AGENDA
SCOTT COUNTY
BOARD OF COMMISSIONERS
SHAKOPEE, MINNESOTA
NOVEMBER 19, 2019

8:15 a.m.
THE COUNTY BOARD WILL MEET IN A WORKSHOP SETTING TO RECEIVE INFORMATION FROM BEACON INTERFAITH REGARDING HOUSING

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

(2) AMENDMENTS TO THE AGENDA

(3) APPROVE MINUTES OF NOVEMBER 5, 2019 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) INNOVATION: EXPLORING AND ADOPTING NEW TECHNOLOGIES AND PROCESSES WITH THE GOAL OF IMPROVING SERVICE AND REDUCING THE LONG TERM COST OF SERVICE DELIVERY
5.1 Receive Information on Scott County Delivers Topic: Early Literacy (No fiscal impact)

10:05 a.m.
(6) RECESS FOR ROOM RECONFIGURATION

(7) CONSENT AGENDA
Customer Service: Creating a Customer Experience That is Respectful, Responsive and Solution-Oriented
7.1 Approve the Final Plat of Tara Farm (On-Site Marketing Co., Inc., Applicant and Property Owner) Consisting of 26 Lots and 3 Outlots on 251.02 Acres in Section 26 of Credit River Township, Three-Way Development Agreement (Developer, Township, County) and Conservation Easements (No fiscal impact)

7.2 Adopt Resolution No. 2019-162; Designating Scott County Public Works Located at 600 Country Trail East in Spring Lake Township as the Location for Absentee Ballot Voting for 2020 Pursuant to M.S. §203B.082 (No fiscal impact)

7.3 Adopt Resolution No. 2019-163; Authorizing the Property and Customer Services Administration and Elections Department to Establish Ballot Boards for the Responsibility to Accept or Reject Ballots for Absentee and Uniformed and Overseas Citizens Absentee Voting Act Voters (No fiscal impact)

Partnership: Aligning Existing Resources, Volunteers and Programs to Achieve Shared Goals
7.4 Approve the Agreed Upon Service Fees Between Scott County Taxing Districts and the Property and Taxation Services Department for Assessment Years 2020, 2021, and 2022 (No fiscal impact)

7.5 Adopt Resolution No. 2019-165; Approving the Lease and Operating Costs Agreements With the Scott-Carver-Dakota Community Action Partnership for Use of Space at the Workforce Development Center (No fiscal impact)

7.6 Adopt Resolution No. 2019-164; Approving the Lease and Operating Costs Agreements With Southwest Metro Intermediate District #288 for Use of Space at the Workforce Development Center (No fiscal impact)
Stewardship: Ensuring the Responsible and Stable Investment of Taxpayer Dollars and Communicating its Value to the Public

7.7 Adopt Resolution No. 2019-161; Authorizing a Fourth Amendment to the Agreement With Bolton and Menk, Inc. for County Project 21-27 County Highway 21 and Trunk Highway 13 Intersection Improvement and Authorizing a Budget Amendment of $193,057 (Budget amendment of $193,057)

7.8 Approve the Cooperative Agreement Between the State of Minnesota Department of Human Services and Scott County Health and Human Services Under Title IV-D for 2020-2021 (No fiscal impact)

7.9 Approve Entering Into a Service Agreement With Cordant Health Solutions for Drug Testing Services (No fiscal impact)

7.10 Approve Estimate of Just Compensation by Market Value Appraisals for Right-of-Way for the Overlay and Associated Work for County Highway 42 Located in the City of Savage (No fiscal impact)

7.11 Approve Record of Disbursements and Approve Claims (No fiscal impact)

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

7.12 Adopt Resolution No. 2019-160; Approving a Three-Year Agreement Between the County of Scott and the International Union of Operating Engineers, Local 49, Effective January 1, 2020, Through December 31, 2022, and Rescinding Resolution No. 2016-203 (No fiscal impact)

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

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

8.1 Presentation of the Morris A. Miller Outstanding Service Award (No fiscal impact)

(9) CUSTOMER SERVICE: CREATING A CUSTOMER EXPERIENCE THAT IS RESPECTFUL, RESPONSIVE AND SOLUTION-ORIENTED

9.1 Approve the Request for an Interim Use Permit to Operate a Public Stable (Leon Carrick and John Behnke, Applicants and Penny and Robert Eckert, Property Owners) in Section 16 of Credit River Township (No fiscal impact)

(10) COMMITTEE REPORTS AND COMMISSIONER UPDATES

(11) COUNTY ADMINISTRATOR UPDATE

(12) RECESS FOR ATTORNEY/CLIENT MEETING

(13) ADJOURN

FOLLOWING THE MEETING THE COUNTY BOARD WILL MEET IN A WORKSHOP SETTING TO RECEIVE INFORMATION ON CROSSOVER YOUTH, DIVERSION, AND TRUANCY

UPCOMING MEETINGS

<table>
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<tr>
<th>Date</th>
<th>Time</th>
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<tr>
<td>November 22, 2019</td>
<td>9:00 a.m.</td>
<td>County Board 2020 Planning Workshop</td>
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<td>McColl Pond Environmental Learning Center, Savage</td>
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<tr>
<td>December 5, 2019</td>
<td>3:00 p.m.</td>
<td>County Board Meeting</td>
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<td>6:00 p.m. Proposed Property Tax Meeting</td>
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Lezlie A. Vermillion
County Administrator
(952) 496-8100
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 10:02 a.m., with the following members present: Commissioner Weckman Brekke, presiding, Commissioner Wolf, Commissioner Beer and Commissioner Ulrich. Commissioner Beard was absent.

Chair Weckman Brekke announced Commissioner Beard is out of town.

County Staff Present:
A. Lezlie Vermillion, County Administrator
B. Ron Hocevar, County Attorney
C. Lisa Freese, Transportation Services Director
D. Lori Huss, Employee Relations Director
E. Danny Lenz, Chief Financial Officer/Deputy County Administrator
F. Tony Monsour, Principal GIS Analyst
G. Brad Davis, Planning and Resource Management Director
H. Cindy Geis, Customer Services Director
I. Luke Hennen, Sheriff
J. Vanessa Strong, Water Resources Supervisor
K. Stefanie Demeule, Administrative Specialist
L. Nathan Dingler, Facility Probation Officer
M. Victoria Drohman, Senior Administrative Specialist
N. Danielle Fox, Adult Services Manager
O. Debra Brazil, Deputy Clerk to the Board

Guests Present:
A. Lloyd Erbaugh, Scott County Mental Health Local Advisory Council
B. John Myser

Minutes:
On a motion by Commissioner Wolf, seconded by Commissioner Ulrich, the Minutes of October 15, 2019 were approved on a vote of four ayes with Commissioner Beard absent.

Recognition of Interested Citizens:

John Myser addressed the Board regarding his recent arrests for traffic violations, the bill he received for his jail stay, and questions of identity on the driver’s license application. He also stated he has not received a response from a letter he sent and will be back in two weeks if a response is not received.

New Employee Welcome:

The following new employees introduced themselves: Vanessa Strong, Water Resources Supervisor; Stefanie Demeule, Administrative Specialist; Nathan Dingler, Facility Probation Officer; and Victoria Drohman, Senior Administrative Specialist.
(7) Consent Agenda:

A. On the recommendation of the Sand Creek Town Board and the Planning Advisory Commission, Commissioner Ulrich moved, seconded by Commissioner Wolf to approve the request for an Interim Use Permit to add a detached mobile home for full-time farm employment and infirmed family member (Richard and Michelle Marschall, applicants and property owners) in Section 11 of Sand Creek Township. This action is in accordance with Chapters 2, 7, and 25 of Scott County Zoning Ordinance No. 3 based on the criteria listed for approval. The motion carried on a vote of four ayes with Commissioner Beard absent.

B. On the recommendation of Louisville and Jackson Town Boards and the Planning Advisory Commission, Commissioner Ulrich moved, seconded by Commissioner Wolf to approve the request for Preliminary and Final Plat of Plehal First Addition consisting of 1 lot on 10.5 acres (Plehal Properties, LLC, applicant and Estate of Lester Malkerson, property owner) in Section 16 of Louisville Township and Four-Way Development Agreement (Developer, Jackson and Louisville Townships, County). This action is in accordance with Chapters 2 and 60 of Scott County Zoning Ordinance No. 3 based on the criteria listed for approval. The motion carried on a vote of four ayes with Commissioner Beard absent.

C. On the recommendation of the Louisville and Jackson Town Boards and the Planning Advisory Commission, Commissioner Ulrich moved, seconded by Commissioner Wolf to approve the request for a Conditional Use Permit to construct and operate a multi-tenant contractor yard to include office, warehouse, shop/maintenance facility and outside storage (Plehal Properties, LLC, applicant and Estate of Lester Malkerson, property owner) in Section 16 of Louisville Township. This action is in accordance with Chapters 2 and 60 of Scott County Zoning Ordinance No. 3 based on the criteria listed for approval. The motion carried on a vote of four ayes with Commissioner Beard absent.

D. Commissioner Ulrich moved, seconded by Commissioner Wolf to approve acceptance of Family Group Decision Making (FGDM) Grant Funds in the amount of $80,749.12 for FGDM services January 1, 2020 through June 30, 2020. The motion carried on a vote of four ayes with Commissioner Beard absent.

E. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2019-156; Approving a Contract Increase of $376,345.39 to Ames Construction, Inc. for the Trunk Highways 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 on a vote of four ayes with Commissioner Beard absent.

F. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2019-158; Approving the Basic Sale Price of a Tax Forfeited Parcel (PID 089010090), Approving a Private Land Sale to Adjacent Land Owners, and Establishing the Date of the Private Sale of November 26, 2019 at 2:30 p.m. 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 on a vote of four ayes with Commissioner Beard absent.

G. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2019-154; Approving Entering Into a Joint Powers Agreement Between Scott and Dakota Counties for Pass-Through of Grant Funds for Projects in the Vermillion Watershed in Scott County. 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 on a vote of four ayes with Commissioner Beard absent.

H. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2019-157; Authorizing Submittal of Comments on the Transportation Advisory Board Proposed Regional Solicitation Criteria. 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 on a vote of four ayes with Commissioner Beard absent.
I. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2019-149: Amending the Compensation Plan Policy, in Compliance with IRS Section 451 and a Tax Doctrine Known as Constructive Receipt, and Rescinding Resolution No. 2018-194. 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 on a vote of four ayes with Commissioner Beard absent.

J. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2019-150: Adopting the Emergency Medical Leave Sharing Program Policy, and Rescinding the Transfer of Vacation-Paid Time Off (PTO) Policy and Resolution No. 90070. 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 on a vote of four ayes with Commissioner Beard absent.

K. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2019-151: Amending the Leaves of Absence Policy, and Rescinding Resolution No. 2016-224. 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 on a vote of four ayes with Commissioner Beard absent.

L. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2919-152: Amending the Juvenile Alternative Facility Program Supervisors and Facility Probation Officers Essential, Non-Exempt Policy, and Rescinding Resolution No. 2016-219. 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 on a vote of four ayes with Commissioner Beard absent.

M. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2019-153: Amending the Termination of Employment Policy, and Rescinding Resolution No. 2006-030. 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 on a vote of four ayes with Commissioner Beard absent.

N. On the recommendation of the County Administrator, Commissioner Ulrich 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 Mary Freyberg, FT Librarian-Subject Specialist, Administration Division, effective 10/13/19.
2. Separation of employment for Mary Kannenberg, FT Right of Way Agent, Transportation Services Division, effective 10/24/19.
3. Separation of employment for Juan Casas, FT Probationary Corrections Officer, Sheriff’s Office, effective 10/25/19.
4. Separation of employment for Robin Moes, Intermittent (34% FTE) Facility Probation Officer-Unclassified, Health and Human Services Division, effective 10/11/19.
6. FT Probationary employment for Joseph Herrgott, Highway Maintenance Worker, Transportation Services Division, effective 11/04/19.
7. FT Probationary employment for Chou Yang, Corrections Officer, Sheriff’s Office, effective 11/04/19.
8. FT Probationary employment for Robert Nelson, Juvenile Facility Manager, Health and Human Services Division, effective 10/28/19.
9. FT Probationary employment for Sarah Glockner, Therapist, Health and Human Services Division, effective 11/18/19.
10. FT Probationary employment for Amanda Jorgenson, Property Systems Administrator, Community Services Division, effective 11/18/19.
11. Intermittent (34% FTE) employment for Tracie Randall, Facility Probation Officer-Unclassified, Health and Human Services Division, effective 11/04/19.
12. Intermittent (34% FTE) employment for Kiara Swanson, Office Assistant-Unclassified, Office of Management & Budget, effective 10/24/19.
13. Change in employment status for Niles Case, FT Temporary to Intermittent (34% FTE) Program Delivery Seasonal, Transportation Services Division, effective 08/23/19. The motion carried on a vote of four ayes with Commissioner Beard absent.

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

Commissioner Wolf moved, seconded by Commissioner Beer to adopt Resolution No. 2019-155; Proclaiming November 13, 2019, as GIS Day in Scott County. 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 on a vote of four ayes with Commissioner Beard absent.

(9) Committee Reports and Commissioner Updates:

A. Commissioner Wolf attended the Bridges Area Learning Center ribbon cutting and tour on October 21.
B. Commissioner Wolf attended the Prior Lake City Council parks tour and meeting on October 21.
C. Commissioner Wolf attended the Metropolitan Mosquito Control District meeting on October 23.
D. Commissioner Wolf attended the Vermillion River Watershed Joint Powers Board meeting on October 24.
E. Commissioner Wolf attended the Elko New Market City Council meeting on October 24.
F. Commissioner Wolf attended a meeting with State Legislators and other local officials regarding McMahon Lake on October 25.
G. Commissioner Wolf met with County staff on October 28 regarding planning and zoning issues and water issues.
H. Commissioner Wolf attended the Scott Watershed Management Organization Planning Commission meeting on October 28.
I. Commissioner Wolf met with County Administrator Lezlie Vermillion via phone on October 29.
J. Commissioner Wolf attended the Prior Lake City Council meeting and workshop on November 4.
K. Commissioner Wolf attended the Credit River Town Board meeting on November 4.
L. Commissioner Wolf attended the Cedar Lake Town Board meeting on November 4.
M. Commissioners Beer and Weckman Brekke met with Scott County Extension staff on October 22.
N. Commissioners Weckman Brekke and Beer conducted the Chair/Vice Chair planning meeting on October 22.
O. Commissioners Beer and Ulrich attended the Families and Individuals Sharing Hope (FISH) Outreach/Partner Relations meeting on October 22.
P. Commissioners Beer and Ulrich attended the FISH Board meeting on October 24.
Q. Commissioners Beer and Weckman Brekke attended the We Can Committee to End Child Abuse and Neglect Community Conversation on October 29.
R. Commissioner Beer attended the Government Center first floor staff potluck and tenure awards presentation on October 31.
S. Commissioners Beer and Weckman Brekke participated in the New Employee Welcome on November 5.
T. Commissioner Ulrich attended the Metropolitan Council Transportation Advisory Board meeting on October 16.
U. Commissioner Ulrich attended the Scott County Transportation Committee meeting on October 17.
V. Commissioner Ulrich attended the Live, Learn, Earn Complete Count Subcommittee meeting on October 22.
W. Commissioner Ulrich participated in a Scott County Association for Leadership and Efficiency podcast on October 23.
X. Commissioner Ulrich participated in a SCALE presentation at Ramsey County on October 24.
Y. Commissioner Ulrich attended the Greater MSP meeting on October 25.
Z. Commissioner Ulrich attended the Suburban Transit Association meeting on October 28.
AA. Commissioner Ulrich attended the Minnesota Valley Transit Authority Association Board meeting on October 30.
AB. Commissioner Ulrich attended the SCALE Executive Committee meeting on November 1.
AC. Commissioner Ulrich attended the Transit Mobility Management Board meeting on November 4.

AD. Commissioner Weckman Brekke co-moderated a panel discussion at the Minnesota Water Resources Conference on October 16.

AE. Commissioner Weckman Brekke attended the Scott County Library Board of Advisors meeting on October 17.

AF. Commissioner Weckman Brekke attended the Dakota-Scott Workforce Development Board meeting on October 18.

AG. Commissioner Weckman Brekke attended the Scott County Mental Health Local Advisory Council meeting on October 22.

AH. Commissioner Weckman Brekke attended the We Can Effort to End Child Abuse and Neglect Steering Committee meeting on October 23.

AI. Commissioner Weckman Brekke and Ms. Vermillion met with Belle Plaine Mayor and City Administrator on October 28.

AJ. Commissioner Weckman Brekke attended the Association of Minnesota Counties (AMC) District meeting on October 28. She reminded the Commissioners the AMC spring and fall conference meetings are open to all Commissioners.

AK. Commissioner Weckman Brekke attended the Metro Alliance for Healthy Families meeting on October 28.

AL. Commissioner Weckman Brekke attended the Metropolitan Library Service Agency Personnel Committee meeting on October 31.

AM. Commissioner Weckman Brekke met with Ms. Vermillion on November 4.

AN. Commissioner Weckman Brekke attended the Scott County Law Library Board meeting on November 5.

(10) County Administrator Update:

- County offices are closed Monday, November 11, in observance of Veterans Day.
- Tax statements will be mailed beginning November 12.
- The County Board will have a work session on Tuesday, November 19, at 8:15 a.m. with Beacon Interfaith and a work session on Crossover Youth, Diversion and Truancy following the meeting.
- The County Board 2020 Planning work session is Friday, November 22, 9:00 a.m. at the McColl Pond Environmental Center in Savage.

Chair Weckman Brekke announced the County Board will have a work session following today’s meeting to receive foundational information on housing in Scott County.

On a motion by Commissioner Wolf, seconded by Commissioner Beer, the meeting adjourned at 10:43 a.m.

Barb Weckman Brekke
Chair

Lezlie A. Vermillion
County Administrator
Clerk of the Board

Debra K. Brazil
Deputy Clerk to the Board
The purpose of this agenda item is to receive information on Scott County Delivers topic: Early Literacy.

County programs support Safe, Healthy and Livable Communities. These programs are tied to Community Indicators which provide a high level some indication of overall program effectiveness. Scott County Delivers is a discussion on the Key Performance Indicators (KPIs) for County programs and Strategic Initiatives and how they are performing. These County programs also utilize business measures to track the effectiveness of programs as well as operational efficiencies. Scott County Delivers provides staff an opportunity to discuss programs and their data and shows what is working and not working in a broader setting.
Broader discussion on this data leads to understanding program impacts and overlaps between other departments and agencies. Understanding and discussing the data provides opportunities for broader collaborations, and improving process, technology, or staffing gaps.

To view materials including an overview of the program, outcomes, and measures, click here.

Fiscal Impact:
None
**AGENDA #7.1**  
**SCOTT COUNTY, MINNESOTA**  
**REQUEST FOR BOARD ACTION**  
**MEETING DATE: NOVEMBER 19, 2019**

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<th>CONSENT AGENDA: ✓ Yes  □ No</th>
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<td>CONSENT AGENDA: ✓ Yes  □ No</td>
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<tr>
<td>PRESENTER: Greg Wagner - 8360</td>
<td>ATTACHMENTS: ✓ Yes  □ No</td>
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<td>PROJECT: Tara Farm Plat</td>
<td>TIME REQUESTED: N/A</td>
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<td>ACTION REQUESTED: Approve the Final Plat of Tara Farm (On-Site Marketing Co. Inc., Applicant and Property Owner) Consisting of 26 Lots and 3 Outlots on 251.02 Acres in Section 26 of Credit River Township, Three-Way Development Agreement (Developer, Township, County), and Conservation Easements</td>
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<th>COUNTY ADMINISTRATOR SIGNATURE:</th>
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**Background/Justification:**

The purpose of this agenda item is to approve the Final Plat of Tara Farm (On-Site Marketing Co. Inc., applicant and property owner) consisting of 26 lots and 3 outlots on 251.02 acres in Section 26 of Credit River Township, Three-Way Development Agreement (Developer, Township, County), and Conservation Easements.

The Preliminary Plat of Tara Farm consisting of 56 lots on 251.02 acres was approved on September 4, 2018 by the Scott County Board of Commissioners. The time between Preliminary Plat approval and Final Plat allowed On-Site Marketing, the developer, and Credit River Township to work through road improvement
decisions pertaining to offsite roads leading to the development. Concurrent with this development, the Township will be improving 210th Street East and Nevada Avenue south of Tara Farm. The developer has agreed to a financial contribution towards those road improvements, which are outlined in the Development Agreement. The preliminary plat project plans have been updated with changes required by the Township as they have met with the developer this spring and summer to coordinate the area road improvements that will serve existing homes on 210th Street East and Nevada Avenue, Tara Farm, and adjacent developable parcels to the east, south, and north.

The developer/land owner has been working through a title issue identified in the County Attorney’s review this summer. The County Attorney’s Office, County Surveyor, and County Recorder are aware of this issue and have been working with the applicant, applicant’s attorney, and title company towards resolution. The title company has prepared deeds with an adjacent neighbor that will correct a property gap, and the title company will then update the title commitment. The plat Mylars will not be signed by the County Attorney, County Surveyor, or County Recorder until this is fully resolved; however, since it is nearing resolution the County Board can authorize approval of the Final Plat subject to resolution of the title issue. The Mylars cannot be recorded until they are signed by all County officials so it is fully on the applicants to get this matter corrected.

This action was recommended by the Scott County Planning Advisory Commission on April 8, 2019 in accordance with Chapters 42 and 70 of Scott County Zoning Ordinance No. 3 on the criteria for approval listed below:

**Fiscal Impact:**
None
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
On-Site Marketing Co Inc, Applicant and Owner
Final Plat of Tara Farm

Criteria for Approval:

1. **Adequate Drainage** – the proposed plat meets all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance.

2. **Adequate Potable Water Supply** – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.

3. **Adequate Roads or Highways to Serve the Subdivision** – The proposed lots will have frontage and access off of the new Township roads, specifically a northern extension of Nevada Avenue, and future township roads as shown on the project plans.

4. **Adequate Waste Disposal Systems** – the proposed lots meet all requirements of the individual sewage treatment system ordinance.

5. **Consistency with the Comprehensive Plan** – the proposed plat conforms to the goals and policies in the 2040 Comprehensive Plan for the development in the Rural Residential Growth Area.

6. **Public Service Capacity** – the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize the existing Township road for access. The Township and Developer are proposing improvements to Nevada Avenue and 210th Street East.

7. **Consistency with the Minnesota Environmental Quality Board’s Policies** – the property is part of the Credit River Alternative Urban Areawide Review (AUAR). The AUAR covered developable parcels in the southern area of Credit River Township for analysis of development impacts (roads, stormwater, environmental). The County updated the AUAR in 2010 following adoption of the 2030 Comprehensive Plan but has not updated the AUAR due to the lack of development since that time. Updates to the AUAR would include compliance with any updated transportation plans and County Ordinances, which would include the aspects of the development reviewed as part of the plat.

8. **Consistency with Capital Improvement Plans** – the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County’s capital improvement plan. The County and Township will be working on road safety improvements for Texas Avenue (County Road 27), which would be done through a separate agreement.

Noting that Credit River Township recommended approval of the request at their April 8, 2019 monthly meeting.
CREDIT RIVER TOWNSHIP
SECTIONS 20 & 29
ON SITE MARKETING
REQUEST FOR FINAL PLAT
CREDIT RIVER TOWNSHIP
SECTIONS 20 & 29
ON SITE MARKETING
REQUEST FOR FINAL PLAT
TARA FARM

KNOW ALL MEN BY THESE PRESENTS. That Om Site Marketing, Co., a Minnesota corporation, the owner of the following described property situated in the County of Scott, State of Minnesota, to wit:

The South half of the Northeast Quarter and the North half of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter, of Section 29, Township 114, Range 21, Scott County, Minnesota

Also a parcel in the northwesterly corner of the Northeast Quarter of the Northeast Quarter bounded as follows:

Beginning at the southwest corner of the Northeast Quarter of said Section 29; thence North 10 degrees East 139.82 feet, thence South 89 degrees East 26.92 feet, thence East 139.82 feet to the point of beginning.

All said part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 114, Range 21, Scott County, Minnesota described as follows:

 commencement at the southwest corner of said Northeast Quarter a distance of 50.45 feet to the point of beginning of the line to be described. Thence North 49 degrees 40 minutes 20 seconds East a distance of 1025.80 feet; thence South 79 degrees 20 minutes 49 seconds a distance of 1219.72 feet; thence East parallel with the south line of said Northeast Quarter a distance of 89.07 feet; thence South parallel with the west line of said Northeast Quarter a distance of 1219.72 feet; thence West parallel with the north line of said Northeast Quarter a distance of 50.45 feet.

This plot of TARA FARM was approved and accepted by the Town Board of Credit River Township, this day of __________, 20______.

The written comments and recommendations of the County Highway Engineer have been reviewed by the Township, and pursuant to Minnesota Statutes Section 94.59, Subdivision 2, we are in conformance.

Chairman
Affixed

SCOTT COUNTY ADMINISTRATOR

Pursuant to Minnesota Statutes, Chapter 360.90, Subdivision 1, this plot has been reviewed and approved this day of __________, 20______.

Scott County Zealously Administers

SCOTT COUNTY ATTORNEY

I hereby certify that I have examined the abstract of title of this plot and do hereby recommend this plot for approval as to form this day of __________, 20______.

Scott County Attorney

SCOTT COUNTY SURVEYOR

Pursuant to Minnesota Statutes, Chapter 360.90, Subdivision 1, as amended, this plot has been reviewed and approved this day of __________, 20______.

James A. Herko, Scott County Surveyor

SCOTT COUNTY AUDITOR/TREASURER

I hereby certify that the current and delinquent taxes on the land described within this plot and the transfer to extend this day of __________, 20______.

Scott County Auditor
Scott County Treasurer

SCOTT COUNTY REGISTRAR OF TITLES

I hereby certify that this plot was filed for record in the office of the County Registrar of Titles for record on this day of __________, 20______.

Scott County Registrar of Titles

STATE OF MINNESOTA

COUNTY OF

The foregoing instrument was acknowledged before me this day of __________, 20______, by Gary B. Taps, President and Theodore B. Kowalski, Vice President of Om Site Marketing Co., a Minnesota corporation, on behalf of the corporation.

Notary Public, County of

My Commission Expires

STATE OF MINNESOTA

COUNTY OF

The foregoing instrument was acknowledged before me this day of __________, 20______, by Russell P. Davis, Licensed Land Surveyor.

Notary Public, County of

My Commission Expires

ENGINEERING COMPANY, INC.
Credit River Township resident John Kane is claiming that Scott County’s and Credit River Township’s offer of a dedicated roadway easement along the backside of Lot 4-A of the Plat of Tara Farm, which would not immediately connect the Kane Property to a public street but to an adjacent property is unacceptable and noncompliant with Scott County Zoning Ordinance 7, Sections 2-2-2(2) and 7-4(1). Credit River Township disagrees with Mr. Cheskis’ interpretation of the ordinances. These ordinances do not guarantee connectivity to a public road as implied by Mr. Kane, merely that the County take efforts to plan for future connectivity in a reasonable manner.

Section 2-2-2(2) states:

2. The layout of future streets. Local streets shall be planned to provide street connections to adjoining parcels, neighborhoods, and future development areas including outlots as a means of discouraging reliance on Principal Arterial, Minor Arterial and Collector roads for local trips. [Emphasis added]

Section 7-4, 1 states:

Scott County hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety, and welfare by ensuring that streets
will function in an interdependent manner, reduce traffic congestion on arterial streets, connect neighborhoods, reduce travel time, provide continuous and more direct routes for vehicles, pedestrians and bicyclists, and provide adequate access for emergency and service vehicles.

1. Streets, Continuous. Streets shall connect with streets previously dedicated in adjoining or adjacent subdivisions (see Figure 1), provide for future connections to adjoining unsubdivided tracts (see Figure 1), and shall be a reasonable projection or continuation of streets in the nearest subdivided tracts. The arrangement of arterial and collector streets shall be considered in their relation to the reasonable circulation of traffic, topographic conditions, runoff of storm water, public convenience and safety, and in relation to the proposed uses of the area to be served. [Emphasis added]

Neither of these two ordinance provisions require that either the Township or the County require the Tara Farm Developer, as a condition of plat approval, to provide access for Mr. Kane’s property to a public road. The Township and County have met their legal requirements under the above referenced ordinances by arranging for the Tara Farm Developer to dedicate an easement along the back side of Lot 4-A which would connect the Kane property to the nearest developable tract of land as this is the most reasonable projection or continuation of the streets given the location of the septic systems on the Tara Farm Plat.

Further, neither the County or the Township have the legal ability to require the Developer to grant an easement in this location for the benefit of the Kane Property as it was not required as a condition of preliminary plat approval for Tara Farm. The County Board’s motion recognizing the Preliminary Plat for Tara Farm only requires that the Developer grant a 66-foot wide road right-of-way easement over the northeast corner of the property to the criteria for approval. It does not require the Developer to grant the road easement in the location requested by Mr. Kane. The motion states:

On the recommendation of the Credit River Town Board and the Planning Advisory Commission, Commissioner Beard moved, seconded by Commissioner Weckman Brekke to approve the request for the preliminary plat for Tara Farm, On Site Marketing, applicant, and Schulte Living Trust, property owner, in Section 20 and 29 of Credit River Township. This action is in accordance with Chapters 42 and 70 of Scott County Zoning Ordinance No. 3 based on the criteria listed for approval.

Commissioner Beer moved, seconded by Commissioner Ulrich to amend motion to add the 66-foot-wide road right-of-way easement over the northeast corner of the property to the criteria for approval. The motion carried unanimously.

The motion, as amended, carried unanimously. [Emphasis added]
The motion references no resolution, documentation or any other conditions of approval other than the “criteria listed for approval” which are more findings of fact rather than traditional conditions of approval. The criteria for approval do not address the Kane property access issue.

It is the Township’s position that if Mr. Kane still believes that it is imperative that his property have immediate access to a public road then he will need to petition the Town Board for a cartway pursuant to Minn. Stat. § 164.08. Provided that he meets the requirements for the establishment of a mandatory cartway, the Town Board will be legally obligated to provide him access to a public road at least 33-feet in width over the lands of others. However, this will be at Mr. Kane’s expense as required under the cartway statute. Neither the Town Board or the County has a way to grant Mr. Kane the requested immediate access absent him petitioning for a cartway pursuant to Minn. Stat. § 164.08.

If you have any questions, please do not hesitate to contact me at (763) 497-1930.
Background/Justification:
The purpose of this agenda item is to adopt Resolution No. 2019-162; Designating Scott County Public Works Located at 600 Country Trail East in Spring Lake Township as the location for Absentee Ballot Voting for 2020 Pursuant to M.S. §203B.081.

The 2020 Presidential Nomination Primary takes place on March 3, 2020; the State Primary will take place on August 11, 2020; and the State General Election on November 3, 2020. Scott County is the responsible party to administer and manage the absentee process for precincts located in the Cities and Townships in Scott County. In doing so, the statutory provision requires that the County Auditor designate the location of absentee voting at least 14 weeks before the election. In order to provide the most efficient service and best
possible experience for our voters, we are also hereby designating the Clerks of the Cities of Shakopee, Savage, Prior Lake, and Jordan to administer regular absentee voting and any related provisions, including being responsible for the administration of a ballot board.

An eligible voter may vote by absentee ballot in the office designated by the County Auditor and approved by the County Board of Commissioners during the 46 days before the election. The County Auditor must make available at least one electronic ballot marker in each polling place that is accessible for individuals with disabilities pursuant to section M.S. §204B.18, subd 1b.

In addition, the County Auditor may make available a ballot counter (tabulator) and ballot box for use by voters during the seven days before the election (direct balloting). Scott County intends to make this alternative procedure available in which case the voter is given the option either to vote using the process used during the prior 39 days (envelope process) or the voter may choose to vote their ballot and deposit that ballot directly into the ballot box.

The Scott County Auditor designates Scott County Public Works located at 600 Country Trail East in Spring Lake Township as the polling location for absentee voting for 2020 and asks the County Board of Commissioners to approve the location as requested.

Fiscal Impact: None
RESOLUTION NO. 2019-162; DESIGNATING SCOTT COUNTY PUBLIC WORKS LOCATED AT 600 COUNTRY TRAIL EAST IN SPRING LAKE TOWNSHIP AS THE LOCATION FOR ABSENTEE BALLOT VOTING FOR 2020 PURSUANT TO M.S. §203B.081

WHEREAS, the 2020 Presidential Nomination Primary takes place on March 3, 2020; the State Primary will take place on August 11, 2020; and the State General Election on November 3, 2020; and

WHEREAS, Scott County is responsible for the administration and management of the absentee process for all the precincts located in the Cities and Townships; and

WHEREAS, pursuant to M.S.§203B.081, the Scott County Auditor must designate, and seek approval from the County Board of Commissioners, the location of absentee voting for 2020; and

WHEREAS, an eligible voter may vote by absentee ballot in the office designated by the County Auditor during the 46 days before the election; and

WHEREAS, at least one voting booth in each polling place must be made available by the County Auditor for this purpose; and

WHEREAS, the County Auditor must also make available at least one electronic ballot marker in each polling place, that is accessible for individuals with disabilities pursuant to M.S. §204B.18, subd 1b.

NOW THEREFORE BE IT RESOLVED THAT, the Scott County Board of Commissioners hereby approves the County Auditor’s designation of Scott County Public Works located at 600 Country Trail East in Spring Lake Township as the polling location for absentee voting for 2020.

<table>
<thead>
<tr>
<th>COMMISSIONERS</th>
<th>VOTE</th>
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<tbody>
<tr>
<td>Weckman Brekke</td>
<td>□ Yes □ No □ Absent □ Abstain</td>
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</tr>
<tr>
<td>Ulrich</td>
<td>□ Yes □ No □ Absent □ Abstain</td>
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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 19th day of November, 2019 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 19th day of November, 2019.

______________________________  ________________________________
County Administrator          Administrator's Designee
The purpose of this agenda item is to adopt Resolution No. 2019-163; Authorizing the Property and Customer Services Administration and Elections Department to Establish Ballot Boards for the Responsibility to Accept or Reject Ballots for Absentee and Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Voters.

Scott County manages the absentee and UOCAVA processes for voters during every even year primary and general election. In addition, other local units of government have the ability to contract with the County to manage special elections, or elections held in the odd year, if staffing is available to do so. Statute requires the
County to manage the UOCAVA process for every election whether they are special elections or even year elections.

Minnesota Statutes §203B.121 requires that any county, municipality, or school board that has been given the responsibility to accept and reject absentee and UOCAVA ballots, must, by resolution establish ballot boards. The ballot board examines all returned envelopes to ensure that the envelope is complete, witnessed, and accurate. The election judges are required to examine the returned absentee and UOCAVA envelopes within 5 days of receipt by the County. As the election nears, the ballot boards meet one to several times each day in order to examine the envelopes.

The current law allows the County to begin to process the absentee and UOCAVA ballots seven days prior to Election Day. Staff has trained employees to serve as election judges and ballot board members, pursuant to MS §204B.19-204B.22. Each ballot board will have two trained members to review and agree on the accepting or rejecting of ballot envelopes. Staff will establish as many ballot boards as necessary in order to timely conduct the process.

Fiscal Impact:
None
RESOLUTION NO. 2019-163; AUTHORIZING THE PROPERTY AND CUSTOMER SERVICES ADMINISTRATION AND ELECTIONS DEPARTMENT TO ESTABLISH BALLOT BOARDS FOR THE RESPONSIBILITY TO ACCEPT OR REJECT BALLOTS FOR ABSENTEE AND UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT VOTERS

WHEREAS, Scott County is responsible for processing absentee and Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots for all or a portion of elections conducted in Scott County; and

WHEREAS, Minnesota Statute §203B.21 requires that any county, municipality, or school board that is responsible to accept and reject absentee and UOCAVA ballots have their Board or Council pass a resolution authorizing the establishment of ballot boards who will determine whether ballots will be accepted or rejected; and

WHEREAS, Scott County will establish a sufficient number of ballot boards that will each consist of two thoroughly trained staff as election judges pursuant to MS §204B.19 to §204B.22 to ensure the tasks are completed in an accurate and timely manner in order to expedite the process of accepting or rejecting ballots.

NOW THEREFORE BE IT RESOLVED THAT, the Scott County Board of Commissioners hereby authorizes Scott County Property and Customer Services Administration and Elections to establish County Absentee and UOCAVA Ballot Boards that would consist of a sufficient number of trained staff election judges to perform the tasks.

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State of Minnesota)
County of Scott )

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______________________________
County Administrator

______________________________
Administrator’s Designee
### Agenda Item 7.4

**SCOTT COUNTY, MINNESOTA**

**REQUEST FOR BOARD ACTION**

**MEETING DATE:** November 19, 2019

<table>
<thead>
<tr>
<th>Originating Division</th>
<th>Originating Department</th>
<th>Consent Agenda</th>
<th>Attachments</th>
<th>Presenter</th>
<th>Project</th>
<th>Time Requested</th>
<th>Action Requested</th>
<th>Contract/Policy/Grant</th>
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<td>![Yes] County Attorney Review</td>
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<td>![No] Risk Management Review</td>
<td>![No] Budget Change</td>
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<table>
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<th>ORGANIZATIONAL VALUES:</th>
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<tr>
<td>![☐] Stewardship: Ensuring the responsible and stable investment of taxpayer dollars and communicating its value to the public</td>
</tr>
<tr>
<td>![✓] Partnership: Aligning existing resources, volunteers and programs to achieve shared goals</td>
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<tr>
<td>![✓] Leadership: Anticipating changes and managing challenges based on reliable information and citizen input</td>
</tr>
<tr>
<td>![☐] Commitment: Developing a high quality workforce that is dedicated to advancing a safe, healthy and livable community</td>
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<tr>
<td>![✓] Customer Service: Creating a customer experience that is respectful, responsive and solution-oriented</td>
</tr>
<tr>
<td>![☐] Innovation: Exploring and adopting new technologies and processes with the goal of improving service and reducing the long term cost of service delivery</td>
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**Department/Division Head Signature:**

**County Administrator Signature:**

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<th>Approved:</th>
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<tr>
<td>Denied:</td>
<td>Michael Thompson, Property and Taxation Services</td>
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<tr>
<td>Tabled:</td>
<td>Cindy Geis, Community Services Director</td>
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<tr>
<td>Other:</td>
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**Deputy Clerk:**

**Date:**

**Background/Justification:**

The purpose of this agenda item is to approve the agreed upon service fees between Scott County Taxing Districts and the Property and Taxation Services Department for assessment years 2020, 2021, and 2022.

Staff regularly reviews the costs associated with performing the assessment services for each jurisdiction within the County. The Taxation Services Department goals are always to conduct a fair and equitable property assessment, comply with all statutory requirements, and ensure that excellent customer services are provided, all at a reasonable cost.
The table below represents the annual aggregate costs to be billed to all jurisdictions within Scott County. The proposed contracts have been approved by each individual jurisdiction.

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<thead>
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<td><strong>$1,248,500</strong></td>
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**Fiscal Impact:**

The fiscal impact over the two and three year agreements is shown above. The revenue is reflected in the operating budget for the Assessor's Office.
**Background/Justification:**

The purpose of this agenda item is to adopt Resolution No. 2019-165; Approving the Lease and Operating Costs Agreements with the Scott-Carver-Dakota Community Action Partnership (CAP Agency) for Use of Space at the Workforce Development Center (WFDC).

Under the Agreement, the rental amount is based on the actual cost of bond payments plus a percentage of the previous 12 months operating cost for the square footage of the building occupied by the tenant. The CAP Agency leases 23,025.36 square feet of office and common space at the WFDC, which comprises 37.14 percent of the building’s total square footage.
With bond payments coming to an end this year, the monthly rental portion that covers cost of bond payment is set for only two months. Between October 1 and November 30, 2019, the monthly rental amount for this space will be $24,450.57. On December 1, the bond payment will be paid in full which substantially lowers their monthly costs. The monthly operating costs for the square footage of the building occupied by CAP Agency will be $9,002.57 for the period between December 1, 2019 and September 30, 2020 (ten months).

**Fiscal Impact:**
None
RESOLUTION NO. 2019-165; APPROVING THE LEASE AGREEMENT RENEWAL WITH SCOTT-CARVER-DAKOTA COMMUNITY ACTION PARTNERSHIP FOR USE OF SPACE AT THE WORKFORCE DEVELOPMENT CENTER

WHEREAS, the Scott-Carver-Dakota Community Action Partnership (CAP Agency) requests to renew their Lease Agreement with Scott County; and

WHEREAS, the Lease Agreement will be for the lease of 23,025.36 square feet of office and common space and the monthly rental payment for two months, beginning October 1 through November 30, 2019, will be $24,450.57; and

WHEREAS, the Operating Costs Agreement for the 23,025.36 square feet of office and common space for the period beginning December 1, 2019 through September 30, 2020 includes a monthly operating cost payment of $9,002.57.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners in and for the County of Scott, Minnesota, hereby authorizes the Chairperson of the Board to approve the Lease Agreement renewal with the Scott-Carver-Dakota Community Action Partnership (CAP Agency) for use of space at the Workforce Development Center.

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

<table>
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<td>Beer</td>
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<td>Ulrich</td>
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State of Minnesota) County of Scott )

I, Lezlie 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 19th day of November, 2019 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 19th day of November, 2019.

_________________________________________ County Administrator

_________________________________________ Administrator’s Designee
### Agenda Item 7.6

**Meeting Date:** November 19, 2019

**Originating Division:** Planning & Res. Mgmt. 
**Facilities Management**

**Presented by:** Kathy Davis - 8629

**Project:** WFDC Lease Renewal – Southwest Metro ISD

**Action Requested:** Adopt Resolution No. 2019-164; Approving the Lease and Operating Costs Agreement with Southwest Metro Intermediate District #288 for Use of Space at the Workforce Development Center

**Consent Agenda:** Yes

**Attachments:** Yes

**Time Requested:** N/A

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

**Contract/Policy/Grant:** County Attorney Review, Risk Management Review

**Fiscal:** Finance Review

**Department/Division Head Signature:**

**County Administrator Signature:**

**Background/Justification:**

The purpose of this agenda item is to adopt Resolution No. 2019-164; Approving the Lease and Operating Costs Agreements with Southwest Metro Intermediate District #288 for Use of Space at the Workforce Development Center (WFDC).

Under the Agreement, the rental amount is based on the actual cost of bond payments plus a percentage of the previous 12 months operating costs for the square footage of the building occupied by the tenant. The Southwest Metro Intermediate District #288 leases 9,234.42 square feet of office and common space at the WFDC, which is 14.894 percent of the building’s total square footage.
With bond payments coming to an end this year, the monthly rental portion that covers cost of bond payments is set for only two months. Between October 1 and November 30, 2019, the monthly rental amount for this space will be $10,159.95. On December 1, the bond payment will be paid in full which substantially lowers their monthly costs. The monthly operating costs for the square footage of the building occupied by Southwest Metro Intermediate District #288 will be $3,636.70 for the period between December 1, 2019 and September 30, 2020 (ten months).

**Fiscal Impact:**
None
RESOLUTION NO. 2019-164; APPROVING THE LEASE AND OPERATING COSTS AGREEMENTS WITH SOUTHWEST METRO INTERMEDIATE DISTRICT #288 FOR USE OF SPACE AT THE WORKFORCE DEVELOPMENT CENTER

WHEREAS, Southwest Metro Intermediate District #288 requests to renew their Lease and Operating Costs Agreements with Scott County; and

WHEREAS, the Lease Agreement will be for the lease of 9,234.42 square feet of office and common space and the monthly rental payment for two months, beginning October 1 through November 30, 2019, will be $10,159.95; and

WHEREAS, the Operating Costs Agreement for the 9,234.42 square feet of office and common space sets a monthly operating costs payment at $3,636.70; and

WHEREAS, the Operating Costs will be for the period beginning December 1, 2019 through September 30, 2020.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners in and for the County of Scott, Minnesota, hereby authorizes the Chairperson of the Board to approve the Lease and Operating Costs Agreements renewal with Southwest Metro Intermediate District #288 for use of space at the Workforce Development Center.

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

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State of Minnesota)
County of Scott)

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Witness my hand and official seal at Shakopee, Minnesota, this 19th day of November, 2019.

_________________________________________ County Administrator

_________________________________________ Administrator’s Designee
Background/Justification:
The purpose of this agenda item is to adopt Resolution No. 2019-161; Authorizing a Fourth Amendment to the Agreement with Bolton and Menk, Inc. for County Project 21-27 County Highway (CH) 21 and Trunk Highway (TH) 13 Intersection Improvement and Authorizing a Budget Amendment of $193,057.

Bolton and Menk, Inc. was selected and entered into an Agreement with the County to provide preliminary design, public involvement, traffic modeling, surveying, and hydraulics/wetlands work. The Contract was approved by the County Board on May 2, 2017 for an amount not to exceed $411,109 by Resolution No. 2017-057.
The first Amendment was approved on December 5, 2017 by Resolution No. 2017-170 to increase the Contract total for additional preliminary design work and to add final design services to the original scope of work for a Contract increase of $499,813.

The second Amendment was approved on March 6, 2018 by Resolution No. 2018-040 to add an evaluation of the sufficiency of existing storm sewer inlet and pipe capacity on CH 21, soil borings and geotechnical recommendations, and additional design services for retaining wall replacement for a Contract increase of $22,992.

The third Amendment was approved on July 17, 2018 by Resolution No. 2018-116 for additional final design services for extending trail improvements, pedestrian ramps, traffic signal revisions for pedestrians, wetland delineation, and project and construction communication.

Since that time, the City of Prior Lake, the Minnesota Department of Transportation (MnDOT) and the County have made additional project decisions necessitating a fourth Amendment:

- Additional design work was completed related to project extensions of TH 13 to the north and south that was necessary to eliminate gaps between adjacent MnDOT projects.
- Upon beginning the design, it was determined by the City of Prior Lake that additional utility improvements were necessary.
- MnDOT’s Office of Traffic Engineering requested an interconnect plan be included in the plan set from Duluth Avenue to CH 44. This involved coordination with MnDOT Federal Aid and other staff which resulted in multiple iterations based on varying direction during the review process.
- Additional work was completed to redefine construction staging following submittal of the 95% plans and special provisions.
- Additional construction communication services are necessary for winter suspension and additional construction season in 2020.

To accommodate these project changes, the County requested that Bolton and Menk, Inc. add work totaling $193,057. Based on the previous amendments the amended contract value is as follows:

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Contract</td>
<td>$411,109</td>
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<tr>
<td>First Amendment</td>
<td>$499,813</td>
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<tr>
<td>Second Amendment</td>
<td>$22,992</td>
</tr>
<tr>
<td>Third Amendment</td>
<td>$131,210</td>
</tr>
<tr>
<td>Fourth Amendment</td>
<td>$193,057</td>
</tr>
<tr>
<td><strong>New Total Contract Value</strong></td>
<td><strong>$1,258,181</strong></td>
</tr>
</tbody>
</table>

The 2019-2028 Transportation Improvement Program (TIP) has programmed $1,259,950 for design costs on this project. The County has executed a Work Order with MnDOT for reimbursement of design services as related above for $189,600. Design services will also be recouped from the City of Prior Lake consistent with the project’s Construction Cooperative Agreement, based on 10 percent of final construction cost which based on bid prices is estimated at $485,786. TIP program dollars are sufficient to cover the County’s share of the fourth Amendment.

**Fiscal Impact:**

None
RESOLUTION NO. 2019-161; AUTHORIZING A FOURTH AMENDMENT TO
THE AGREEMENT WITH BOLTON AND MENK, INC. FOR COUNTY PROJECT 21-27
COUNTY HIGHWAY 21 AND TRUNK HIGHWAY 13 INTERSECTION IMPROVEMENT
AND AUTHORIZING A BUDGET AMENDMENT OF $193,057

WHEREAS, Bolton and Menk, Inc. was selected and entered into an Agreement with the County to
provide preliminary design, public involvement, traffic modeling, surveying, and hydraulics/wetlands work; and

WHEREAS, the Contract was approved by the County Board on May 2, 2017 for an amount not to
exceed $411,109 by Resolution No. 2017-057; and

WHEREAS, the first Amendment was approved on December 5, 2017 by Resolution No. 2017-170 to
increase the Contract total for additional preliminary design work and to add final design services to the original
scope of work; and

WHEREAS, the second Amendment was approved on March 6, 2018 by Resolution No. 2018-040 to
increase the Contract to add an evaluation of the sufficiency of existing storm sewer inlet and pipe capacity on
County Highway (CH) 21, soil borings and geotechnical recommendations, and additional design services for
retaining wall replacement; and

WHEREAS, the third Amendment was approved on July 17, 2018 by Resolution No. 2018-116 for
additional final design services for extending trail improvements, pedestrian ramps, traffic signal revisions for
pedestrians, wetland delineation, and project and construction communication; and

WHEREAS, the City of Prior Lake, the Minnesota Department of Transportation (MnDOT) and the
County have made additional project decisions necessitating a fourth Amendment for additional final design
work, added utility improvements, interconnect plan, construction staging, and communication services; and

WHEREAS, MnDOT will cost share in the additional design services; and

WHEREAS, to accommodate these project changes, the County requested that Bolton and Menk, Inc.
add work totaling $193,057 to the final design services; and

WHEREAS, the 2019-2028 Transportation Improvement Program has programmed sufficient design
funds in project CP 21-27 to cover this fourth Amendment.
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 approve the fourth Amendment and increase the budget in the amount of $193,057 for Bolton and Menk, Inc.

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

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<tr>
<th>COMMISSIONERS</th>
<th>VOTE</th>
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<td>Weckman Brekke</td>
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<td>Wolf</td>
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<tr>
<td>Ulrich</td>
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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 19th day of November, 2019 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 19th day of November, 2019.

_____________________________  ______________________________
County Administrator          Administrator's Designee
### Background/Justification:

The purpose of this agenda item is to approve the Cooperative Agreement between the State of Minnesota Department of Human Services (MN DHS) and Scott County Health and Human Services under Title IV-D for 2020-2021.

A Cooperative Agreement is required by Federal Law 45 CFR §§ 302.34 and 304.21, and must be in place for counties for every quarter in which Federal Financial Participation (FFP) money is claimed by the County for operating the child support program. The purpose of the child support program is to establish paternity and...
secure financial and medical support for minor children who are living apart from one or both parents as more fully set forth in Title IV-D of the Social Security Act.

This Cooperative Agreement was developed through a collaboration of the Cooperative Agreement Review Committee (CARC) and the State. CARC is staffed by three county attorneys from Minnesota Counties Attorneys Association (MCAA) and three County IV-D directors from Minnesota Association of County Social Services Administrators (MACSSA). The goal of the Cooperative Agreement is to have a unified operating agreement for the entire state to ensure that each County is operating under the same current Agreement.

This Agreement has two parts:

1) The Cooperative Agreement, between the County and MN DHS, sets forth the responsibilities in providing services necessary to the operation of the child support enforcement program under the Title IV-D of the Social Security Act, 42 United States Code (U.S.C.), Sections 651 through 699b. By entering into this Agreement Scott County meets the requirements of 45 Code of Federal Regulations (C.F.R.), Sections 303.107 and 302.34.

2) The Cooperative Arrangement with the County Attorney and County Sheriff’s Office establishes procedures for the provision of services to the child support program by the County Attorney’s office and the County Sheriff’s office, in order to compensate these entities with respect to reimbursement for costs incurred in providing services necessary to operate the Child Support Enforcement System under Title IV-D of the Social Security Act.

**Fiscal Impact:**

There is no fiscal impact.

Under this arrangement, the County Sheriff’s rate will remain the same as the previous Agreement at $38.00 per hour. This expense is included in the 2020 budget in the amount of $7,296.

This Agreement also allows the County Attorney to submit actual staff costs including benefits for the two attorneys who work 100% with Child Support. In addition, the County Attorney will bill at an actual staff salary hourly rate plus benefits for all hours worked by the Paralegal and Legal Assistant that provide program support. The Paralegal and Legal Assistant positions are not 100% allocated to this program. This expense is projected to be $340,000 for 2019.

Sixty-six percent of program costs are reimbursed through Federal Financial Participation (FFP) money. This request is budget neutral and is included in the 2020 budget.
### Background/Justification:
The purpose of this agenda item is to approve entering into a Service Agreement with Cordant Health Solutions for drug testing services.

The Service Agreement would be effective November 1, 2019 through December 31, 2022, with a renewal option of two additional one year terms. Cordant Health Solutions will provide drug testing services for Community Corrections, the County Jail, and Social Services. The majority of the costs for drug testing services in Community Corrections are paid for by the participant through fees collected by the vendor.
Scott County issued a Request for Proposal (RFP) in June, 2019. The six vendors responding to the RFP were Accurate Testing, Averhealth, Cordant Health Solutions, Minnesota Monitoring, NextGen Monitoring, Inc., and RSI EDEN/RSI Laboratories. The evaluation team was made up of staff from Community Corrections, Social Services, and the Jail. The team recommended the selection of Cordant Health Solutions based on their knowledge of best practices in drug testing, their online substance abuse management program, the cost effectiveness of their proposal, strength of their references, and the vendor being the current provider for these services.

**Fiscal Impact:**
Cost for the expense of drug testing for Treatment Court clients is estimated at $57,766 and is included in the 2019 and 2020 Community Corrections budgets. Budgeted revenue of $19,000 partially offsets costs in this area. Additionally, Community Corrections receives State grant funding which offsets some costs for testing of Treatment Court participants. Other Corrections probation clients pay Cordant Health Solutions directly. Expenditures for drug testing services are included in the Jail medical budget for 2019 and 2020 and primarily offset by fees assessed to the inmates. Social Services has budgeted $15,000 for drug testing expenses in 2019 and 2020.
**AGENDA #7.10**  
SCOTT COUNTY, MINNESOTA  
REQUEST FOR BOARD ACTION  
MEETING DATE: NOVEMBER 19, 2019

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<thead>
<tr>
<th>ORIGINATING DIVISION:</th>
<th>Transportation Services Highway Department</th>
<th>CONSENT AGENDA:</th>
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<td>PRESENTER:</td>
<td>Lisa Freese-8363</td>
<td>PROJECT:</td>
<td>CP 42-22</td>
</tr>
<tr>
<td>TIME REQUESTED:</td>
<td>N/A</td>
<td>ACTION REQUESTED:</td>
<td>Approve Estimate of Just Compensation by Market Value Appraisals for Right-of-Way for the Overlay and Associated Work for County Highway 42 Located in the City of Savage</td>
</tr>
<tr>
<td>CONTRACT/POLICY/GRANT:</td>
<td>County Attorney Review</td>
<td>FISCAL:</td>
<td>Finance Review</td>
</tr>
<tr>
<td>☑ Risk Management Review</td>
<td>☑ Budget Change</td>
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**ORGANIZATIONAL VALUES:**

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

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

Approved: DISTRIBUTION/FILING INSTRUCTIONS:

Denied: Other:

Tabled: Deputy Clerk: Date:

---

**Background/Justification:**

The purpose of this agenda item is to approve estimate of just compensation by market value appraisals for right-of-way for the overlay and associated work for County Highway 42 located in the City of Savage.

This project is an overlay project for pavement rehabilitation for a segment of CH 42 from CH 27 to the Dakota County line. The project includes replacing a retaining wall and American’s with Disabilities Act (ADA) upgrades for trail and sidewalk facilities at certain intersections within the project limits.
The right-of-way needs for this project consists of a partial acquisition of one property. The County assigned Patchin Messner Valuation Counselors (PM), which is an independent fee appraisal firm under contract by the Transportation Services Division, to complete an appraisal for the market value of an estimate of just compensation. Due to the federal funding for the project, a review appraisal is also required. The County has assigned Kelly Lindstrom to complete an appraisal review of PM's appraisal report. The appraisal and appraisal review are required for compliance with applicable laws and regulations and are the basis for the approval to present written offers with the estimates of just compensation.

Detailed information on this property has been provided to the Board in a separate confidential memo for compliance with the requirements of the Minnesota State Statutes. The appraisal report is available for Board review upon request to the Transportation Services Office.

This project is in the Transportation Improvement Program (TIP) 2019-2028 for 2021 construction and funds programmed for right-of-way in 2019-2021 sufficient to cover the estimated just compensation.

Fiscal Impact: None
# AGENDA #7.11
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: NOVEMBER 19, 2019

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<tr>
<td>Scott Goettl - 8586</td>
<td>✓ Yes  □ No</td>
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<tr>
<th>ACTION REQUESTED:</th>
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<tbody>
<tr>
<td>Approve Record of Disbursements and Approve Claims</td>
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<tr>
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<tbody>
<tr>
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<td>✓ Finance Review</td>
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<tr>
<td>□ Risk Management Review</td>
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<tr>
<td>✓ Stewardship: Ensuring the responsible and stable investment of taxpayer dollars and communicating its value to the public</td>
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<td>□ Leadership: Anticipating changes and managing challenges based on reliable information and citizen input</td>
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<tr>
<td>□ Commitment: Developing a high quality workforce that is dedicated to advancing a safe, healthy and livable community</td>
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<tr>
<td>□ Customer Service: Creating a customer experience that is respectful, responsive and solution-oriented</td>
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<tr>
<td>□ Innovation: Exploring and adopting new technologies and processes with the goal of improving service and reducing the long term cost of service delivery</td>
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<th>DEPARTMENT/DIVISION HEAD SIGNATURE:</th>
<th>COUNTY ADMINISTRATOR SIGNATURE:</th>
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- Approved: [Blank]
- Denied: [Blank]
- Tabled: Kathy Shanks
- Other: [Blank]

Deputy Clerk:
Date:

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<td>Deputy Clerk: [Blank]</td>
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<td>Date: [Blank]</td>
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Background/Justification:
The purpose of this agenda item is to approve Record of Disbursements and Approve Claims.

To comply with MN Statute 375.18 Subd. 1b Delegation for paying certain claims: A list of all claims paid under the procedures established by the county board shall be presented to the board for informational purposes only at the next regularly scheduled meeting after payment of the claim.

The Record of Disbursements will be available at the meeting.

Invoices total $45,608,416.67 from October 1 through October 31, 2019. This includes tax distributions of $26,673,482.17.

Fiscal Impact: None
### AGENDA #7.12
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: NOVEMBER 19, 2019

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<td>ORIGINATING DEPARTMENT:</td>
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| CONSENT AGENDA: | Yes ☑ No
| PRESENTER: | Lori Huss |
| ATTACHMENTS: | Yes ☑ No |
| PROJECT: | |
| TIME REQUESTED: | N/A |

**ACTION REQUESTED:**
Adopt Resolution No. 2019-160; Approving a Three-Year Agreement Between the County of Scott and the International Union of Operating Engineers, Local 49, Effective January 1, 2020, Through December 31, 2022, and Rescinding Resolution No. 2016-203

**CONTRACT/POLICY/GRANT:**
- County Attorney Review
- Risk Management Review

**FISCAL:**
- Finance Review ☑
- Budget Change

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

**DEPARTMENT/DIVISION HEAD SIGNATURE:**

**COUNTY ADMINISTRATOR SIGNATURE:**

**Approved:**

**DISTRIBUTION/FILING INSTRUCTIONS:**

- Denied:
- Tabled:
- Other:

Deputy Clerk:

Date:

**Background/Justification:**
The purpose of this agenda item is to adopt Resolution No. 2019-160 Approving a Three-Year Agreement Between the County of Scott and the International Union of Operating Engineers, Local 49, Effective January 1, 2020, Through December 31, 2022, and Rescinding Resolution No. 2016-203.

The Agreement includes a 2.75% general adjustment effective January 1, 2020; a 2.50% general adjustment effective January 1, 2021; and a 2.75% general adjustment effective January 1, 2022. Salary
adjustments will be made in accordance with the International Union of Operating Engineers, Local 49, Bargaining Agreement.

The Agreement has been ratified by the International Union of Operating Engineers, Local 49, and is being recommended by Lori Huss, Employee Relations Director, and Pam Johnson, Labor Relations Manager.

Click here to view the International Union of Operating Engineers, Local 49, Settlement Summary.

Estimated Costs of: 2020 = Included in the 2020 budget.  
2021 = Included in the 2021 budget.  
2022 = Included in the 2022 budget.

WHEREAS, the negotiation teams representing Scott County and the International Union of Operating Engineers, Local 49, have reached a tentative settlement on the terms of an Agreement for the period of January 1, 2020, through December 31, 2022; and

WHEREAS, members of the International Union of Operating Engineers, Local 49, have ratified the Agreement; and

WHEREAS, the settlement is recommended by the Employee Relations Director, Lori Huss, and the Labor Relations Manager, Pam Johnson.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners, in and for the County of Scott, Minnesota, that the Agreement is hereby authorized to execute and implement the terms of the Agreement upon execution by union representatives; and

BE IT FURTHER RESOLVED, that Resolution No. 2016-203 is hereby rescinded.

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<th>COMMISSIONERS</th>
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<td>Wolf</td>
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<td>Ulrich</td>
<td>□ Yes □ No □ Absent □ Abstain</td>
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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 19th day of November, 2019, 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 19th day of November, 2019.

________________________________________  County Administrator
________________________________________  Administrator's Designee
Background/Justification:

1. Separation of employment for Marc Ravnholdt, FT Corrections Officer, Sheriff’s Office, effective 11/07/19.

2. Separation of employment for Benjamin Picone, PT Temporary (80% FTE) Program Delivery Seasonal, Transportation Services Division, effective 11/07/19.

3. Separation of employment for Leah Larson, Intermittent (34% FTE) Library Associate-Unclassified, Administration Division, effective 10/29/19.
4. Separation of employment for Elizabeth Brick, Intermittent (34% FTE) Library Associate-Unclassified, Administration Division, effective 10/29/19.

5. Separation of employment for Anna Hughes, Intermittent (34% FTE) Facility Probation Officer-Unclassified, Health and Human Services Division, effective 10/31/19.

6. Separation of employment for Jeffrey Fisch, Intermittent (34% FTE) Facility Probation Officer-Unclassified, Health and Human Services Division, effective 11/04/19.

7. FT Probationary employment for Brianna Freeberg, Social Work Case Manager, Health and Human Services Division, effective 12/02/19.

8. FT Probationary employment for Stacy Siegle, Principal Accounting Technician, Transportation Services Division, effective 11/19/19.

9. FT Temporary employment for Patrick Russell, Eligibility Specialist-Unclassified, Health and Human Services Division, effective 11/04/19.

10. Intermittent employment for Janet Jesperson, Medical Unit Clerk, Sheriff’s Office, effective 11/05/19.


12. Promotion for Spencer Autenrieth, FT Sheriff’s Deputy to FT Probationary Sheriff’s Sergeant, Sheriff’s Office, effective 01/02/20.

13. Amend separation of employment date for Yushica Bryant, FT Eligibility Specialist, Health and Human Services Division, effective 11/22/19 (previously reported as 11/01/19).

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

   Add
   Samantha Roth
   Sanneth Chepkorir
   Abigail Kamm

   Delete

Fiscal Impact: N/A
## Background/Justification:
The purpose of this agenda item is to present the Morris A. Miller Health Hero Award.

This award was established by Scott County in 2002 to honor people in the community who make a spontaneous reaction to an emergency while not thinking of their own safety during an unusual medical or lifesaving incident.
This award was named in honor of the late Morris A. Miller. Mr. Miller was highly respected in the Emergency Medical Services (EMS) field as he had worked diligently for many years in the area of pre-hospital care in Scott County and throughout the Metro Area.

The individuals receiving these awards today were brought to the Scott County All Hazards Committee. The name and circumstance for receiving this award are as follows:

**Morris A. Miller Health Hero Award Nominations For:**
- Citizen Tim Cook
- Scott County Sheriff’s Deputy Jacob Lannon
- Scott County Sheriff’s Deputy Jacob Edwinson
- Allina Duty Supervisor Nathan Layne

On August 17, 2019, the Scott County Sheriff’s Office was dispatched to a three vehicle accident in Spring Lake Township.

While Deputy Lannon and Edwinson were en route to the crash, Scott County Dispatch was updating the deputies that a citizen had stopped at the crash location and reported that one vehicle was flattened, one person was bleeding, and another involved driver was unconscious but breathing.

Deputy Edwinson arrived on scene and began triaging all the victims involved in the crash. Deputy Edwinson confirmed that there were two victims, one that was barely conscious and a second victim was conscious but not responding verbally. Deputy Edwinson recognized that both victims needed immediate medical care so he requested extrication from the Prior Lake Fire Department and also requested air medical transport to be started.

Deputy Lannon and Deputy Edwinson worked together to provide medical care to each of the two victims. Deputy Edwinson provided c-spine stabilization while maintaining an open airway to one of the victims that was the driver, which was struck on the driver’s door. While Deputy Lannon completed an assessment of the second victim who was the driver of the second vehicle to determine possible injuries.

The abilities of Deputy Edwinson and Lannon to complete quick victim assessments allowed them to focus on the injuries that were life threatening and take appropriate medical actions for the best possible outcome of each victim. The quick recognition of Deputy Edwinson that possible extraction along with the need for air medical transport helped in getting more resources to the scene faster so both victims could be treated for any life threatening injuries in an expedited way.

The teamwork that Deputy Edwinson and Lannon displayed during this incident displays their commitment to providing a high level of medical care plus their abilities to quickly recognize during a stressful event what actions were necessary for the best possible outcome for each victim.

After the second vehicle was struck, it had come to rest next to the driver side door of the first vehicle; preventing the driver side door of the first vehicle from being open. Citizen Tim Cook without hesitation agreed to hook his pickup to the first vehicle utilizing a tow strap so the first vehicle could be pulled away from the driver side door. Tim hooked up the tow strap and moved the first vehicle far enough up the ditch so the driver side door of the second vehicle could be opened. Tim’s willingness and commitment to doing what was best for the community aided in getting the driver of the second vehicle to the hospital for the much needed medical interventions.

Allina Duty Supervisor Nathan Layne was able to effectively manage and coordinate resources for an evolving scene. During the incident, Duty Supervisor Layne provided assistance with patient care of each driver and helped in the coordination of what hospital each injured driver would be transported to. Duty Supervisor Layne recognized that mutual aid was needed from another ambulance and took the appropriate action to make the request for the next closet ambulance service.
The teamwork that Deputy Edwinson, Deputy Lannon, Tim Cook, and Allina Supervisor Nathan Layne displayed during this incident displays their commitment to providing a high level of medical care along their abilities to quickly recognize during a stressful event what actions were necessary for the best possible outcome for each victim.

"It is with great pleasure and pride to support the Morris A Miller Nominations of Deputies Edwinson & Lannon, EMS Supervisor Layne, and citizen Cook. Multiple lives were saved the afternoon of this crash due to swift and decisive actions of these individuals. Citizen Tim Cook went above and beyond by assessing and communicating the extent of injuries of multiple victims and setting up success for Deputies Edwinson and Lannon upon arrival. These Deputies appropriately triaged and prioritized medical care.

Deputies Edwinson and Lannon quickly and appropriately formed an action circle of care focusing their extensive knowledge of trauma care to start to resuscitate the most serious victim. This allowed Supervisor Layne to size up the multiple patient scene and start the process of arranging the multiple transportation and medical needs in this semi-remote area. Additionally, Citizen Cook assisted with transportation of lesser critical patients out of their vehicles and the ditches on backboards to the roadside.

Multiple factors were working against us that day including road construction, rural remoteness, and multiple patients of this crash combined with limited immediate resources. This team frankly did a lot with relatively little. This was exemplified by Citizen Cook using his own personal vehicle under the direction of first arriving fire personnel, Deputies & Supervisor Layne to remove the large SUV impeding lifesaving care from the smaller vehicle. These calculated moves ultimately led to rapid extrication of the most critically ill patient to the roadside where advanced lifesaving techniques could be administered.

As a responder to this scene, and as the Medical Director and Chief of Allina EMS, I am very proud to support and serve with these individuals. Additionally, as a resident of Scott County, this type of action is what makes me, my family, and neighbors once again reassured that on our worse days the first responders in our county are top notch.”

Andrew C. Stevens, MD
Assistant Professor of Emergency Medicine
University of Minnesota School of Medicine
Interim Co-President & EMS Chief
Associate EMS Medical Director
Allina Health EMS

Fiscal Impact:
None
**AGENDA #9.1**  
**SCOTT COUNTY, MINNESOTA**  
**REQUEST FOR BOARD ACTION**  
**MEETING DATE: NOVEMBER 19, 2019**

| ORIGINATING DIVISION: | Planning & Res. Mgmt.  
| ORIGINATING DEPARTMENT: | Zoning Administration |  
| CONSENT AGENDA: | ☑ Yes ☑ No |  
| PRESENTER: | Nathan Hall - 8892 |  
| ATTACHMENTS: | ☑ Yes ☑ No |  
| PROJECT: | Valley Oaks IUP |  
| TIME REQUESTED: | 10 Min |  
| ACTION REQUESTED: | Approve the Request for an Interim Use Permit to Operate a Public Stable (Leon Carrick and John Behnke, Applicants and Penny and Robert Eckert, Property Owners) in Section 16 of Credit River Township |  
| CONTRACT/POLICY/GRANT: | ☐ County Attorney Review  
| | ☐ Risk Management Review |  
| FISCAL: | ☐ Finance Review  
| | ☐ Budget Change |  
| ORGANIZATIONAL VALUES: |  
| | ☐ Stewardship: Ensuring the responsible and stable investment of taxpayer dollars and communicating its value to the public  
| | ☐ Partnership: Aligning existing resources, volunteers and programs to achieve shared goals  
| | ☑ Leadership: Anticipating changes and managing challenges based on reliable information and citizen input  
| | ☑ Commitment: Developing a high quality workforce that is dedicated to advancing a safe, healthy and livable community  
| | ☑ Customer Service: Creating a customer experience that is respectful, responsive and solution-oriented  
| | ☐ Innovation: Exploring and adopting new technologies and processes with the goal of improving service and reducing the long term cost of service delivery |  

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

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**Background/Justification:**

The purpose of this agenda item is to approve the request for an Interim Use Permit (IUP) to operate a public stable (Leon Carrick and John Behnke, applicants and Penny and Robert Eckert, property owners) in Section 16 of Credit River Township.

The property has operated as a public stable since the early 1970s but there is not an active IUP on the property. The public stable facility is located on four parcels with a total acreage of 29.27 acres. The properties are zoned Urban Expansion Reserve, UER, and Urban Expansion Reserve Cluster, UER-C, both of which permits public stables as an Interim Use. The applicant is purchasing the property and would like to pursue official approval for the use. The applicant is not proposing any new structures on the property. The site
currently includes a single family home, a clubhouse, a 5,000 square foot pole building, and a 26,400 square foot barn with 66 box stalls and an indoor riding arena. The property has six outdoor paddocks and two outdoor arenas with minimal pasture area. The stable would maintain a maximum capacity of 66 horses.

When the item was presented at the Scott County Planning Advisory Commission on October 14, 2019, the primary topic of discussion was one of the conditions recommended by Credit River Township. The Town Board recommended a condition stating that the IUP shall terminate 10 years from the date of approval, as well as upon the approval to subdivide the property or upon the sale of any portion of the property. Setting an automatic termination date in an IUP is legal under county planning statutes, but has not been the typical practice for IUPs issued by Scott County.

The stated reason for the recommended condition is because Credit River will be taking over planning and zoning authority in the near future and the Town Board wanted to make sure if there were problems with the permit, or if urban development becomes more imminent in this neighborhood, Credit River had the opportunity to make changes to the permit. The applicant’s representative stated their opposition to an automatic 10-year termination date stating that it was difficult to make investments in the property and operation with this type of condition.

Planning staff recommended that the IUP be reviewed – but not terminated – when the property is further subdivided or incorporated into a municipality. The Planning Commission was in agreement with the Town Board’s recommendation to set a termination trigger when the property is further subdivided or upon the sale of any portion of the property, but was split on the automatic 10-year termination date. After much debate, the Planning Commission passed a motion incorporating the Town Board’s two recommended termination trigger events (subdivision, sale) but did not recommended the automatic 10-year termination date. The motion passed on a 3-2 vote with one member abstaining and one member absent.

Credit River Township requested an opportunity to present additional information to the Board regarding their reasons for recommending the automatic 10-year termination date. The applicants and owners have been informed of this meeting.

This action was recommended by the Scott County Planning Advisory Commission on October 14, 2019 in accordance with Chapters 2, 9, and 11 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

Leon Carrick & John Behnke, Applicants and Penny Eckert & Robert Eckert, Property Owners

Interim Use Permit

Criteria for Approval:

1. *The use will not create a burden on public facilities and utilities, which serve or are proposed to serve the area.*

   The proposed use will not create a burden on public facilities which serve the property.

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 existing riding arena and stable are 200 feet or more from all of the property lines. The surrounding properties are generally agricultural in nature or large lot residential.

3. *If improvements are made, they shall be so designated and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*

   The existing stable facility has been designed in a similar style to other rural accessory buildings.

4. *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 on-site parking.*

   The site has driveway access to Natchez Avenue, a paved township road. No existing concerns with site access have been raised.

5. *Adequate water supply. Individual Sewage Treatment System facilities, erosion control, and stormwater management are provided in accordance with applicable standards.*

   The property utilizes individual wells for water. The proposed IUP will need to meet County Ordinance regulations for onsite sewage treatment and stormwater management.

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

   All stable facilities shall meet the requirements of the State Building Code.

Conditions of Approval:

1. The applicant is to file with the Scott County Zoning Administration Office in January of each year a statement indicating that they are in compliance with the conditions of the Interim Use Permit (IUP).

2. This IUP shall be annually reviewed by the Township at a time and in a manner as prescribed by the Credit River Township Board.

3. The applicant shall pay an annual inspection fee for the IUP, if and when the County adopts an inspection fee ordinance.
4. The IUP shall be for a public boarding stable for up to 66 horses as outlined in the application narrative. The number of horses shall be subject to Township and County review and may be modified if there are issues with the site and/or management practices as required under this permit.

5. Any operational changes, specifically hosting of large public events or the addition of other site facilities, shall be reviewed by Credit River Township and County staff to determine compliance with the intent of the IUP.

6. The public stable shall adequately and properly dispose of all animal waste according to the standards and practices recommended by the Scott Soil & Water Conservation District (SWCD) and the approved manure management plan.

7. Horse numbers and horse paddock and confinement areas shall be managed according to the IUP management plan approved by the County and SWCD.

8. The IUP shall operate in accordance with the Scott County Individual Sewage Treatment Systems (ISTS) Ordinance. A water meter shall be installed and readings provided to the Environmental Health Department as required.

9. The proposed riding arena and public stable facility shall meet all requirements of the State Building Code for the proposed use and all applicable codes as required by the Scott County Building Official.

10. Prior to the use of the clubhouse for living quarters, an administrative permit for a caretakers unit shall be required and a building permit must be issued for the conversion and change of occupancy.

11. The IUP shall be reviewed for continuation by the County and the Township when the property is further subdivided or incorporated into a municipality.

12. This Interim Use Permit shall terminate upon any of the following dates or following:
   a) Upon an approval to subdivide the property
   b) Upon the sale of any portion of the property

13. Manure shall be removed completely from the site at least four times per year, in approximately May, July, September and November. Record, pictures and other documentation to verify the removal of the manure shall be submitted with the statement filed annually per Condition #1. The manure pile shall not be located within 100 feet of any property line, and not less than 25 feet from any wetland on-site. A 25-foot unmowed vegetated buffer shall be maintained between the manure pile and any wetland edge.

14. All parking shall be accommodated on-site in locations as shown in the site plan submitted with the application. Parking is not permitted on Natchez Avenue or any other Credit River Township streets.

15. Amplification of sound or music is not permitted.
CREDIT RIVER TOWNSHIP
SECTION 16
LEON CARRICK
REQUEST FOR
INTERIM USE PERMIT
CREDIT RIVER TOWNSHIP
SECTION 16
LEON CARRICK
REQUEST FOR
INTERIM USE PERMIT
Detailed Plan:

The property being sold is 29.27 acres and has currently has a horse barn that houses 66 horses and two dwellings on the property. One dwelling is a single family home and the other dwelling is being used as a clubhouse. Upon the sale of the property, the new owner plans to convert the basement of the clubhouse into living quarters for an onsite manager / farm hand. The operations are planned to be as similar as possible to what the business has been over the past 40 years.

Please see attached Site, Parking, Barn floor plan, Manure handling -Well and septic, Fence and pastures, Survey, Pictures of building elevations, and Advertised listing printout to help communicate the details of this proposal. The existing structures, parking lots, and structures are all setback 100' feet or more with the exception of the manure pile which is planned to be moved in the spring of 2020 to meet this requirement. There are no plans for further expansion at this time. The productive acreage determination is being conducted by Scott Schneider from SWCD.

Since the property is less than 40 acres, there are further requirements for clarification. This is an in-house operation with all 66 horse stalls that are 10'x12'. The 60'x176' indoor area and the 6 paddocks be used year round for daily exercise and the 2 other outdoor arenas are used weather permitting. Please see attached Barn Floor Plan and Pasture Plan for details. The horses are exercised daily for 6 hours each day at minimum in one of these aforementioned areas.

Horse stalls are cleaned daily and riding trail to the park will be cleaned weekly. The paddocks are cleaned 4 times per year during the summer months. The manure is then stored onsite until it has sufficiently decomposed and is used for mix with black dirt for a compost product. This manure removal is currently being handled by Friedges Landscaping in Lakeville. Decomposed manure will be removed from the site during alternating summer months (May, July, September, and November). Some manure is spread onsite for pastures at agronomic rates. The new owner plans to continue with this manure management plan with the manure bunker to be relocated to meet the 100’ setback requirement. Upon the sale of the property, the Minnesota Pollution Control Agency Feedlot Permit will be updated and transferred into the buyer’s name with the help of the Scott SWCD.

Valley Oaks Stable will continue to make efforts to minimize the impact of its effect on the neighborhood and environment. Existing tree cover and frequent cleaning of the paddocks helps to prevent odors. Disposal of dead animals is rare, however it is promptly handled by the rendering service of the client's discretion. Runoff from the feedlot has been analyzed onsite by Scott Schneider from the SWCD and has been determined that paddock cleanings performed in May, July, Sept, November will maintain compliance with the existing fencing conditions.

As the new owner transitions into his new role, he will be listening to the clients concerns about the current operation and how it could be better. Since the property has not yet transferred, the buyer has not had the opportunity to address these improvements to business. However, the plan is to make the site more appealing to the family and friends of the clients. This is planned to be done by encouraging the boarders to host small private events of their own of up to 25 people in the clubhouse. In addition, the new owners plan to host larger events twice / year as marketing events for the facility such as an open house or horse expo that would allow horses to be trailer in for the day.

Horse boarding is a new venture for the new owner. However, he has recruited a lifelong equestrian, Corey James, who has operated a similar facility like this in the past. Corey is excited at the opportunity. Both parties look forward to maintaining and sprucing up the property!
I hereby certify that this is a correct representation of a survey of:

That part of the 80 of the 5th of Section 4, Township 114, Range 13, Scott County, Minnesota, described as follows:

Beginning at the southeast corner of the 80 of the 5th of said section 4, thence north, 200 feet, thence east, 200 feet, thence south, 200 feet, thence west, 200 feet, to the point of beginning.

Also lot 1 and lot 2 of Block 2, Valley Lake, Scott County, Minnesota, according to the plat thereof on file and of record.

and that I am a duly registered land surveyor in the State of Minnesota.

John W. Jacobsen
Registered Land Surveyor

Lee County, Minnesota

Certificate of Survey

PREPARED FOR:

Robert Roper
Hale & Roper

Scale = 1" = 100'

O - Denotes iron monument

Bearings are assumed datum

GENE L. JACOBSSON
REGISTERED LAND SURVEYOR

LAKEVILLE, MINNESOTA

PHONE 469-4326

2-15-91
Barn Floor Plan:

IN indoor arena 60'x176'

*** all horse stalls 12'x10'***

FEED / HABIT ROOM

WASH STALL

MECH ROOM

TACK ROOM

TACK ROOM

MECH ROOM

OFFICE

132' width

200' depth
Manure Handling- Well and Septic (Manure is stored onsite and then hauled away by Frieges Contracting to be mixed with black dirt.) The current manure pile is too close to the property line and will be relocated as shown below to meet the 100 setback requirement.
Corey James  
Mcfarland, W  
Jamescorey7764@gmail.com  
320.296.5528

OBJECTIVE

SKILLS AND ABILITIES

WORK HISTORY

Professional Equine Business Consultant  
Broke and trained horses to compete at the international show level  
Produced numerous top fives, top tens, World and Reserve Champion horses and riders

Texas Environmental  
Justin, Texas  
April 2018 – October 2018  
Interstate Highway System maintenance

Sandstone Arabians  
Sanger, Texas  
April 2017-January 2018  
Professional Horse Trainer  
Specialized in all aspects of Arabian horsemanship including reining, western performance and western pleasure  
Provided horseback riding lessons for Novice to Expert riders  
Responsible for hauling horses to state, divisional and national championship shows  
Coordinated show schedules of up to 10 horses and riders

USIC  
Irving, Texas  
January 2017 – April 2017  
Utility locator

James Wood Auto Park  
Denton Texas  
April 2016 – September 2016  
Cadillac Rental Fleet Manager and Service Writer Assistant  
Provided exceptional customer service both in store and on the phone  
Charged with inventory control and maintenance of service records
Corey James
Jamescorey7764@gmail.com
320.296.5528

Lonestar Toyota
Lewisville, Texas

Business Development Center Agent
Responsible for inbound and outbound calls, appointment setting, addressing customer concerns, and meeting show and sales goals

Long Meadow Arabians
Argyle, Texas

Stable Manager, Breeding Manager, Assistant Trainer
Managed day to day activities of 35 head stable
Directed activities of three to five employees
Drove truck and trailered horses
Operated forklift

Tamar Arabians
Weatherford, Texas

Assistant Trainer
Assisted in the training and management of 150 head stable

Clearwater Equestrian Center
Annandale, Minnesota

Owner/Operator, Head Professional Trainer
Operated a 30 head stable including boarders
Generated yearly business net income of $75,000
Broke and trained championship horses

EDUCATION
Associates Degree Horse Science
University of Minnesota – Waseca
Waseca, Minnesota

Diploma Graduate
Oregon High School
Oregon, Wisconsin

Graduated 1991

2 – 2
The Occupancy of the Clubhouse from 1990 is B-2, in keeping consistent with current codes this type of clubhouse would be designated as Assembly Occupancy, however, there is exception when the occupant load does not exceed 50 the use can be classified as B. Therefore, the use of the clubhouse for small events “up to 25” people would be consistent with the use identified for this building in 1990.

We do not have records of the riding arena and stable, which would be consistent with a building constructed under the Ag provisions MN Statute 326B.103 (formerly 168.60). This Stable/Arena use does not support use other than by owner, lessee, sub-lessee and immediate family, employees and delivery persons – as you can see in the MN Statute.

326B.103 Subd. 3. Agricultural building. "Agricultural building" means a structure that is:
(1) on agricultural land as determined by the governing assessor for the municipality or county under section 273.13, subdivision 23;
(2) designed, constructed, and used to house farm implements, livestock, or agricultural products under section 273.13, subdivision 23; and
(3) used by the owner, lessee, and sub-lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products.

The building code does not prohibit events on the property only that they cannot be held in the structure that was identified as Agricultural. Change in use of the stable would involve structural analysis by a MN licensed structural engineer and Design by MN licensed Architect to comply with the MN Building Code or the MN Conservation Code for Existing Buildings. I have attached a brief detail on Change of Use requirements.

Please feel free to reach out to me if you have any questions.

Jami Neiber | Building Official
Scott County Community Services
200 4th Ave W Shakopee MN 55379
Memo

Date: November 4, 2019
To: Nathan Hall, Zoning Department
From: Mary VonEschen, Environmental Services Department
Subject: PL2019-0073 - IUP Valley Oaks Public Stable

The Scott County Environmental Services Department has reviewed the information submitted for the public stable and our records for the septic system for the property at 18000 NATCHEZ AVE in Credit River Twp. The septic system information and soil information provided (dated 8/22/19) appears to be in conformance with the Scott County Subsurface Sewage Treatment System Ordinance #4 and Minn. Rules Chapter 7080. Our office recommends approval of this IUP.

If you have any questions, please contact me at (952) 496-8344.
Memorandum

To: Scott County Planning and Zoning Department

From: Scott Schneider, Resource Conservationist
       Scott Soil and Water Conservation District (SWCD)

Date: September 30, 2019

Re: Valley Oaks Stable - Interim Use Permit Application Review

This memorandum is being sent to clarify some of the review aspects of the Valley Oaks Stable (VOS) Interim Use Permit (IUP) application in regard to Minnesota Pollution Control Agency (MPCA) rules and chapter nine of the Scott County Zoning Ordinance.

A productive acreage\(^1\) (PA) determination was conducted by Scott SWCD in September of 2019 to satisfy requirements of chapter nine of the Scott County Zoning Ordinance. The aerial photo investigation utilized 2018 photography coupled with a visual assessment conducted by Scott Schneider on August 28, 2019. The final determination revealed 6.6 productive acres which inferred all pastures\(^2\) were to be considered productive acres without feedlot\(^3\) condition and would qualify as areas for pasturing\(^4\) per the site plan submitted with the application. The applicant is requesting approval to maintain the current 66 horses year-round. Productive acreage is not adequate to allow for the 66 horses but with the indoor stalls measuring 120 square feet each, the operation is permitted to operate with the existing indoor housing. Although permissible through IUP acquisition, careful consideration of manure management needs to be implemented to prevent pollution to waters of the state. The key areas to consider are stockpile siting and proper manure disposal. A map of the productive acreage determination is attached for reference.

Currently the location of the manure storage area is compliant but the land sale will dictate relocation of the pile to meet setback requirements. The applicant has indicated a permanent stockpile site is to be constructed southwest of the existing pile to insure compliance with setbacks and runoff requirements.

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\(^1\) Productive Acreage - An area of land used for Crop Production or Pasturing, measured in acres. Lawns and other landscaped areas may be included as Productive Acreage provided they will be used for Crop Production or Pasturing purposes, as attested to an affidavit signed by the applicant. Lands that are not currently used for Pasturing may be included as Productive Acreage provide: a) the minimum living and residual vegetative cover requirements under the Pasturing definition is maintained, and b) the land is not enrolled in a conservation program that prohibits it from being used for cropping, grazing and/or animal waste disposal. Wetlands and areas being grazed but which do not meet the minimum living and residential vegetative cover requirements for the Pasturing definition (i.e. feedlots) shall not qualify as Productive Acreage.

\(^2\)Pastures - Areas where grass or other sod-forming vegetation is grown for the purpose of Pasturing.

\(^3\)Feedlot - A lot or building, or combination of lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.

\(^4\)Pasturing - The grazing of animals in an area of land where the residence time and concentration of animals is such that no less than 80% living or residual vegetative cover is maintained at all times, except that up to 10% of the total pasture area may have coverage less than 80% for supplemental feeding and or watering purposes. Tree and shrub canopy may be counted at a ratio of one half to one towards meeting the minimum vegetative cover requirements. Percent cover shall be determined by the Scott Soil and Water Conservation District using standard transect-line and aerial photo interpretation methodologies.
Currently the manure storage area raises some questions in regards to MPCA compliance with permanent stockpile site rules, but the questions will not be applicable once the storage location is moved and improved to insure compliance. Scott SWCD has reviewed the proposed stockpile site location from the submitted plan and had discussions with the applicant to determine compliance with state and local standards will be met if constructed and operated as planned. Storm water runoff will not be allowed to flow into the proposed stockpile enclosure from clean water areas outside the stockpile site. The base material of the stockpile site will be concrete or compacted clay to meet MPCA requirements and will be constructed to prevent clean water intrusion and contaminated water escape. The applicant indicates manure disposal will include removal offsite from a paid on call service (Friedges Landscaping of Lakeville, MN). Once the applicant takes ownership of the property, a copy of the agreement with Friedges will be provided for file inclusion.

A Minnesota Feedlot Annualized Runoff Model (MinnFARM) evaluation was conducted on the paddocks east of the stable and the site is currently in compliance with runoff standards. MinnFARM is the MPCA accepted software program for evaluating and determining feedlot runoff compliance in MN. As long as the management and stocking density of the paddocks stays the same, the paddocks will remain in compliance with MPCA runoff rules. The plan as submitted by the applicant should allow for continued compliance through all site modifications without concern for non-compliance or pollution to waters of the state.

The management narrative submitted for the IUP application addresses all the requirements necessary to receive an Interim Use Permit. The narrative includes the intent to submit a registration update for the facility with MPCA indicating change in ownership, Scott SWCD will aid the applicant in this process once the ownership change commences.

In summary, Scott SWCD recommends approval of the Valley Oaks Stable IUP to allow operation for 66 horses based on the application materials received. Scott SWCD will continue to work with the applicant to insure compliance with all state laws and local ordinances as requested by Scott County and/or the applicant.
TOWNSHIP RECOMMENDATION FORM

On October 7, 2019 the Town Board of Credit River made the following motion regarding the Valley Oaks Stable, 18000 Natchez Ave, Interim Conditional Use Permit:

Based on the criteria for approval listed in the Staff Report, approval of the Interim Use Permit for Leo Carrick for a public stable, Valley Oaks Stable, noting that this recommendation is subject to approval of the conditions listed in the Staff Report and conditions added by the Township Planner that must be satisfactorily addressed prior to the County Board consideration of the project: Supervisor Schommer
Second: Vice Chairman Novak
Motion Passed: 5-0

After reviewing this Request, the Town Board:

_____ Recommends Approval

__X__ Recommends Approval with the following conditions:

Conditions noted in the staff report and additional conditions as listed below:

1) This Interim Use Permit shall terminate upon any of the following dates or following:
   a) Ten years from the date of approval by the Scott County Board if the subject property is regulated by the Scott County Zoning Ordinance
   b) Upon an approval to subdivide the property
   c) Upon the sale of any portion of the property

2) Manure shall be removed completely from the site at least four times per year, in approximately May, July, September and November. Record, pictures and other documentation to verify the removal of the manure shall be submitted with the statement filed annually per Condition #1. The manure pile shall not be located within 100 feet of any property line, and not less than 25 feet from any wetland on-site. A 25-foot unmowed vegetated buffer shall be maintained between the manure pile and any wetland edge.

3) All parking shall be accommodated on-site in locations as shown in the site plan submitted with the application. Parking is not permitted on Natchez Avenue or any other Credit River Township streets.

4) Amplification of sound or music is not permitted.

_____ Recommends disapproval for the following reasons:

_____ Has no recommendation, but will forward the request to the Planning Commission / Board of Adjustment

_____ Has no recommendation at this time, but will be prepared to offer a recommendation at the meeting of the Planning Commission / Board of Adjustment on (______).

Signed:

Karen Donovan
Township Clerk

Date: October 10, 2019
Condition No. 1 in the Township’s Recommendation Form should be amended to state as follows:

1. 1) This Interim Use Permit shall terminate upon any of the following dates or following events:

   a) Ten years from the date that the Scott County Board approves the requested Interim Use Permit

   b) Upon an approval to subdivide the property

   c) Upon the sale of any portion of the property

All other recommended conditions remain the same. Please call with any questions.

Robert T. Ruppe
Couri & Ruppe, P.L.L.P.
705 Central Avenue East
St. Michael, MN 55376
(763) 497-1930 Office
(612) 210-8679 Cell
(763) 497-2599 Fax
Collaborative Planning, LLC

MEMORANDUM

To: Marty Schmitz, Scott County Zoning Administrator

From: Cindy Nash, Town Planner

Date: November 14, 2019

Subj: Valley Oaks Stables

This memo is intended to provide additional information as to the rationale behind Credit River’s request to have a termination timeframe within the Interim Use Permit. Interim Use Permits are intended to be interim by nature, and not permanent. They are by definition a temporary use of property, and are typically used in circumstances where the use may be acceptable at the current time but may not be acceptable in the future. MINN. STAT. 394.303 states in relevant part as follows:

394.303 INTERIM USES.

Subdivision 1. Definition.

An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Subd. 2. Authority.

Zoning regulations may permit the governing body to allow interim uses. The regulations may set conditions on interim uses. The governing body may grant permission for an interim use of property if:
(1) the use conforms to the zoning regulations;
(2) the date or event that will terminate the use can be identified with certainty;
(3) permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
(4) the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

[Emphasis added]

As drafted, the current conditions that were included in the County staff memo to the Planning Commission do not contain terminating clauses related to specific dates or events that can be identified with certainty as required by the statute.
Credit River Township will be assuming planning and zoning in the future and should have the ability to ensure the IUP is managed in accordance with those future Credit River Ordinances, and that the use can be managed in a way to address mitigation as needed related to changes such as encroaching urban development and amended environmental regulations. The rationale behind requesting a termination includes the following:

1. Without time frames and definitive termination criteria as required by the statute, there is no substantive difference between a Conditional Use Permit and an Interim Use Permit – the permit would run indefinitely with no ability to modify the conditions of the permit. Typical interim use permits in cities utilize a time limit, as it is understood that a use may be appropriate for now but may not be appropriate as a community implements its Comprehensive Plan and future land use map.

2. Credit River is planning to adopt its own Comprehensive Plan and Zoning Ordinance in 2020.

3. As a part of its Comprehensive Plan, Credit River has planned for urbanized future land uses in the area of the stable (see attached Future Land Use map). This interim use could potentially impede the ability of Credit River to improve roads and to extend water and sanitary sewer services in the area if allowed to continue in perpetuity.

4. At the Credit River October Town Board meeting, the Town Board and the applicant negotiated and agreed to a 10-year time frame for the expiration of this permit. Credit River is willing to honor this agreement despite the fact that the state statute already provides that an interim use terminates when zoning regulations no longer allow it.

5. It is understood that the property owner will be able to request a new IUP prior to the conclusion of those ten years. (Note: in this first Credit River Zoning Ordinance it is planned that this use will continue to be allowed as an Interim Use).

6. Although Scott County typically includes a condition that purports to permit the County to modify conditions as needed, it is the opinion of Credit River’s attorney that a local government unit cannot modify a condition administratively. If a condition related to a topic that requires some type of mitigation (noise, parking, etc.) is not in a permit, it cannot be enforced. The only time to modify or add a condition in an Interim Use Permit would be upon a request to renew the permit (such as the 10-year expiration requested).

7. The property is located in an area that will be subject to increasing pressures for urbanization over time, and Credit River will be seeking incorporation as a City. This may result in conflicts between this interim use and other nearby uses. The proximity to a larger population base may also result in the business being more successful than planned currently by the owners, who may wish to incorporate other features or events into their operation or otherwise grow the size of the operation. These changing circumstances may well warrant a modification to existing conditions or the inclusion or deletion of existing conditions that can only be completed with a new IUP application as existing IUPs terminate.
8. In addition, zoning standards particularly related to water quality may change over time. Given the sensitive water resources in Credit River, and the proximity to Murphy Hanrehan Park Reserve, it is imperative that Credit River have the ability to periodically review and modify the conditions within the permit which can only be done only when the owner/operator applies for a renewal of the IUP. This can only be done if the IUP when initially granted provides that the IUP terminates on a particular date or on the occurrence of a particular event.

Thank you for your consideration of Credit River’s request to include a 10-year time frame in the requested permit. We look forward to continued cooperation with the County as Credit River continues with its adoption of its Comprehensive Plan and ordinances. If you have any questions, please do not hesitate to contact me at 612-702-3845.