

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
December 1, 2009

The Benton County Board of Commissioners met in regular session on December 1, 2009 in the Benton County Board Room in Foley, MN with Commissioners Joe Wollak, Jim McMahon, Earl Bukowski, Warren Peschl and Spencer Buerkle present. Call to order by Chair McMahon was at 7:00 PM followed by the Pledge of Allegiance to the flag.

Peschl/Wollak unanimous to approve the agenda as written.

Kelsie Kiekow, Miss Teen Benton County International, was presented with banner and crown by Chair McMahon and Jessica Scheu, the reigning Miss Teen Minnesota International. Kelsie is a junior in the Sauk Rapids/Rice High School and will be representing Benton County in the 2010 Miss Teen Minnesota International Pageant.

No one was present to speak under Open Forum.

Consent Agenda item #4 was “pulled” for correction. Bukowski/Wollak to approve the remaining Consent Agenda: 1) approve Regular Meeting Minutes of November 17, 2009 as written; 2) accept and file Department Head Committee Minutes of November 10, 2009 as written; 3) accept and file Committee of the Whole Minutes of November 20, 2009 as written; 5) approve Joint Powers Agreement Law Enforcement Mutual Assistance between Benton County Sheriff’s Office and Sauk Rapids Police Department, and authorize the Chair to sign; and 6) approve reappointment of Ed Maier and appointment of Dick Holt to the Parks Commission. Motion carried unanimously with the exception of #1 (McMahon abstaining from the vote as he was excused from that meeting). Buerkle/Bukowski unanimous to accept and file Committee of the Whole Minutes of November 23, 2009 (Consent Agenda item #4) as amended (change “lake” to “river” on line 1, page 2).

The Truth in Taxation Public Hearing was opened at 7:07 PM. Monty Headley, County Administrator, provided a summary of major factors in the proposed 2010 budget and levy which began with the County Board’s commitment to not raise the county property tax levy, recognizing the many challenges facing individuals and businesses during the current economic recession. He noted that the county tax rate has gradually fallen from 73.13% in 2003 to the expected rate of 64.98% in 2010. Headley outlined the major factors contributing to the 2010 deficit of \$1.7 million, the largest factor being revenue losses, and the Board’s budget plan for addressing that deficit. Brian Koester, County Assessor, addressed the *Green Acres* Program, noting that agricultural property is experiencing a “ridiculous” percentage increase. He pointed out that the intent of *Green Acres* is to protect agricultural land from the impacts of development and taxation of value at a higher rate; major law changes in 2008 took away the authority of counties to set *Green Acre* values and gave that authority to the Department of Revenue (with that change, the median tillable value in Benton County went from \$1,450 per acre to \$2,400 per acre utilizing a formula they created). Koester stressed that, with this statutory change, the value cannot be appealed; this is not a rule determined by the county and the county is not receiving additional dollars (rather the change shifts additional tax burden from residential/commercial to raw land). He suggested that interested property owners

County Board Minutes/ December 1, 2009

contact the Commissioner of Revenue, as well as their legislators, to express their concerns. Leonard Popp, Graham Township, asked how the levy will be affected if the county is not successful in negotiating wage freezes/ furloughs with all bargaining units. Board members confirmed that the levy cannot be increased at this point, reiterating the Board's commitment in that regard. The public hearing was closed at 7:30 PM.

Engineer's Report (Bob Kozel): 1) CSAH #13 now being maintained by county forces; 2) Work has begun on the Federal submittals for funding—projects will be discussed at a future Board meeting; and 3) Bridge Project in Foley (had trapped water underneath the pavement; will pull barricades for the winter and revisit the project next summer).

The Regular County Board Meeting was recessed at 7:34 PM to conduct a Human Services Board Meeting.

The Regular County Board Meeting was reconvened at 7:42 PM.

Ryan Dolan, Partnership Specialist with the U.S. Census Bureau, appeared before the Board, requesting the county's assistance in promoting the upcoming 2010 census and ensuring that every resident is counted. He explained that census data is used, among other things, to determine congressional seats and federal funding allocations for communities in areas such as roads, bridges, schools and health care. Dolan encouraged the county to partner in the formation of a *Complete Count Committee* whereby a local group of leaders work to build awareness about the census and its importance, and encourage their community to participate. He added that the census process will bring 8,000 new jobs to the State of Minnesota.

Cynthia Heltenun, Public Health Educator, provided an overview of the proposed 2010 employee health and wellness program. She pointed out that these types of programs have been shown to improve employees' health, productivity and quality of life; assist in the management of the cost of health care, benefits and insurance; and create a desirable work environment. Peschl/Bukowski unanimous to approve the Benton County Employee Health and Wellness Program for 2010.

A public hearing to consider Ordinance #441 revising Ordinance #353, regulating the use of county parks to allow bow hunting on the east side of *Bend in the River* Regional Park, was opened at 8:01 PM. Bill Mayland, Assistant Director of Development, stated that the current Ordinance #353 essentially prohibits hunting and trapping in county parks; there is an exception in the current ordinance that allows for hunting and trapping if there is a need because of public safety risks or harm to park resources. Mayland noted that when Benton County purchased *Bend in the River* Park, they did so with the assistance of two grants from the Department of Natural Resources; as part of this grant program, Benton County agreed to allow DNR to "have some say" in park activities/uses. Mayland read a letter into the record which was received from the DNR which stated, in part, "...our chief concern here is that hunting will exclude the other types of recreation proposed by the County when they submitted their application...the County's application stated their intention was to develop trails...a playground and picnic shelter...and to restore native habitat...had the County stated the area would be used for hunting, their application would probably not have scored highly enough to be funded...there are at least 50 Wildlife Management Areas available for public hunting within a 90-minute drive of

County Board Minutes/ December 1, 2009

Bend in the River Regional Park...however, we could work cooperatively with the county to allow some hunting on a temporary basis as a transition to developing the park for general outdoor recreation as they proposed when they applied for the grant...if the County would like to propose an interim master plan that addresses some form of limited, special event hunting at this park, we would be ready to discuss available options, especially if plans included some form of youth hunter education that promotes recruitment and retention of young hunters...” Mayland noted that violation of the DNR grant agreements could likely result in no additional DNR grants to Benton County or require that the County replace this land with other land of similar value (if a “conversion of use” is determined). Mayland explained that the Parks Commission reviewed the request of the Rice Sportsmen’s Club to revise the ordinance to allow hunting and was unanimous in their recommendation that the ordinance should not be changed; they felt the ordinance allows for limited hunting if the need arises for safety reasons or property damage. He added that the Parks Commission had a concern with safety of park users if hunting was allowed and felt that there was a significant amount of public land available to hunters (2,200 acres). Mayland read a letter into the record which was received from Mitch Fiedler, President of the Rice Area Sportsmen’s Club which stated, in part, “...Club fully supports some forms of hunting on this property...feel this park is being under-utilized...residents of our state voted to make hunting a right in Minnesota protected by the constitution...allow this park to be enjoyed by all, including those of us who hunt...” Lowell Olson, Chair, Natural Parks and Trails Coalition (23 Pandolfo Place, St. Cloud), noted the organization’s concerns with potential harmful effects to the park if Ordinance #441 is passed, stating that the ordinance would curtail hikers and cross-country skiers because of the potential danger. He stated the organization’s view that if at some time in the future there is a compelling need to reduce deer numbers, that the hunting be limited to certain groups such as disabled hunters, veterans, etc. Mike Reedy, Vice-President of the Rice Sportsmen’s Club (8585 Lakewood Shores Road, Rice), stated that the Club is in favor of allowing any type of hunting at the park, i.e., limited archery hunts. He felt that the park could accommodate both hunters and hikers. Reedy asked that the county consider easier accessibility into the Michelson property. Carrie Otto, 10325 Ferry Point Place, Rice, stated that she walks in the park every day and although she is not opposed to hunting in general, she does not feel that hunting is appropriate at this park. John Lindholm, 10455 Ferry Point Place, stated the intended usage of the park under the original DNR funding is clear; hunting would be a change in usage and would be precedent-setting as well as potentially place future funding in jeopardy. He added that there is a lot of available hunting land “well within range” of this park. Maureen Graber, 8550 Lakewood Shores Road, Rice, stated that she frequently walks with her dog through this park and that it would be a “breach of public confidence” if the current use of public recreation is compromised. Graber stated her belief that hunting would create a liability issue for the county. Mark Reimer, 201 – 155th Avenue SE, Foley, stated that he is a firearms safety instructor in Foley, as well as a hunter of many years. He explained that the students receive intense instruction in safety and noted the difficulty in finding sufficient land for hunting purposes. Referring to the DNR letter, Reimer stated his belief that the county should consider “a couple day hunt” so that all individuals can use the park as they would like. Gary Wallinga, 3123 Alder Lane, St. Cloud, stated that he and his family hike in the park and he is generally opposed to hunting, although there may be merit in allowing limited hunts. Bob Moon, 12165 – 19th Avenue NW, Rice, stated his agreement with the Sportsmen’s Club. He referred to statements made by those who “wish to enjoy the beauty of the park” but then support the removal of trees in the park.

Jim Petron, Rice, commented that, for the most part, hunters do not create safety issues and there is a need for land for hunting (with established restrictions). He stated that all residents are paying for the park so all should be able to use it for their own idea of recreation. Marvin Neubert, 1043 North 9th Avenue, Sauk Rapids, noted his experiences with hunting at a county park in Hennepin County, where they open up the park exclusively for hunters (a limited amount of hunters) for a three-day time period; he felt that Benton County could allow limited hunting for, perhaps, a youth hunt or a veteran's hunt. Mark Schreiner, 35 – 3rd Avenue NW, Rice, agreed that allowing a youth hunt would be a great opportunity. Mayland read additional letters into the record which were received from Duane Cekalla, 362 – 125th Street NE, Rice; Larene Hark, 8985 Sanbur Trail, Rice; Brandy Bishop Kelly and Brandon Kelly; April Mae Good-VanderLinden, 2229 – 26th Street South, St. Cloud; Alison Bell, 1267 – 9th Avenue North, St. Cloud; William & Marlene Haider, 1209 – 7th Avenue North, Sauk Rapids; Bruce Hyde, 10375 Ferry Point, Rice; Alan Phillips, 1013 – 8th Avenue SE, St. Cloud; Brenda Graves, 878 Pearl View Drive, Sauk Rapids; Don & Karen Hanson, 10405 Ferry Point Place NW; and Helen & Chris Johnson, Emery & David Johnson, 1701 – 6th Avenue North, Sauk Rapids. Commissioner Wollak reported on a phone call he received from John Ferche, Ferry Point Addition, who stated he had seen five deer in the ditch this fall which had been hit by cars, and that it's starting to be a problem in the area. The public hearing was closed at 8:44 PM. Buerkle questioned the meaning of some of the language in the DNR letter. Mayland stated that the DNR is referring to a limited, structured hunting program with a very distinct period of time for hunting to control the deer population. Wollak suggested that there be a balanced agreement so more people can enjoy the park (on a limited basis). Bukowski pointed out that he was on the Board when this park property was acquired and he has done a lot of hunting over the years. He referred to a phone call he received from John Wollak, who had stated that more and more people are using the walking trails in the park. Bukowski stated there are plenty of recreational areas for hunters in the county and that this area could be kept for other recreational uses; if needed, there is a provision for a controlled hunt in the existing ordinance. McMahan stated his concerns with public safety and potential liability/enforcement issues for the county and raised the question if hunting were allowed in this park, would this trigger similar requests in other parks. Peschl stated his belief that hunters and hikers can work together, allowing all groups to use that park; he did not believe there are 2,200 acres of public land available for hunting in Benton County. Wollak clarified that the proposed ordinance is to allow bow hunting on the east side of the park only; this leaves 65 acres for hikers/walkers on the west side of CR #55. Buerkle commented that rifle hunting is allowed right outside this zone now, so there is already an exposure from someone outside the park shooting into the park. He felt that the park is a resource which should be available to everyone, including allowing hunting on a limited basis. Mayland suggested that the Parks Commission and Rice Sportsmen's Club could work together to come up with a recommendation on a process allowing for a limited hunt as permitted under the current ordinance provisions (#353). Board consensus to move forward in this manner and report back to the County Board (no action taken on Ordinance #441).

Wollak/Bukowski to approve the proposed amendments to the Parks Commission bylaws as presented. Headley referred to Article IX of the proposed amendments which states that future bylaw changes would not come before the County Board. Motion failed with McMahan and Bukowski voting aye and Peschl, Wollak and Buerkle voting nay.

Wollak/Buerkle unanimous to approve the proposed amendments to the Parks

Commission bylaws with the addition of the language “and approved by the County Board” to Article IX.

Wollak/Buerkle unanimous to table the “Bend in the River Historic Registry” item to a future Committee of the Whole for further discussion.

Nancy Hoffman explained that the Benton County Economic Development Committee’s Executive Committee recommends that the County Board of Commissioners, along with the Executive Committee, go through a planning exercise to provide direction for the county’s economic development efforts; *Venture Allies* submitted a contract to provide strategic consulting services in this effort. Hoffman referred to the letter provided by the County Attorney’s Office recommending that *Venture Allies* provide insurance coverage to match the County’s potential tort liability (*Venture Allies* is not in agreement with this recommendation). Wollak/Peschl unanimous to approve the contract with *Venture Allies* as presented, and authorize the Chair to sign.

Hoffman reported that Benton County Economic Development won a \$1,000 grant from the Initiative Foundation; the BCEDC Executive Committee recommends using the funds to help pay for the strategic planning effort with *Venture Allies*. Peschl/Wollak unanimous to move forward with an application for the \$1,000 grant from the Initiative Foundation.

Department of Development Director’s Report: 1) Benton County is already part of the St. Cloud Area *Complete Count Committee* (do not need to form another committee); 2) Flood Plain mapping session with FEMA (December 8th in County Board Room); and 3) Need for an appointment to the Planning Commission from Commissioner Buerkle’s district.

Administrator Headley referred to strategies that can be taken to contain the cost of overtime; this can be accomplished 1) through the bargaining contract, or 2) declaring the discontinuance of a past practice (which should be done while in the midst of negotiations on new contracts). Headley noted that Benton County has followed a practice of paying overtime in a manner that includes all compensable hours (i.e., sick leave and vacation leave) during a 40-hour week; this practice goes beyond the requirements of the federal Fair Labor Standards Act. He proposed that the county serve notice to employees and bargaining units that it will end this practice as of January 1, 2010 and will pay overtime based on hours worked only; this would apply to non-union employees as well. Board members indicated no objections to this proposal.

Headley explained that the St. Cloud Area Planning Organization has organized its annual trip to Washington, D.C. to visit with Minnesota’s Congressional delegation about St. Cloud area transportation projects and funding; APO requests that each jurisdiction seeking federal funding send representatives along on this trip (the County would be responsible for its travel and lodging costs). Headley stressed this would be a “working trip”, attempting to “bring some dollars home to Benton County” to pay for transportation projects. Peschl/Buerkle unanimous to authorize out-of-state travel to Washington, D.C. for two County Board members.

Headley indicated that there have been concerns about whether or not the County Board is going to follow through with furloughs for 2010 and he is requesting that the Board affirm its intentions on this subject (furloughs are currently “on the books” for non-union employees and Local 49 employees while the county continues negotiations with the other bargaining groups). Bukowski commented that there may be additional reductions in county program aid on the horizon. It was also noted that the furlough policy can be revisited at any time. Cheryl Kantor, an employee in the Recorder’s Office, stated her belief that it is unfair to require six employee furlough days while, at the same time, allowing employees to earn “free” vacation days through a health and wellness program. Following further discussion, Board consensus to affirm their previous commitment to furloughs for 2010.

Board members reported on recent meetings they attended on behalf of the county.

Bukowski/Peschl unanimous to pay the following bills: Revenue Fund abstract, \$98,818.77; Human Services Fund abstract, \$110,577.50; and Highway Fund abstract, \$25,724.93.

Buerkle/Peschl unanimous to set Committees of the Whole: December 16, The Partnership Annual Meeting; December 16, Economic Development Visioning Session; and January 6, Bend in the River Park National Historic Registry Discussion.

Bukowski/Wollak unanimous to adjourn at 9:53 PM.

James J. McMahon, Sr., Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator