

BOARD OF COMMISSIONERS**COUNTY OF SCOTT****NOVEMBER 3, 2020**

(1) The Board of Commissioners, in and for the County of Scott, Minnesota, met in the Courthouse Board Room in the City of Shakopee, Minnesota, and convened at 9:03 a.m., with the following members present: Commissioner Beer, presiding, Commissioner Wolf, and Commissioner Beard. Commissioner Weckman Brekke and Commissioner Ulrich participated via phone. Chair Beer announced all votes will be by roll call.

(2) County Staff Present:

- A. Lezlie Vermillion, County Administrator (via phone)
- B. Ron Hocevar, County Attorney
- C. Danny Lenz, Chief Financial Officer/Deputy County Administration
- D. Brad Davis, Planning and Resource Management Director
- E. Marty Schmitz, Zoning Administrator
- F. Lisa Brodsky, Public Health Director (via phone)
- G. Lisa Freese, Transportation Services Director (via phone)
- H. Perry Mulcrone, Business Relationship Director (via phone)
- I. Tracy Cervenka, Administrative Office Supervisor (via phone)
- J. Cindy Geis, Community Services Director (via phone)
- K. Chris Harder, Quality Improvement Manager (via phone)
- L. Lori Huss, Employee Relations Director (via phone)
- M. Pam Selvig, Health and Human Services Director (via phone)
- N. JJ Anderson, Deputy Clerk to the Board
- O. Debra Brazil, Deputy Clerk to the Board

(3) Guests Present:

- A. Doug Schieffer, Cedar Lake Township
- B. Rex Alexander, HeliExperts International LLC

(4) Minutes:

On a motion by Commissioner Wolf, seconded by Commissioner Beard, the Minutes of October 20, 2020 were approved on a roll call vote.

(5) Consent Agenda:

A. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-181; Approving the Grant Application and if Awarded, Accepting the Evidence Based Training Grant in the Amount of \$84,402. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

B. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-183; Authorizing the Government Center East/Justice Center Renovation Bid Package Contract Awards for the Government Center Campus Project. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

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C. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-184; Rejecting Bids for Lawn Care and Authorizing an Agreement With C & C Lawns, Inc. for Snow Removal and Deicing Services. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

D. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-185; Authorizing the Purchase of Microsoft Teams Compatible Phones and Equipment From CDW in the Amount of up to \$265,000 Using Coronavirus Aid, Relief, and Economic Security Act Funding. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

E. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-186; Approving an Addendum to the Master Agreement With Northwoods Consulting Partners, Inc. to Add Additional Functionality Through a Subscription for the Traverse Capture iPhone Application and Partially Using Coronavirus Aid, Relief, and Economic Security Act Special Revenue Funds. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

F. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-189; Authorizing Entering Into a New Five-Year Grant Agreement No. 183884 With the Minnesota Department of Health for the Statewide Health Improvement Program. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

G. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-190; Authorizing Entering Into Grant Agreement No. 184031 With the Minnesota Department of Health for Case Investigation and Contact Tracing (CICT) and Amend the 2020 Public Health Budget. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

H. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-182; Authorizing the Granting of Easements to the City of Shakopee Pursuant to an Agreement to Facilitate Right-of-Way Needs for the City of Shakopee's Canterbury Commons Public Infrastructure Projects, Including for County Project CP 83-24. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

I. Commissioner Ulrich moved, seconded by Commissioner Wolf to approve the Premises Permit Application for the Waterford Warriors Snowmobile Club to conduct lawful gambling at Country Prime Time Bar & Grill in Spring Lake Township. The motion carried unanimously on a roll call vote.

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J. On the recommendation of the New Market Town Board and the Planning Advisory Commission, Commissioner Ulrich moved, seconded by Commissioner Wolf to approve the request for Preliminary and Final Plat of Sioux Valley Estates (Adam Besse, Jessica Besse, Andrew Sellner, and Sarah Marsnik, Applicants and Property Owners) consisting of 4 lots on 40 acres in Section 11 of New Market Township and Conservation Easements. This action is in accordance with Chapters 2 and 40 of Scott County Zoning Ordinance No. 3 based on the criteria listed for approval. The motion carried unanimously on a roll call vote.

K. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-187; Approving a Minor Amendment to the Scott County 2040 Comprehensive Plan for Warren Peiffer (Applicant) and Diamond W, LLC (Owner) and Forwarding the Amendment to the Metropolitan Council for Review. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

L. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-179; Appointing Daniel M. Wormer as Scott County Surveyor Effective October 12, 2020 Through October 11, 2021, and Rescinding Resolution No. 2019-044. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

M. Commissioner Ulrich moved, seconded by Commissioner Wolf to adopt Resolution No. 2020-180; Reappointing Michael J. Thompson as County Assessor Effective January 1, 2021, for the Four-Year Term Ending December 31, 2024; and Rescinding Resolution No. 2016-177. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference. The motion carried unanimously on a roll call vote.

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 for AnnMarie Spence, FT 911 Dispatcher, County Sheriff's Office, effective 10/14/2020.
2. FT Probationary employment for Jeanne Hlavac, Highway Maintenance Worker, Transportation Services Division, effective 10/19/20.
3. FT Probationary employment for Diedre' Clark, Therapist, Health and Human Services Division, effective 10/19/20.
4. FT Probationary employment for Leah Peecher, Corrections Officer, County Sheriff's Office, effective 11/02/20.
5. Change in status for Nathan Dingler, FT Facility Probation Officer to Intermittent (34% FTE) On-call Facility Probation Officer – Unclassified, Health and Human Services Division, effective 10/25/20.
6. Change in status for Brooke Hartung, Intermittent (34% FTE) Facility Probation Officer – Unclassified to PT Temporary (80% FTE) Facility Probation Officer – Unclassified, Health and Human Services Division, effective 10/26/20.
7. Promotion for Daniel Wormer, FT Deputy County Surveyor to FT County Surveyor, Community Services Division, effective 10/12/20.

Motion carried unanimously on a roll call vote.

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

Zoning Administrator Marty Schmitz presented information regarding the request by Doug Schieffer, applicant, and Douglas and Kelli Schieffer, property owners, for a Conditional Use Permit (CUP) to construct and operate a private heliport on a 40 acre parcel in Section 26 of Cedar Lake Township.

Mr. Schmitz reported the Scott County Planning Advisory Commission (Commission) held a public hearing on this request on September 14, 2020. At that meeting the applicant was directed to provide additional information related to noise, topography, an emergency action plan, security plan, and FAA requirements related to weather, and need for lighting. Staff was directed to revise the draft conditions of approval to address the comments heard at the public hearing.

Mr. Schmitz stated there are three proposed approach/departure paths and the path to the north has received significant public comments and requests for the north path to be eliminated. In response to these requests, the applicant has offered an alternate north approach/departure path.

Chair Beer recessed the meeting at 9:21 a.m. and reconvened at 9:28 a.m.

At the October 12, 2020 Planning Advisory Commission meeting, the applicant presented the new information and the Commission spent considerable time discussing conditions of approval. Following the discussion, the Commission voted unanimously to recommend approval of the CUP with 19 conditions. Mr. Schmitz reviewed the main draft conditions discussed by the Commission.

Regarding the three approach/departure flight paths, the condition recommended by the Commission states the applicant shall only use the FAA recommended approach/departure paths from the south and west, unless weather and wind conditions warrant use of the north flight path. The Commission did not recommend eliminating use of the north path. Mr. Schmitz requested the County Board be specific as to the original north path or the alternate north path on any actions taken.

Considerable discussion followed regarding the approach/departure paths and the number of operations allowed per year.

County Attorney Ron Hocevar cautioned the County Board on advising a pilot which route would or would not be safe and how the operation should take place. Mr. Hocevar added that normally the County Board sets policy, but on this item, it is acting in a quasi-judicial role. The decision must be made on facts of the law, be it State Statute or County Ordinance.

Applicant Doug Schieffer and his consultant Rex Alexander of HeliExperts International LLC responded to questions from the County Board. Mr. Schieffer stated he will use the modified north approach/departure path when needed for safety reasons. It was also noted that the flight paths are recommendations that need to be reviewed by the FAA and the Minnesota Department of Transportation. Mr. Schieffer reported this is the most restrictive heliport in the Country.

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Commissioner Beard moved, seconded by Commissioner Ulrich to amend Condition No. 13 to read: To limit the impact on residences, livestock, and powerlines, the applicant shall only use the FAA recommended approach/departure paths from the south and west, unless weather and wind conditions warrant use of the north flight path, consistent with operational flight safety.

Discussion followed regarding the need to clarify the intention of the motion is to use the alternative north flight path.

Commissioner Beard altered his motion, seconded by Commissioner Ulrich to amend Condition No. 13 to read: To limit the impact on residences, livestock, and powerlines, the applicant shall only use the FAA recommended approach/departure paths from the south and west, unless weather and wind conditions warrant use of the northeasterly flight path, consistent with flight operational safety.

Steve Domeier, 4216 Hunters Lane, Cedar Lake Township, spoke in opposition of the north path. He stated there are other airports in the area and suggested Mr. Schieffer use those instead of the north path.

The motion carried unanimously on a roll call vote.

Mr. Hocevar recommended Condition No. 1 be amended to reflect the language in amended Condition No. 13.

Commissioner Beard moved, seconded by Commissioner Ulrich to amend Condition No. 1 to read as follows to be consistent with Condition 13: The applicant is to file with the Scott County Planning Office in January of each year a letter stating that they are in compliance with the conditions of the Conditional Use Permit as issued. The letter shall include a log of all flight operations, with date and time of each take-off and landing, the flight path used for each take-off and landing, and the weather and wind conditions for any operation when the northeasterly flight path was used. The motion carried unanimously on a roll call vote.

On the recommendation of the Cedar Lake Town Board and the Planning Advisory Commission, Commissioner Beard moved, seconded by Commissioner Ulrich to approve the request for a Conditional Use Permit as amended to construct and operate a private heliport on a 40 acre parcel in the RR-1 and RR-1C Zoning Districts (Douglas Schieffer, Applicant, and Douglas and Kelli Schieffer, Property Owners) in Section 26 of Cedar Lake Township. This action is in accordance with Chapters 2 and 4 of the Scott County Zoning Ordinance No. 3 based on the conditions listed for approval as amended.

Commissioner Wolf stated he will reluctantly support the motion. He stated this project has divided the neighborhood, but the applicant has stated he will abide by the conditions.

The motion carried unanimously on a roll call vote.

(7) Committee Reports and Commissioner Updates:

A. Commissioner Weckman Brekke highlighted a call she received from a Scott County veteran complimenting the Scott County Veteran Service Office.

B. Commissioners Weckman Brekke and Beard participated in the Association of Minnesota Counties District X virtual meeting on October 23.

C. Commissioner Weckman Brekke participated in a virtual meeting and tour of Uponor on October 23.

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D. Commissioner Weckman Brekke participated in the Metropolitan Alliance for Health Families Board virtual meeting on October 26.

E. Commissioner Weckman Brekke and County Administrator Lezlie Vermillion met with City of Jordan Mayor and City Administrator on October 26.

F. Commissioner Weckman Brekke met with an employee on October 27 regarding collection and recovery efforts.

G. The Commissioners all participated in the County Board workshop on October 27 and a tour of the proposed helipad in Cedar Lake Township.

H. Commissioners Weckman Brekke, Ulrich, and Beer participated in the Live, Learn, Earn Unified Housing Plan for Scott County virtual meetings on October 27 and October 29.

I. Commissioner Weckman Brekke participated in the Live, Learn, Earn Educational Preparation Committee virtual meeting on October 28.

J. Commissioner Weckman Brekke met with the Executive Director of the Scott-Carver-Dakota Community Action Program Executive Director on October 28.

K. Commissioner Weckman Brekke participated in the Shakopee Academies Human Services Industry Council on October 28.

L. Commissioner Weckman Brekke participated in the National Association of Counties Human Services and Education Committee virtual meeting on October 28.

M. Commissioner Beard participated in Minnesota Inter-County Association (MICA) virtual meetings regarding the Blue Ribbon Commission on the Metropolitan Council on October 21 and October 29.

N. Commissioner Beard participated in a virtual meeting with representatives of Beacon Interfaith Housing on October 22.

O. Commissioner Beard participated in a virtual meeting and tour of Uponsor on October 24.

P. Commissioner Beard participated in a virtual presentation to the Blue Ribbon Commission on the Metropolitan Council on October 26.

Q. Commissioners Beard and Ulrich participated in the Scott County Association for Leadership and Efficiency (SCALE) Unified Transit Plan virtual meeting on October 26.

R. Commissioners Beard and Ulrich participated in a virtual meeting with Minnesota Department of Transportation representatives on October 29.

S. Commissioners Beard and Wolf participated in the Live, Learn, Earn Unified Housing Plan for Scott County virtual meeting on October 29.

T. Commissioner Ulrich participated in a virtual meeting with representatives of Beacon Interfaith Housing on October 20.

U. Commissioner Ulrich participated in the Metropolitan Council Transportation Advisory Board meeting on October 21.

V. Commissioner Ulrich participated in the Families and Individuals Sharing Hope (FISH) Board virtual meeting on October 22.

W. Commissioner Ulrich participated in a Minnesota Valley Transit Authority virtual meeting with the Savage Mayor on October 23.

X. Commissioners Ulrich and Beer conducted the Chair/Vice Chair planning meeting on October 27.

Y. Commissioner Ulrich participated in the Minnesota Valley Transit Authority Board virtual meeting on October 28.

Z. Commissioner Ulrich participated in the Greater MSP Board virtual meeting on October 30.

AA. Commissioner Ulrich participated in the Transit Mobility Management Board virtual meeting on November 2.

AB. Commissioner Wolf participated in the Scott County Employee Insurance Committee virtual meeting October 21.

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AC. Commissioner Wolf participated in a virtual meeting with representatives of Beacon Interfaith Housing on October 22.

AD. Commissioner Wolf participated in the Vermillion River Watershed Joint Powers Board virtual meeting on October 22.

AE. Commissioner Wolf attended the Elko New Market City Council meeting on October 22.

AF. Commissioner Wolf met with Ms. Vermillion via phone on October 26.

AG. Commissioner Wolf participated in the Scott Watershed Management Organization Planning Commission virtual meeting on October 26.

AH. Commissioners Wolf and Beer participated in the Metropolitan Emergency Services Board virtual meeting on October 29.

AI. Commissioner Wolf attended the Prior Lake City Council workshop and meeting on November 2.

AJ. Commissioner Wolf attended the Cedar Lake Town Board meeting on November 2.

AK. Commissioner Wolf met with the Credit River Town Board Chair on November 2

AL. Commissioner Beer participated in a virtual meeting with representatives of Beacon Interfaith Housing on October 22.

AM. Commissioner Beer attended the Prior Lake City Council meeting on November 2.

(8) County Administrator Update:

- An elections update was given. Deadlines for submitting absentee ballots were explained.
- County offices will be closed Wednesday, November 11, in observance of Veteran's Day.
- The County Board 2021 Planning Workshop is November 20.
- Following today's meeting the Board will meet in a workshop setting to receive information on Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding; the Scott County Emergency Operations Plan; and the Scott County Hazards Mitigation Plan.

On a motion by Commissioner Wolf, seconded by Commissioner Beer, the meeting adjourned at 11:12 a.m.

David Beer
Chair

Lezlie A. Vermillion
County Administrator
Clerk of the Board

Debra K. Brazil
Deputy Clerk to the Board