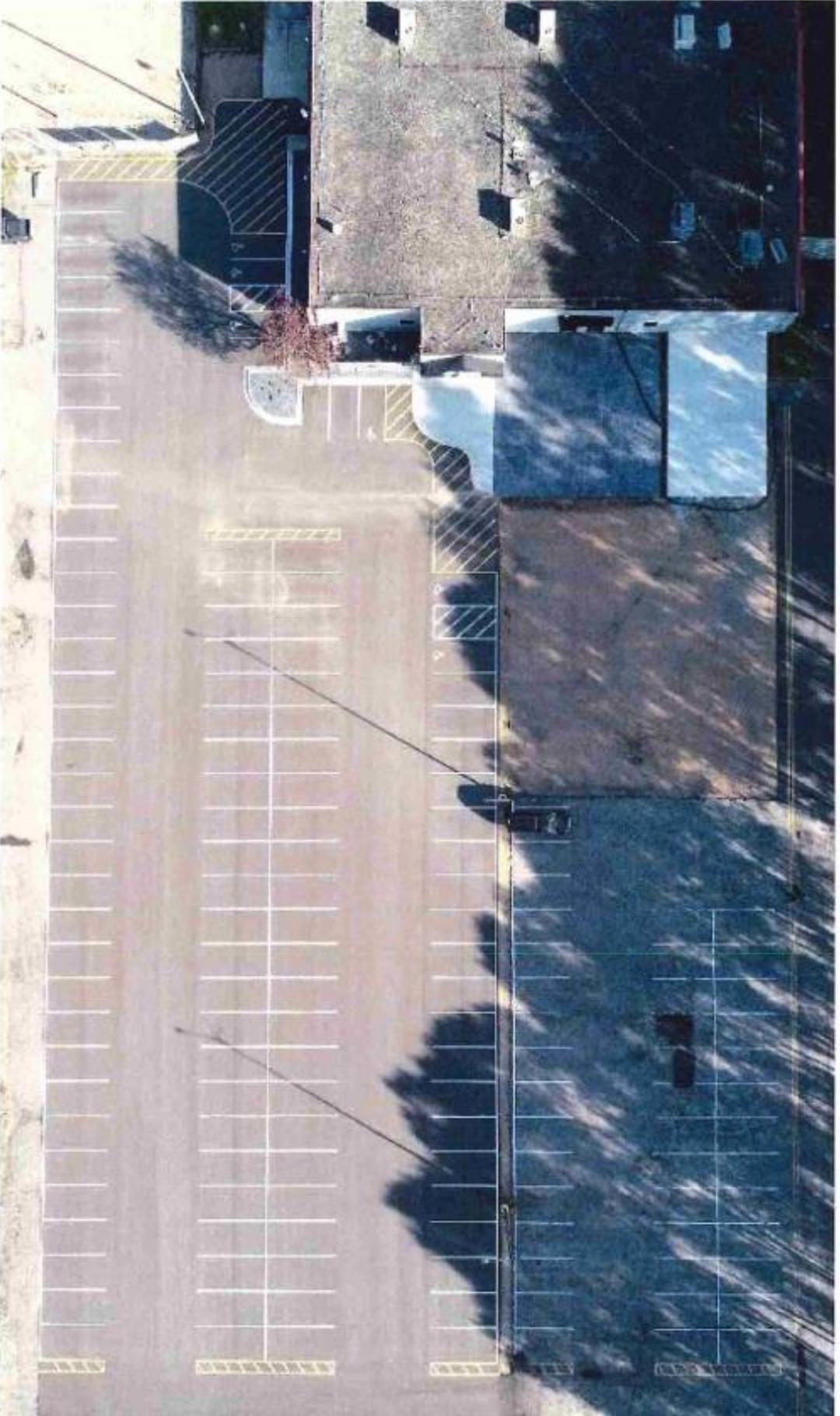
3020 133rd St W SHAKOPEE BOWL -

SHALOPE BOUL
3020 133rd St W
SHALOPE, MN 55379

PARKING
LOT



151



**AGENDA #5.11
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: SEPTEMBER 1, 2020**

ORIGINATING DIVISION: ORIGINATING DEPARTMENT:	Employee Relations	CONSENT AGENDA:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PRESENTER:	Janelle McGlinchey	ATTACHMENTS:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
PROJECT:	---	TIME REQUESTED:	---
ACTION REQUESTED:	Approve 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		
CONTRACT/POLICY/GRANT:	<input type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change
ORGANIZATIONAL VALUES:			
<input checked="" type="checkbox"/> Customer Service: We will deliver government services in a respectful, responsive, and solution-oriented manner <input type="checkbox"/> Communication: We will always be clear about what we're doing and why we're doing it <input type="checkbox"/> Collaboration: We will work with partners – communities, schools, faith groups, private business, and non-profit agencies – to see that services are not duplicated but rather are complimentary, aligned and provided by the partners who can deliver the service most effectively <input type="checkbox"/> Stewardship: We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government <input type="checkbox"/> Empowerment: We will work with individuals and families to affirm strengths, develop skills, restore hope, and promote self-reliance <input type="checkbox"/> Resiliency: We will foster public preparedness and respond when families and communities face health and safety emergencies <input type="checkbox"/> Innovation: We will take informed risks to deliver services more effectively and will learn from our successes and failures			
DEPARTMENT/DIVISION HEAD SIGNATURE:		COUNTY ADMINISTRATOR SIGNATURE:	
Approved:		DISTRIBUTION/FILING INSTRUCTIONS: Janelle McGlinchey, Employee Relations	
Denied:			
Tabled:			
Other:			
Deputy Clerk :			
Date:			

Background/Justification:

1. Separation of employment for Jessica Hoyt Rudi, FT Data and Research Analyst, Administration Division, effective 08/19/20.

2. Separation of employment for Marilyn Clemmer, PT (34% FTE) Library Aide – Unclassified, Administration Division, effective 04/30/20.
3. FT Temporary employment for Sagal Odawa, Community Health Specialist – Unclassified, Health and Human Services, effective 08/17/20.
4. FT Temporary employment for Kelly Brinker, Community Health Specialist – Unclassified, Health and Human Services, effective 08/17/20.
5. FT Probationary employment for Sarah Underdahl, Therapist, Health and Human Services, effective 09/09/20.
6. PT (90% FTE) Probationary employment for Nina Erickson, Public Health Nurse, Health and Human Services, effective 08/31/20.
7. Change in status for Greg Sorenson, FT Technology Advisor - Unclassified to FT Probationary Chief Information Officer, Office of Management and Budget, effective 02/03/20.

Fiscal Impact: N/A

**AGENDA #6.1
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: SEPTEMBER 1, 2020**

ORIGINATING DIVISION: ORIGINATING DEPARTMENT:	Planning & Res. Mgmt. Facilities Department	CONSENT AGENDA:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
PRESENTERS:	Joe Wiita – 8063 Dustin Kruger - 8967	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:	Government Center I / Justice Center Renovation	TIME REQUESTED:	15 Min.
ACTION REQUESTED:	Adopt Resolution No. 2020-133; Authorizing the Government Center I / Justice Center Renovation Bid Package Contract Awards for the Government Center Campus Project		
CONTRACT/POLICY/GRANT:	<input type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change

ORGANIZATIONAL VALUES:

- Customer Service:** We will deliver government services in a respectful, responsive, and solution-oriented manner
- Communication:** We will always be clear about what we're doing and why we're doing it
- Collaboration:** We will work with partners – communities, schools, faith groups, private business, and non-profit agencies – to see that services are not duplicated but rather are complimentary, aligned and provided by the partners who can deliver the service most effectively
- Stewardship:** We will work proactively to make investments, guided by resident input, which will transform lives, communities, and government
- Empowerment:** We will work with individuals and families to affirm strengths, develop skills, restore hope, and promote self-reliance
- Resiliency:** We will foster public preparedness and respond when families and communities face health and safety emergencies
- Innovation:** We will take informed risks to deliver services more effectively and will learn from our successes and failures

DEPARTMENT/DIVISION HEAD SIGNATURE:	COUNTY ADMINISTRATOR SIGNATURE:
Approved:	DISTRIBUTION/FILING INSTRUCTIONS:
Denied:	
Tabled:	
Other:	
Deputy Clerk :	
Date:	

Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2020-133; Authorizing the Government Center I / Justice Center Renovation Bid Package Contract Awards for the Government Center Campus Project.

Project Study: The County conducted a workspace study during 2016 and 2017 to look at present and future space needs for visitors, customers, and employees. This study identified five County-owned buildings currently struggling with space and future needs. There are immediate needs for court room construction, mental health center renovations, and warm storage space at the Central Shop in Spring Lake Township. A final report, which included recommendations, was submitted in September 2017. The final report recommended consolidating many services to the Government Center Campus in downtown Shakopee with a new building as well as renovations to the existing Government Center and Justice Center to ensure adequate space for the next 20+ years to improve culture, reduce travel, and avoid continued shuffling of staff between distant locations which increases operational costs.

Project Design: In January of 2018 Wold Architects and Engineers was selected to complete the design of the new building/central shop warm storage facility as well as the renovations to the existing Government Center and Justice Center.

Construction Management: In April of 2018, Kraus-Anderson Construction Company was selected to provide construction management services associated with the overall Government Center Campus Project.

The renovation of the existing Government Center and Justice Center is aimed at providing additional court room capacity in the Justice Center, along with a larger/dedicated jury assembly space to meet the ever-changing demands. The Government Center renovation will include a complete redesign of the entire 1st and 3rd floors of the building offering a much more streamlined approach to serving the public's needs. Staff currently located at the Public Works facility will relocate to the renovated Government Center 3rd floor bringing various departments together for increased efficiency.

This Renovation Bid Package will focus on key areas that require upgrades per the initial space needs studies that were conducted. The scope of this bid package ranges from demolition to mechanical upgrades to building out a new court room space capturing all the necessary finishes upgrades throughout the identified areas of construction.

The County received 115 bids for the combined work scopes on Aug 6, 2020.

Lowest Responsible Bids:

WS	Projects	Contractor, City, State	Base Bid / Alternates	Bid Amount
WS 01-J	Final Cleaning	Midwest Specialty Maintenance, Inc. Coon Rapids, MN	Base Bid: Alternate #1: Alternate #2: Alternate #3: Total Contract Amount:	\$61,162.00 \$0.00 \$0.00 \$0.00 \$61,162.00
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WS 07-F	Metal Panels	*NO BIDS RECEIVED*	**Separate effort will be conducted to obtain bids on this scope	
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WS 26-A	Electrical	Fobbe Electric, Inc. Delano, MN 55328	Base Bid: Alternate #1: Alternate #2: Alternate #3: Total Contract Amount:	\$1,284,850.00 \$0.00 \$14,960.00 \$107,350.00 \$1,407,160.00

The above bid tabulation represents the lowest responsible bidders. The total base bid and alternates 1, 2 & 3 for all bid scopes is \$10,299,615.

The engineer's estimate for this bid package was \$13,912,258.

The delta from the engineers estimate (Construction Bids ONLY) to the bids received is \$3,612,643.

Fiscal Impact:

The budget for this renovation bid package, including general conditions, soft costs, and all contingencies across the project is \$18,933,004 which is included in the Capital Improvement Program.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	September 1, 2020
Resolution No.:	2020-133
Motion by Commissioner:	
Seconded by Commissioner:	

RESOLUTION NO. 2020-133; AUTHORIZING THE GOVERNMENT CENTER I/JUSTICE CENTER RENOVATION BID PACKAGE CONTRACT AWARDS FOR THE GOVERNMENT CENTER CAMPUS PROJECT

WHEREAS, during 2016 and 2017 the County, as a result of historical trends and present and future needs, completed a space study; and

WHEREAS, the purpose of the study was to create a tool for the Scott County Board of Commissioners to utilize when making strategic long-term decisions regarding the use of and investment in County facilities; and

WHEREAS, in January of 2018 Wold Architects and Engineers was selected to complete the design of the new building (Government Center II), and remodels of the Justice Center and Government Center I; and

WHEREAS, in April of 2018, Kraus-Anderson Construction Company was selected to provide Construction Management Services; and

WHEREAS, using a Construction Manager on a project of this size will provide the County benefits from a value engineering, bidding, and scheduling standpoint resulting in efficiency and cost savings; and

WHEREAS, on August 6, 2020, the County received 115 bids for the combined work scopes for renovating the Justice Center and Government Center I; and

WHEREAS, the listed bids on Attachment A represent the lowest responsible bidders; and

WHEREAS, the complete renovation budget for this package, including general conditions, soft costs, and all contingencies across the project is \$18,933,004 which is included in the Capital Improvement Program.

NOW THEREFORE BE IT RESOLVED that the Scott County Board of Commissioners hereby authorizes the Chairperson of the Board to authorize Government Center / Justice Center Renovation Bid Package Contract Awards for the Government Center Campus project, subject to approval by the County Attorney's Office as to form.

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

COMMISSIONERS	VOTE			
Weckman Brekke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Wolf	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beard	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Beer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Ulrich	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

State of Minnesota)
County of Scott)

I, Lezlie A. Vermillion, 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 1st day of September, 2020 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 1st day of September, 2020.

County Administrator
Administrator's Designee

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Kraus-Anderson Construction Company
 501 South Eighth Street, Minneapolis, MN 55404

August 17, 2020

Mr. Dustin Kruger
 Scott County
 200 4th Avenue West
 Shakopee, MN 55379

**RE: Scott County Government Center I and Justice Center Renovations
 Contract Award Recommendation**

Dear Mr. Kruger:

This letter is concerning the contract awards for the Scott County Government Center I and Justice Center Renovations. Bids were received on August 6, 2020 and are summarized on the attached bid tabulation sheets. Listed below is the lowest responsible bidder and their base bid.

Work Scope		Contractor, City, State		Bid Amount	
WS 01-J	Final Cleaning	Midwest Specialty Maintenance, Inc. Coon Rapids, MN	Base Bid: Alternate #1: Alternate #2: Alternate #3: Total Contract Amount:	\$61,162.00 \$0.00 \$0.00 \$0.00 \$61,162.00	
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We are recommending all work scopes noted above.

The total amount of the base bids and Alternate 1, 2, and 3 recommended above is \$10,299,615.00.



If you have any questions regarding this information, please do not hesitate to contact me at 612-328-4518.

Very truly yours,

KRAUS-ANDERSON® CONSTRUCTION COMPANY



CJ Monse
Project Manager

CC: Dustin Phillips – Kraus-Anderson
Joel Dunning – Wold Architects and Engineers
Jonathan Loose – Wold Architects and Engineers
Andy Dahlquist – Wold Architects and Engineers

