



MINUTES
SCOTT COUNTY
BOARD OF COMMISSIONERS
November 15, 2022

9:00 AM

(1) CONVENE COUNTY BOARD

The Board of Commissioners, in and for the County of Scott, Minnesota, met in the County Board Room in the City of Shakopee, Minnesota, and convened at 9:01 a.m. The following members were present: County Commissioner Weckman Brekke, County Commissioner Wolf, County Commissioner Beer, and County Commissioner Ulrich. County Commissioner Beard attended remotely at a predetermined and disclosed location: Paradise Oaks, 4628 County Road 475, Lot B33, Bushnell, FL 33513; Phone: 612-369-3095. County Commissioner Wolf presided.

The following were also in attendance:

1. Lezlie Vermillion, Scott County Administrator
2. Danny Lenz, CFO/ Deputy County Administrator
3. Ron Hocevar, County Attorney
4. Jeanne Andersen, Senior Attorney
5. Alysa Misfeldt, Parks Strategic Programs Manager
6. Barb Dahl, Social Services Director
7. Brad Davis, Planning and Resource Management Director
8. Cara Madsen, Volunteer & Community Coordinator
9. Christine Harder, Quality Improvement Manager
10. Cindy Geis, Community Services Director
11. Greg Wagner, Principal Planner
12. Lisa Freese, Transportation Services Director
13. Lisa Kohner, Public Affairs Coordinator
14. Lori Huss, Employee Relations Director
15. Luke Hennen, Scott County Sheriff
16. Mark Callahan, Highway Division Program Manager
17. Marty Schmitz, Zoning Administration
18. Molly Bruner, Community Corrections Director
19. Pam Selvig, Health and Human Services Director
20. Scott Haas, Sheriff's Captain
21. Steve Collins, Sheriff's Captain
22. Tracy Cervenka, Administrative Office Supervisor
23. JJ Anderson, Deputy Clerk to the Board

Guests:

1. Alex Malm, Savage Pacer
2. Abby Bathel, Shakopee Mdewakanton Sioux Community (SMSC)
3. Ben Picone, Minnesota Valley Transit Authority (MVTA)
4. Bob Davis, Mid America Festivals
5. Bob Pieper, Louisville Town Board
6. Carly Roch, Prior Lake Resident
7. Cheryl Doucette, Scott County Resident
8. Chris Weber, Louisville Township

9. David Hagen, Louisville Township
10. Don Regnier, Louisville Township
11. Jaime Arnson, Minnesota Renaissance Festival
12. Jay Picha, Picha Cabinets
13. Jeff Dednar, SRF Consulting Group, Ltd.
14. Jody Brennan, Shakopee City Council
15. Joe Artez, Mid America Festivals
16. Joey Smith, Shakopee Resident
17. John Weckman, Louisville Town Board
18. Kate Kline, Mid America Festivals
19. Kevin Baseheart, Prior Lake Resident
20. Lillian Pau, Mid America Festivals
21. Louis Davis, Mid America Festivals
22. Mark Goldfarb, Catskill Mountain Moccasins
23. Mark Siever, Minneapolis Resident
24. Matt Bryan, Bryan Rock Products
25. Megan Rose, Scott County Resident
26. Mitch Michaelson, Sever's Festivals
27. Rose Menke, Jackson Township
28. Patrick Chilton, MVTA
29. Paul Doucette, Scott County Resident
30. Paul Moe, Faegre Drinker Biddle & Reath LLP
31. Phil Kaplan, Minnesota Renaissance Festival
32. Robert Whipps, Minnesota Renaissance Festival
33. Robin McCullough, Minnesota Renaissance Festival
34. Scott Hendrickson, Prior Lake Resident
35. Stephanie Whipps, Minnesota Renaissance Festival
36. Steve Albrecht, SMSC
37. Sue Murphy, Scott County Resident
38. Taylor Baseheart, Prior Lake Resident
39. Todd Dorsichiek, Minnetonka

(2) AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

(3) APPROVE NOVEMBER 1, 2022 MINUTES

Motion by Commissioner Weckman Brekke, seconded by Commissioner Beer. The motion carried unanimously on a roll call vote.

(4) NEW EMPLOYEE INTRODUCTION

Two new employees in attendance introduced themselves as a part of their New Employee Welcome Session with the County Board.

(5) RECOGNITION OF INTERESTED CITIZENS

Kevin Baseheart 14112 Bayview Cir NE, Prior Lake, MN

Mr. Baseheart was not happy to learn about Scott County's Highway 42 Re-Entry Home being reconstructed in his neighborhood and would like more information. Mr. Baseheart found out through neighbors and speaking to workers at the house. He wishes that this had been communicated better by local and elected officials. While in favor of residential facilities, Mr. Baseheart does not feel this is the best location for the home due to the logistics of children's facilities.

Scott Hendrickson 14109 Bayview Cir NE, Prior Lake, MN

Mr. Hendrickson and his wife state have lived in the neighborhood for 28 years and feel the re-entry home is inappropriate for the area. While aware that the County was under no obligation to notify the City or residents, he feels the County should inform residents to be transparent. He believes there will be increased crime in the neighborhood and is considering purchasing a gun. Mr. Hendrickson also feels good neighbors will sell and home prices will decline. He wondered who thought this was a good idea.

Linda Hage 14044 Bayview Cir NE, Prior Lake, MN

Ms. Hage states that her family lives right next to the County's 42 reentry home and finds it triggering as her family's home was burglarized decades earlier. She states they lost a spouse, a child, and her son was strangled. Ms. Hage says this is a direct emotional problem for their household. Ms. Hage did not know of the plans for the re-entry home until asking the workers completing construction there. She states that her family is not a "gun" family, but she will be taking conceal/carry classes soon because of the facility and how isolated her home is. She is also worried that they will not be able to sell their own property if they wish to leave because of the nature of the home.

Jennifer Stearns Hidden View Road Ne, Prior Lake, MN

Ms. Stearns stated that she was also there to address the unlicensed transitional re-entry home on County Road 42. She states that what she understands is that this home will house violent criminals and sex offenders directly released from incarceration who will be supervised and then released for a maximum of 90 days. She claims that the location is zoned for single family homes and directly across the street from a public park, playground, and public beach. She went on to state that on Nov. 1, Scott County hosted a public meeting and heard the worries of residents and business owners alike. Ms. Stearns feels there was a lack of due diligence on behalf of the County where the resident safety was concerned. Ms. Stearns read aloud supporting documentation received from County Administrator Lezlie Vermillion which seemed to support her feelings that residential housing hosting a small number of re-entry program participants was misplaced, as the articles suggested there was less likelihood of success. She went on to claim that larger facilities have been proven more successful and that Damascus Way has two such licensed facilities already. Ms. Stearns referenced County issued studies which she alleges recommended this home be demolished due to safety issues along highway 42. She also provided a petition which she declared included 450 names from persons against the re-entry home along with other materials she considered supporting.

Commissioner Wolf asked Ms. Stearns to clarify who signed the petition as he was seeing out-of-state residents on the petition, and she clarified that the poll was conducted online and anyone could sign.

JJ Anderson 2201 Aldrich Ave S Minneapolis

Ms. Anderson addressed the Board in support of the residential re-entry house. Having been a participant in a residential treatment program herself, Ms. Anderson asserts that had it not been for her own stay at such a facility, she would not have been successful with the second chance she received through the State. She stated that she felt anyone of us could be one mistake away from needing such a facility and that we all currently have family and friends who have been in or are in such a situation currently. Ms. Anderson thanked the State of Minnesota for helping her and went on to say that she's witnessed, from experience, that those in residential treatment facilities in more industrial/urbanized areas have had less successful outcomes than those like hers. She claims being part of a functioning community was what made transition and re-entry into society that much more successful for herself and others.

(6) CONSENT AGENDA

- 6.1 Adopt Resolution No. 2022-257; Approving an Amended Agreement With the Minnesota Pollution Control Agency for the 2019-2024 Local Recycling Development Grant (LRDG) Motion by Commissioner Ulrich, seconded by Commissioner Weckman Brekke. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.2 Adopt Resolution No. 2022-261; Amending the 2022 Budget for Utilization of American Rescue Plan Act Funds for the Family Resource Center Project Motion by Commissioner Ulrich, seconded by Commissioner Weckman Brekke. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.3 Adopt Resolution No. 2022-262; Approving Amendment No. 1 to the Agreement with Midwest Paratransit Services for Contract Operations for Dial-A-Ride Services in Scott and Carver Counties Motion by Commissioner Ulrich, seconded by Commissioner Weckman Brekke. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.4 Adopt Resolution No. 2022-263: Recommending the Submittal of the Trunk Highway 13 Corridor Project to the Minnesota Department of Transportation for the 2022 Corridors of Commerce Solicitation Motion by Commissioner Ulrich, seconded by Commissioner Weckman Brekke. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.5 Adopt Resolution No. 2022-264; Adopting the Amended Code of Conduct Policy and Rescinding Resolution No. 2020-218 Motion by Commissioner Ulrich, seconded by Commissioner Weckman Brekke. The motion carried unanimously on a roll call vote. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.
- 6.6 Approve Payroll Processing of Personnel Actions
 1. Separation of employment for Himani Joshi, PT (37% FTE) Administrative Assistant - Unclassified, Administration Division, effective 8/2/2021.
 2. Separation of employment for Kiara Swanson, Intermittent (34% FTE) Office Assistant - Unclassified, Office of Management and Budget Division, effective 9/26/2022.
 3. Separation of employment for Martynas Sidlauskas, Intermittent (34% FTE) Corrections Officer - Unclassified, County Sheriff's Office, effective 10/7/2022.
 4. Separation of employment for Nicole Anschutz, Intermittent (34% FTE) Registered Nurse - Unclassified, County Sheriff's Office, effective 10/16/2022.
 5. Separation of employment for Mary Burkhalter, FT Probationary 911 Dispatcher, County Sheriff's Office, effective 11/2/2022.
 6. Separation of employment for Marleny Huerta-Apanco, FT Community Outreach Officer, Administration Division, effective 11/4/2022.
 7. Separation of employment for Ann Remiger, Intermittent (34% FTE) Business Information Systems - Unclassified, County Sheriff's Office, effective 11/7/2022.
 8. Separation of employment for Charlie Drapeaux, FT Probationary Assistant County Attorney II, County Attorney's Office, effective 11/9/2022.
 9. Separation of employment for Dan Richards, FT Probationary Equipment Mechanic, Planning and Resource Management Division, effective 11/18/2022.
 10. Separation of employment for Jane Callister-Whitaker, PT (85% FTE) Child Protection Worker, Health and Human Services Division, effective 11/30/2022.
 11. Separation of employment for Kathie Busch, FT Child Support Officer, Health and

Human Services Division, effective 11/30/2022.

12. FT Probationary employment of Jonathon Williams, Sheriff's Deputy, County Sheriff's Office, effective 10/24/2022.
13. FT Probationary employment of Chamkha Le-Hoang, Senior Accountant, Office of Management & Budget Division, effective 10/27/2022.
14. FT Probationary employment of Alli Libby, Eligibility Specialist, Health and Human Services Division, effective 11/14/2022.
15. PT (50% FTE) Temporary employment of Kathy Shanks, Senior Accountant - Unclassified, Office of Management and Budget Division, effective 11/9/2022.
16. Change in status for Amanda Downs, PT (50% FTE) Probationary Facility Probation Officer to Intermittent (34% FTE) Facility Probation Officer, Health and Human Services Division, effective 10/31/2022.
17. Promotion for Mayra Lopez, FT Systems Support Technician to FT Probationary Systems Management Specialist, Health and Human Services Division, effective 10/24/2022.
18. Promotion for Alexander McDonald, Assistant County Attorney II to Assistant County Attorney III, County Attorney's Office, effective 10/24/2022.
19. Promotion for Matthew Bendzick, FT Program Specialist, Office of Management and Budget Division, to FT Probationary Systems Management Specialist, Health and Human Services Division, effective 11/21/2022.
20. Change in status for Astrid Sandoval, FT Temporary Administrative Specialist - Unclassified to FT Probationary Administrative Specialist, Health and Human Services Division, effective 10/18/2022.
21. Voluntary demotion for Keri Wiscovitch, PT (60%) Probationary Administrative Assistant, Planning and Resource Management Division, to FT Probationary Administrative Specialist, Health and Human Services Division, effective 11/2/2022.

Motion by Commissioner Ulrich, seconded by Commissioner Weckman Brekke. The motion carried unanimously on a roll call vote.

6.7 Approve Record of Disbursements and Approve Claims

Motion by Commissioner Ulrich, seconded by Commissioner Weckman Brekke. The motion carried unanimously on a roll call vote.

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

7.1 Conduct a Public Hearing at 9:00 a.m. to Receive Public Comment on Considering Action on Conditional Use Permit #616-C-8 Issued to Mid-America Festivals Corporation and Adopt Resolution No. 2022-265; Setting Forth Findings of Fact and Conclusions of Law and an Order Revoking Conditional Use Permit #616-C-8 Issued to Mid-America Festivals Corporation to Operate the Minnesota Renaissance Festival and Trail of Terror

Planning and Resource Management Director Brad Davis asked the Board to consider acting on conditional use permit #616-C-8 issued to Mid-America Festivals Corporation and to adopt Resolution No. 2022-265; setting forth findings of fact and conclusions of law and an order revoking Conditional Use Permit #616-C-8 Issued to Mid-America Festivals Corporation to operate the Minnesota Renaissance Festival and Trail of Terror.

Open Public Hearing at 9:30 a.m.

Motion Commissioner Weckman Brekke, seconded by Commissioner Beer. The motion carried unanimously on a roll call vote.

Mr. Davis summarized the action being requested today of the Board, which included opening the public hearing, receiving background information from staff, hearing directly from the public and Permit Holder, closing the public hearing, and considering final action to be taken at a later meeting date. Mr. Davis provided a brief history, location, ownership, and lease arrangements

associated with the land use permit. Mr. Davis informed the Board that the Permit Holder and property owners were sent notice of today's public hearing on October 24, 2022.

The permit includes 30 enumerated conditions that need to be met, and remain in compliance, in order to continue operating this conditional land use. In Chapter 2 of the ordinance (section 2-6-3 (13)), the ordinance states; "In the event that any of the conditions set forth in a permit are violated, the County Board shall have the authority to revoke the conditional use permit." Prior to this hearing, Scott County staff held meetings with the Permit Holder, Louisville Township, Minnesota Valley Transit Authority, Minnesota Department of Transportation and Shakopee Fire Department to review traffic management during the 2021 season and set expectations for 2022. These meetings were held on December 7, 2021, January 31, 2022, and May 24, 2022. The Permit Holder provided memorandums in advance of the December 7 and January 31 meetings.

Mr. Davis provided documentation from the Permit Holder, as well as facts and findings from staff ascertaining Mid-America Festivals to be in violation of their conditional use permit, violating the following enumerated conditions: No. 3 by not informing the Scott County Planning Office of physical and operational changes and instead representing tribal property as part of their designated on-site parking lot and emergency route for the 2022 season; No. 10 by not providing the necessary services for "fire protection" for the 2022 season because a segment of the designated emergency route for fire trucks to enter the main festival site traversed property that Mid-America Festivals did not have legal right to access or use; No. 23 by overestimating and misrepresenting the number of parking spaces available on-site for the 2022 season causing traffic congestion off-site resulting in patrons parking on city streets, and other off-site locations then walking down state highways to enter the festival by foot; and No. 17 as this conditional land use does not comply with the Scott County Zoning Ordinance's standards for traffic control, location and permitting of off-street parking lots, usage of off-street parking lots, and parking and driveway surfaces, though despite years of communicating to Mid-America Festivals of the need to maintain, in a neat and adequate manner, the parking lots and entrance road surfaces on the festival grounds to alleviate traffic impacts, the 2022 season demonstrated a continuing failure to provide adequate surfaces.

Mr. Davis concluded his presentation informing the Board that testimony received during the public hearing may add, subtract or change the Findings of Fact presented in the draft resolution.

Mark Goldfarb, Catskill Mountain Moccasins

Mr. Goldfarb stated that he supports ten families across the United States and ascertains that Minnesota Renaissance is the "holy grail" of such events and to close it would be detrimental to many.

John Weckman, Louisville Township Supervisor

Mr. Weckman gave a few personal instances to highlight how the festival has affected events that are important to his family and others, stating that he takes his son to a special Olympics event for bowling and many of the families simply could not get there because of the traffic. He stated that he has reserved himself to turning off his phone on Saturdays to avoid complaints of others about the traffic because it's a County issue and he hasn't any control.

Bob Pieper, Louisville Township Supervisor and Businessowner

Mr. Pieper stated that he has a furniture refinishing business and has lost business by having to close four weekends in row simply because customers cannot physically get to his location. Mr. Pieper believes eighty percent of Louisville Townships shut down because of the traffic. He states he'd like to see the festival continue but to remedy the traffic.

Nicole Parker, Royal Armory

Mrs. Parker states that she and her husband employ up to 100 persons to make their handmade items for part of the year. She states that closing the festival would greatly affect their income and that of her employees. She said she recognized there is a traffic issue but hopes for the festival to continue.

Jay Picha, Picha Cabinets

Mr. Picha stated he hadn't anything new to say but suggested limited, timed tickets. He stated it's six weeks of hell for residents and hopes there's a solution.

Don Regnier, Louisville Township

Mr. Regnier does not feel this is a new problem with the traffic but an ongoing one and has offered to work with MidAmerica staff to no avail to come up with solutions for the heavy traffic. He feels the County's only option is to revoke the permit.

Ron Hocevar, County Attorney

The County Attorney stated that the County does not have the power to change the conditions unless MidAmerica Festivals opens the Conditional Use Permit (CUP).

Lois Davis, Food Vendor

Ms. Davis stated that closing the festival would greatly harm her and her family's income. She believes the issue is the Global Positioning Systems taking people the incorrect routes.

Jim Cunningham, Performer and Resident of St. Paul, MN

Mr. Cunningham states that he doesn't not "have a real job" and is a full-time performer, relying greatly on the festival to provide income for his children's schooling. He feels it would be a great loss to hundreds of the artisans in his craft, both in and out of state, to shut it down. He feels the festival is an asset to Scott County and thinks there must be a viable solution for all.

Joey Smith, 15630 Old Brickyard Road

Mr. Smith states that his family cannot leave their house on weekends because of the festival's traffic and if they must it's 2-3 hours to get home going short distances. He worked at the festival as a young man and thinks it's a great place but also feels it must be forced to make changes by being shut down until it does.

Mark Sieve, Vendor

Mr. Sieve is a 50-year participating vendor in the festival. He met his wife there. He said that he and other vendors always recommend other businesses and use other businesses in the County, supporting them. He feels the festival gives more than monetary value to the County. He gave an example of patrons and performers coming together to raise \$21,000 for First Responders and the Red Cross in New York City during 9-11 tragedy. He stated that he's been to festivals all over and they all have the same problems, but they work through them and thinks this situation should be no different and it's a valuable enterprise for all.

Mitch Michaelson, Sever's Festivals

He wants to see the festival change their practices and has no desire to see them go away. He wants to maintain Scott County as an entertainment corridor and mentioned options to make it work. He asks the Board to work with the festival.

Robert Whipps, 240 Liberty Lane Jordan, MN

Mr. Webb's wife, Stephanie, works for the festival year-round and shutting it down would greatly affect his ability to afford his home and take care of his kids. He reminiscence of the enjoyment he has had to watch the kids who work for him at the festival grow-up and go on to do other things.

Cheryl Doucette, Business Owner

Mrs. Doucette states that she and her husband own multiple businesses that shut down when the festival is underway. She says the traffic issue has been a problem for years and the residential areas are being affected. She mentioned a few dangerous situations due to drivers being lost, traffic congestions, using the roadside to "relieve themselves", emergency vehicles not being able to get through. She described the traffic being backed up all the way to other cities.

Tom Weckman, Jackson Township

He's been a resident since the Renaissance started. He stated that the traffic has been an issue since it began, but it was isolated to Highway 169 and now as it's grown it's now every local road as well.

Deputy Clerk to Board, JJ Anderson, read Sue Murphy's comments from the Zoom chat:

Sue Murphy, 2771 150th St W Shakopee, MN

Ms. Murphy stated in text that her driveway is on County Road 14, and they were unable to get to her house and needed to leave in a single direction. She and her family's lives have been interrupted by the festival both personally and in terms of work-related events. She is also concerned about the health and safety hazard and emergency vehicles being unable to reach the townships.

Planning and Resource Management Director Brad Davis provided written correspondence from two concerned citizens unable to attend the hearing:

Chris Mullen, Mullen Trucking

Eric Momburg, Skyline Area

Philip J. Kaplan, Anthony Ostlund Law Firm in Minneapolis

Mr. Kaplan introduced himself as MidAmerica Festival's legal representation. He stated that he would soon introduce the owner, Jim Peterson, who would then detail solutions the festival has already implemented and will explore. Mr. Kaplan said the reason why he is speaking is for two reasons: though he is a litigator, he stated that festival did not want to fight but work with the County and if the CUP was revoked, they'd have no choice but to go to court to defend their rights under it; the second reason Mr. Kaplan said he was appearing was to make it clear to the County that they did have the legal right to revoke the CUP and that he provided written documentation to Senior Attorney Jeanne Andersen citing this. He went on to tell the Board the reason that they do not have legal authority is due to language of the CUP and that they do not have legal reasoning based off the facts and findings presented by Mr. Davis. He remarked that this was a "square peg in a round hole" situation.

Jim Peterson, MidAmerica Festival Owner

Mr. Peterson started by telling the Commissioners a bit of history about the festival and that they have value to the community. He stated that they donate hundreds of thousands of dollars to charities and that they pay over a million dollars in taxes each year. He estimated that they make 11 million in revenue and make a significant contribution to the County, bringing in 304,000 patrons this year which was an exceptionally large number of attendees for them. He stated that MnDot and the County impose the traffic rules and the festival hasn't much say in the matter.

Some of the solutions the festival has implemented to help with traffic have included bussing— Mr. Peterson stated that they bussed approximately 15,000 people in 2022 and expect to bus twice as many next year.

The festival has also strengthened the integrity of their own internal roads, having staff that go out daily to fix or maintain the lanes even though they do not own the land, they still take the responsibility.

He mentioned working with County Administrator Lezlie Vermillion on the construction of the Bloomington Ferry Bridge, donating twenty-five cents per ticket to support its build.

Mr. Peterson stated that the festival has a cooperation with Allina, staffing emergency medical workers directly onsite daily.

Mr. Peterson ascertained that he wished to reiterate what many of his vendor's and many residents suggested that the County and festival work together to find a viable solution for these issues, mainly the traffic as it seems to be the source of all other issues; one of which would be to increase bussing. Mr. Peterson said that they built a road specifically for busses that encourages patrons with faster entrance.

Mr. Peterson admitted that parking was not working out with using volunteers, so they have decided to use full-time employees for this. They will also be striping the fields to better manage the lots, increasing efficiency.

He also felt their social media marketing efforts, providing parking and weather information will help alleviate confusion.

He also mentioned staff investing time and effort into fixing the shoulder on Red Rock Road when asked.

Mr. Peterson mentioned Jeff Dednar as his parking attendant aficionado and that they would continue to work together on these remedies for issues and improve the sites.

Mr. Peterson segued to reminisce that the festival gave away 5,000 free tickets to children who were excelling academically in the area.

Mr. Peterson described the festival as being very amiable and receptive to change, willing to work to fix whatever needed it.

Commissioner Wolf asked Mr. Peterson how many tickets did not get used this year due to traffic congestion and patrons not being able to make it into the gates because of it. Mr. Peterson replied that it was a good question and that they were on the same side, wanting patrons to have a good time. He went back over the solutions he mentioned previously. He felt it was a good testimony that even those who got into the gate late with only a few hours to enjoy the festival still wanted to. Commissioner Wolf reiterated his question. Mr. Peterson stated it was a good question and offered that he did not know, but there are some and the Commissioner's point is well-taken.

Commissioner Beer asked if the rumor that Mid-America Festivals bought land to move the festival to was true. Mr. Peterson asked if the Commissioner had ever been to the festival, which he had not. Mr. Peterson then offered that the festival was quite large and sentimental to their logistics. He did then offer that they had bought land at one point, but the plan is not to move but stay where they are for all time.

Commissioner Beer asked Brad Davis when the estimated number of parking stalls was provided by the permit holder. Mr. Davis replied that the permit holder provided the parking stall numbers at the July 14 meeting between the County and festival. Commissioner Beer asked Mr. Davis if the permit holder knew they did not have access to The Trail of Tears lot at that time. Mr. Davis stated that that was staff's position seeing that the lease had been expired since January. Mr. Peterson stated that the lot was taken back over by the SMSC and the festival didn't feel they needed the lot and instead expanded the "Greent Lot" property to accommodate patrons better, so they did not contact the tribe, feeling it worked out well. Commissioner Beer asked Mr. Peterson to expand upon his plan for parking.

Mr. Peterson reiterated that he felt striping, paid parking attendants, and working with Minnesota Valley Transit on bussing are the answer.

Commissioner Beer inquired about the location of the bus entrance. Traffic Director for Mid-America Festivals Robin McCullough stated that in combination with the township they were able to shut down traffic on Louisville Road then there were bus routes on the property for only bus traffic.

Commissioner Beer wanted clarification on the repair of the Red Rock Road shoulder and what the Bloomington Ferry Bridge tax was. Mr. Peterson asked County Administration Lezlie Vermillion to respond, to which she replied it was in the 1990s with the Transportation Alliance taxing the Minnesota Renaissance Fair, ValleyFair and Canterbury Park. Once the work was completed, the tax came off.

Mr. Peterson went on to explain that the County put in Red Rock Road, and he did not wish to comment on its quality, but it started coming apart and the County asked the festival to fix it and they did a few days earlier than required. Ms. Vermillion clarified that there was no issue with integrity and it was to expand it to accommodate two lanes. Mr. Peterson said he did not have that insight and that he must have missed the memo but there was damage, and they did fix that.

Commissioner Weckman Brekke asked Mr. Peterson if he remembered the details of the July 14 meeting differently than she because she clearly remembers the Board asking him to widen the road not repair it to which Mr. Peterson replied that he did see the road needed repair. Commissioner Weckman Brekke reiterated that they were not asked to repair the road but widen it and that they had been asked prior to that meeting as well and it didn't get done so a public hearing to consider board action in August resulted.

Commissioner Weckman Brekke went on to ask why the festival is considering striping now when they had balked at the suggestion when suggested several times by the County staff. Mr. Peterson responded that the festival has decided it was in their best interest to make it a pleasant experience from the start for their patrons, and parking is the start. He followed with that he agrees now with the County, and he should have done it years ago.

Commissioner Ulrich delineated that there is a good and a bad side of Minnesota Renaissance Festival stating that "even your harshest critics would say we want to see this worked out" but he had not heard anything today that gives him hope that any of bad highlighted by County staff will be remedied; he asked how quickly the festival staff could come back to the County with a proposal that will overcome the "bad." Mr. Peterson submitted that he felt there was no traffic issue the first five weeks and feels they have enough parking and simply need to figure out the formula to getting people in safely but speedily. Commissioner Ulrich stated the Board had heard today that the traffic congestion was due to not enough parking and that they were at capacity with cars waiting two hours to get in not that they weren't getting in fast enough. Mr. Peterson disagreed that they've never once run out of parking.

Commissioner Weckman Brekke asked why cars are blocked up so long without parking as she had observed the cars not moving at all for long periods of time. Mr. Peterson agreed it was a good question and feels full-time parking attendants are the answer, feeling that getting people in faster will remedy traffic. The he offered that trains block traffic as well and they cannot control that, not knowing the schedule claiming the railroad will not disclose the information.

Commissioner Wolf asked if they could open earlier.

Mr. Peterson said it is a point well-taken and stated that he hoped all the incremental changes would add up to a whole solution.

Commissioner Beer asked if there are specific changes. Mr. Peterson stated he had provided those already and will include opening earlier, but he doesn't have a magic wand. Commissioner Beer wants to know which solutions will happen and when. Mr. Peterson stated that the Board wants them to be impatient and they should be, so they will do it now. Commissioner Beer wanted to know what the festival could do to convince the people in the room that this was going to happen because the Board and residents have been hearing that this issue will be taken care of for a while, and it hasn't. Mr. Peterson stated that he'd like to tell the other business owners that they have a right to be in business and they'd be happy to sit and come up with even individual resolutions just to them. He suggested a hotline to solicit the Minnesota Renaissance Festival's help if they've an issue.

Commissioner Beard (online) asked Mr. Peterson how many years the festival had been there, to which Mr. Peterson replied 45 years. Commissioner Beard stated he felt and heard as well that they want the festival to prosper and that the other event venues have these issues every day and wondered if Mr. Peterson ever reached out to these entities. Mr. Peterson replied that he had met with these others and remarked that he was not near as big as them. Commissioner Beard corrected that seasonally, the festival is and that he thinks the festival should work with these bigger entertainment venues. Commissioner Beard then asked if Mr. Peterson realized that this problem was no longer his problems, but everyone's. Commissioner Beard also suggested looking into a helipad and working with professional parking services, wondering if Mr. Peterson was aware of them. Mr. Peterson rebutted that he did not feel the festival was compelling enough to hire such a service as he did not feel patrons would use the service.

Commissioner Beard also suggested a ticketing price differential to purchase tickets online or ride the transit to encourage using it. The Commissioner reiterated that he hoped Mr. Peterson realized how big of an issue this is. Mr. Peterson argued that he felt this year was an anomaly having almost 80,000 more entrants in 2022. Mr. Peterson told the Board that they have a ticket called a Premier Ticket in an attempt to frontload the show.

Commissioner Beer asked what the relationship with the SMSC would be like in the future since Mr. Peterson claimed the exchange over the Trail of Terror was volatile. Mr. Peterson hoped they would work with them. Mr Peterson also said that the festival would be fine because of the Green Lot.

Bob Pieper stated he does not feel Mr. Peterson is looking at the situation progressively, he's looking at solutions that may have worked before but not now. Mr. Pieper states the issue is too many cars and they need to change the way people are getting to the festival. He believes it's going to keep growing. Mr. Peterson disagreed and stated the attendance is flat and this year was an anomaly. Mr. Pieper responded that it doesn't matter as the disruption to other businesses has been going on for years and that if Mr. Peterson wants to be a good neighbor as he had previously stated, he should listen to the suggestions.

Ms. Vermillion said she had been monitoring social feeds and communications, seeing that many had said they would ride public transit instead so she doesn't believe patrons would be opposed as he had claimed in his comment to Commissioner Beard. Ms. Vermillion read a comment from a concerned citizen stating that the Queen's lot was dangerous with "peaks and valleys" and the terrain changed constantly. Ms. Vermillion then addressed the "green lot" that Mr. Peterson had mentioned developing in lieu of the loss of the Trail of Terror earlier, bringing up that it was not in the CUP contract so to make it a viable lot, how are they going to make it so. Mr. Peterson stated that "green lot" is mostly limestone and they've been developing it aggressively.

Mr. Regnier asked Mr. Peterson if he had considered selling tickets with a timeframe as he and

his son had counted 17-21 cars going by per minute. Mr. Peterson stated that they already spend a lot of money on parking, and they are willing to spend whatever it takes to make it work because they should.

Commissioner Beer asked how Mr. Peterson was going to dissuade his fears that the festival would not again renege on a verbal agreement if the County drops revoking the CUP without offering those in the room and the Board a solid proposal to make workable changes. Mr. Peterson said his response is "to be responsive." Mr. Peterson further indicated after following his indicated process he would hope for a solution. He stated he will communicate and review with the Board the things they plan on implementing and is more than willing to write out what it means. He added he'd be delighted to have them participate. He said that they owe the Board a quick response.

Commissioner Ulrich asked how long before they come back with a response as it needs to be fast. Mr. Peterson stated January 1st they could have some preliminary ideas down. Commissioner Ulrich asked County the County Attorney if County staff could come up with a plan. Senior Attorney Jeanne Andersen said this was not an appropriate path and the Board could only revoke the permit or leave it as is, and they cannot alter the content—only the permit holder can open the CUP for amendment; if they choose to open the CUP then the County and permit holder can work together on it.

Commissioner Beer asked Mr. Peterson if he was willing to open the CUP. Mr. Peterson said that he was not able to say for certain but hoped they could just work together. Ms. Andersen addressed the Board and suggested they close the public hearing and continue the discussion at a future Board meeting. Ms Anderson further advised the Board that their options were to revoke the CUP or not revoke the CUP. Ms Andersen advised the Board that the Board cannot reopen the CUP, only the applicant can do this. Commissioner Beard asked if the Board could recontinue the public hearing at a later date to which legal counsel stated that they should not continue it, but they could defer action to a later date, and the resolution could be tabled and amended at another time after all the information has been collected.

Paul Doucette, Business Owner

Mr. Doucette does not see anything changing that has changed already. He feels the permit holder will not do anything unless strong measures like revoking the CUP are taken, as one of the lots they claim will host parking isn't on the permit and another they haven't access to is. He described the damage to his property and business caused by patrons of the festival stuck in traffic. He is frustrated that Mr. Peterson offers only talking and no solid answers/solutions. Mr. Doucette doesn't want to see anyone's CUP taken away, but it doesn't seem there's another way. He addressed Mr. Peterson when he said if you want to work with them then open the CUP.

Mitch Michaelson, Sever's

Mr. Michaelson reiterates that he wants to see the festival succeed but he agrees, open the CUP.

Commissioner Beer asked Mr. Peterson if he would open the CUP today. Mr. Peterson replied that he'd rather not and hoped he could be trusted to do what he said he would.

Mr. Kaplan states that they are open to discuss opening the CUP if there were agreed upon concessions before opening it up.

Close Public Hearing 12:20 p.m.

Motion Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously on a roll call vote.

County Attorney Ron Hocevar recommended to the Board to take the information they received today to digest the information but suggests tabling to another meeting to discuss further.

Commissioner Wolf would like to see preliminary proposals from the permit holder and have discussion on December 8.

Commissioner Weckman Brekke expressed her frustration over the talk without action over the years and stated that the Board has been working with the festival this time around since October 2021. She added that this is a big deal and would prefer not to act today as it is a "drastic" action but could be necessary as this is the point they are at.

Commissioner Ulrich thinks December 8 is too quick considering other entities that will need to be involved if the Board can expect concrete proposals and not vague promises; he thinks January.

Ms. Vermillion clarified that there would be no discussion of options without the permit holder coming back to whichever meeting the Commissioners chose to continue potential action unless the permit holder opened the CUP. Council confirmed.

Ms. Vermillion asked Mr. Davis what needed to happen to add the two lots onto the CUP. Mr. Davis stated that the permit holder could apply for new permits and have those lots on a separate permit or open the old one and amend the legal description to include this additional lot. Mr. Peterson said he could be proactive. Ms. Vermillion addressed Mr. Peterson stating that unless he came back on December 8 with concrete offers through the CUP process. Mr. Hocevar said if they came back and said this is what we want to do with the CUP then we could work with that, revoke it, or leave it.

Mr. Peterson suggested mutually signing a document that was not the CUP. Mr. Hocevar said that would be attorney/client issue and we are not getting into that. Commissioner Beard stated that he didn't know how to work it into a condition for the CUP, but he sees the issue as a parking matter and there needs to be a plan to move people faster off the road instead of focusing on the size and shape of the lots. Commissioner Weckman Brekke remarked that Commissioner Beard made good comments, but she disagreed on the main issue and that the lots were important because they were not included on the CUP and the festival should follow the same rules everyone else does, and the shape size of the lots do matter as they've been described as dangerous.

Commissioner Beer expressed disapproval of the misrepresentation that has followed through the years, from the correspondence he had received not matching with what he heard from the permit holder today, and the false information from July 14 meeting concerning lot numbers and access. Commissioner Beer described it as "disingenuous."

Mr. Peterson disagreed and that he felt the numbers and information was accurate. Ms. Vermillion responded that the County had reached out to the SMSC and were provided the information that the lease for the Trail of Terror lot was up January 2022 and the festival was allowed until May to remove their property. They also provided information stating that the Queen's lot lease was up at the end of this year as well and the permit holder was aware. Commissioner Ulrich asked to hear from the permit holder's traffic consultant. Traffic consultant for Minnesota Renaissance Festival Jeff Bednar offered that in 2004 they developed a traffic program.

Ms Andersen advised the Board that their role is to determine if violations exist and if the conditional use permit should be revoked, or if the board should simply do nothing. She further advised tha the permit holder could choose to reopen the CUP but that would be the permit holder's choice.

Motion by Commissioner Weckman Brekke to table action until January 17, 2023, seconded by Commissioner Beard. The motion carried unanimously on a roll call vote.

(8) COMMITTEE REPORTS AND COMMISSIONER UPDATES

1. All Commissioners attended the Board Workshop on November 1.
2. Commissioner Weckman Brekke met with the New Prague City Administrator and County Administrator on November 2.
3. Commissioner Weckman Brekke attended the Statewide Corrections workgroup meeting on November 3.
4. Commissioner Weckman Brekke attended the Scott County Justice Steering Committee meeting on November 3.
5. Commissioners Weckman Brekke and Beer met with the Shakopee City Mayor, City Administrator, and County Administrator on November 3.
6. Commissioners Weckman Brekke and Ulrich attended the Scott County Association for Leadership & Efficiency (SCALE) Executive Committee meeting on November 4.
7. Commissioner Weckman Brekke met with State Representative Elect Ben Bakeberg on November 4.
8. Commissioner Weckman Brekke met with CAP Agency Executive Director Jeff Hansen on November 8.
9. Commissioner Weckman Brekke attended the Metropolitan Library Service Agency (MELSA) Personnel Committee meeting on November 8.
10. Commissioner Weckman Brekke attended the MELSA Finance Committee meeting on November 9.
11. Commissioner Weckman Brekke attended the Guild Ladder of Hope fundraiser on November 9.
12. Commissioners Weckman Brekke and Ulrich attended the Minnesota Inter-County Association (MICA) Board of Directors Board meeting on November 9.
13. Commissioner Weckman Brekke met with County Administrator Lezlie Vermillion on November 10.
14. Commissioner Weckman Brekke met with Minnesota Renaissance Festival stakeholders on November 11.
15. Commissioner Weckman Brekke met with MELSA Executive Director for upcoming meeting agenda prep on November 14.
16. Commissioner Weckman Brekke attended the Community Action Agency Finance Committee meeting on November 14.
17. Commissioner Weckman Brekke attended the Scott County Agricultural Society meeting on November 14.
18. Commissioners Weckman Brekke and Wolf attended the New Employee Welcome session on November 15.
19. Commissioners Weckman Brekke, Wolf and Beer attended the 42 re-entry house public meeting on November 1.
20. Commissioner Wolf attended the New Market Town Board meeting on November 1.
21. Commissioner Wolf met with Senator Pratt on November 3.
22. Commissioner Wolf attended the Prior Lake City Council meeting on November 7.
23. Commissioner Wolf attended the Credit River City Council meeting on November 7.
24. Commissioner Wolf attended the Cedar Lake Town Board meeting on November 7.
25. Commissioner Wolf attended the I35W Solutions Alliance meeting on November 10.
26. Commissioner Wolf attended the Spring Lake Town Board meeting on November 10.
27. Commissioner Wolf attended the Scott County Planning Advisory Commission/Board of Adjustment meeting on November 14.
28. Commissioner Beer met with County Administrator Lezlie Vermillion on November 1.
29. Commissioner Beer attended the Families & Individuals Sharing Hope (FISH) Programming Committee meeting on November 8.

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30. Commissioner Beer attended the Metropolitan Emergency Services Board (MESB) on November 9.
31. Commissioners Beer and Ulrich attended the FISH Partner Outreach Committee meeting on November 10.
32. Commissioner Beer met with FISH Chair Tom Christie on November 11.
33. Commissioner Beer met with State Representative Elect Ben Bakeberg on November 11.
34. Commissioner Beer met with Community Corrections Director Molly Bruner and County Administrator Lezlie Vermillion on November 14.
35. Commissioner Ulrich partook in a Regional Training Facility (RTF) interview with consultants on November 2.
36. Commissioner Ulrich met with County Administrator Lezlie Vermillion on November 3.
37. Commissioner Ulrich attended the attended the Scott County Transportation Committee meeting on November 3.
38. Commissioner Ulrich attended the Metropolitan Council Transportation Advisory Board meeting on November 11.
39. Commissioner Ulrich attended the Suburban Transit Association (STA) Board meeting on November 14.
40. Commissioner Ulrich attended the Minnesota Valley Transit Authority (MVTA) Management Committee meeting on November 14.

(9) COUNTY ADMINISTRATOR UPDATE

- The Scott County Association for Leadership & Efficiency (SCALE) meeting for November will be held here at the Scott County Government Center on November 18.
- The County's annual Planning Workshop is November 18 following SCALE.
- The Government Center will be closed for the Thanksgiving holiday on November 24 and November 25.

(10) RECESS FOR ATTORNEY/CLIENT MEETING

There were no attorney/client meetings.

(11) ADJOURN

On a motion by Commissioner Beer, seconded by Commissioner Ulrich, the meeting adjourned at 12:57 p.m.


County Board Chair


Clerk to the Board/County
Administrator


Deputy Clerk to the Board