

Revised 7-21 c 1:00 p.m.



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## **BENTON COUNTY BOARD OF COMMISSIONERS**

### **SPECIAL MEETING**

July 27, 2021 – 9:00 a.m.

Benton County Board Room

### AGENDA

9:00 - Ed Popp, Chair

- Call to Order
- Pledge of Allegiance
- Roll Call

9:01 – Montgomery Headley, County Administrator

- Consider a Resolution Providing Assurances Regarding the Foley to St. Cloud Fiber Project

9:15 – Adjourn

#### **Virtual Meeting Information:**

**Benton County Board of Commissioners/Benton County Economic Development Authority/**

**Benton County Ditch Authority**

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County Board:  
Scott Johnson, District 1  
Ed Popp, District 2  
Steve Heinen, District 3  
Jared J. Gapinski, District 4  
Beth Schlangen, District 5

531 Dewey Street  
P.O. Box 129  
Foley, MN 56329  
Benton County's Website:  
[www.co.benton.mn.us](http://www.co.benton.mn.us)

(320) 968-5001 Main  
(320) 968-5329 Fax  
(320) 968-8842 TDD  
Email Address:  
[info@co.benton.mn.us](mailto:info@co.benton.mn.us)



**BENTON COUNTY BOARD OF COMMISSIONERS  
AGENDA ITEM REQUEST**

Meeting Date:	July 27, 2021	Regular Agenda:	X
Requesting Department:	Administrator	Consent Agenda:	

**Title of Requested Item As It Will Appear on Board Agenda:**

Consider a Resolution Providing Assurances Regarding the Foley to St. Cloud Fiber Project

**Background Information:**

The attached Resolution includes assurances requested by the City of Foley in exchange for Benton County owning the fiber to be installed along with the Foley wastewater line to St. Cloud. If approved, the Resolution would establish the basis for a contract between the City and the County that will formalize these assurances.

Potential costs are:

- Foley to St. Cloud Fiber      \$325,000
- Engineering design changes    \$45,000
- Fiber to City facilities          \$175,000
- Total                                \$545,000

**Action Requested:**

Discussion and possible action to approve the Resolution

**Fiscal Impact:**

Estimated Cost (\$):	~\$545,000
Source of Funds:	ARPA Funds
New or Additional Revenue (\$):	
Cost Budgeted in Current Year? (Yes/No)	

Approved by:	Signature	Date
Department Head	<i>Montgomery</i> <i>Leadley</i>	7/21/21
County Attorney (for contracts)		

Amt of Time Requested	Specific Time on Agenda	Laptop Needed?	Overhead Needed?
20 minutes			

BENTON COUNTY BOARD OF COMMISSIONERS  
RESOLUTION #2021-\_\_\_\_\_

*"A Resolution Establishing Benton County's Commitments to the City of Foley Fiber Project"*

WHEREAS, the City of Foley (the "City") will start in the Fall of 2021 a project to connect its municipal wastewater treatment system to the City of St. Cloud Regional Wastewater Treatment Plant; and

WHEREAS, constructing a wastewater pipeline connecting the two cities creates an opportunity to install fiber connections to Foley that can help to improve and extend broadband service throughout the City of Foley; and

WHEREAS, Benton County (the "County") desires to be a partner with the City of Foley in bringing improved broadband service to the City; and

WHEREAS, Benton County considers the extension of fiber from St. Cloud to Foley as part of a larger effort to bring broadband service to underserved and unserved areas throughout Benton County; and

WHEREAS, the City of Foley desires certain assurances that by allowing the County to own the fiber installed along with its wastewater project the City will receive the benefit of fiber connecting City-owned facilities and broadband service at no cost to the City; and

WHEREAS, the Benton County Board has previously committed via Board motion to fully fund the cost of fiber installation from St. Cloud to Foley and additional costs the City incurred to revise its construction plans to reflect the installation of armored fiber as requested by the County; and

WHEREAS, the County and the City convened a meeting on July 15, 2021 and a tentative agreement was reached regarding outstanding City concerns; and

WHEREAS, it was further agreed that the County would formalize its assurances by County Board Resolution at the earliest opportunity and that such Resolution would form the basis for a contract between the County and the City that will formally establish this partnership.

NOW, THEREFORE, the Benton County Board of Commissioners hereby resolve:

1. Benton County agrees to fund the cost of installing fiber in the same pathway being followed by the City of Foley wastewater project; and
2. The County agrees to fund the additional costs incurred by the City to revise its wastewater construction plans to install armored fiber from a western terminus near the intersection of TH 23 and CSAH 1 to an eastern terminus in the City of Foley near the intersection of TH 25 and 2<sup>nd</sup> Avenue West; and
3. The County agrees that 12 strands of fiber capacity in the fiber between the City and St. Cloud shall be dedicated to the exclusive use of the City; and

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4. The County agrees to participate in the cost to install fiber connections to City-owned facilities in an amount not to exceed \$175,000, and
5. In exchange for County funding of fiber to City facilities, the City has agreed to permit a broadband provider to install a fiber distribution hub on City property at no cost to the provider or the County; and
6. The County agrees to facilitate through a provider broadband services to City-owned facilities at no cost to the City; and
7. The County agrees that any revenue derived from leasing space on County-owned fiber between the City and St. Cloud will be shared with the City on an equal basis.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021

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Edward D. Popp  
Board Chair

Attest:

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Montgomery Headley  
County Administrator

BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
May 18, 2021

The Benton County Board of Commissioners met in regular session on May 18, 2021 in the Benton County Board Room in Foley, MN with Commissioners Beth Schlangen, Ed Popp, Scott Johnson, Jared Gapinski and Steve Heinen present. Call to order by Chair Popp was at 9:00 AM followed by the Pledge of Allegiance to the flag.

County Administrator Montgomery Headley requested to add Consent Item # 11 to the agenda for an application for an Exempt Permit for Clear Lake Lions and Resolution to hold a raffle at Goodfella's Bar & Grill 14351 78<sup>th</sup> St NE Foley, MN 56329 on June 5, 2021; Headley also requested the addition of a closed session of the County Board under MN Statutes §13D.05, Subdivision 3(b), under attorney-client privilege at approximately 10:30 AM; last, Headley requested the closed session pursuant to MN Statutes §13D.03, Subdivision 1 to consider strategy for labor negotiations, which was at the end of the agenda at 9:55 AM to be moved to 9:05 AM after the employee recognition for Sandy Block. Motion by Johnson and seconded by Heinen to approve the amended agenda. Motion carried unanimously.

Heinen requested the Chair to cancel today's scheduled Ditch Authority meeting and move it to June 1<sup>st</sup>. Motion by Johnson to move the Ditch Authority meeting to Tuesday, June 1, 2021. Seconded by Heinen. Motion carried unanimously.

Present to speak under Open Forum: on behalf of the Foley American Legion, Duane J. Walter, 7665 Ronneby Road NE Foley, MN 56329, presented a plaque to the County Board that recognized Benton County for its contributions and assistance provided to Foley American Legion Post # 298 in the establishment of a Veterans Memorial. Walter invited all to attend the dedication ceremony that will be held on Monday, May 31, 2021 (Memorial Day) at 11:00 AM at the Veteran's Memorial site. After the ceremony, there will be a picnic lunch provided at the Foley American Legion in which all are invited to attend.

Gapinski requested that Consent Agenda item # 4 be "pulled" for further discussion. Motion by Heinen, seconded by Johnson to approve the remaining Consent Agenda: 1) approve the Regular Meeting Minutes of May 4, 2021 as written; 2) approve the Committee of the Whole Meeting Minutes of April 19, 2021 as written; 3) approve the Special Board Meeting Minutes of May 11, 2021 as written; 5) approve the recommendations of the County Board Class and Comp Appeal Subcommittee; 6) approve application for MN Lawful Gambling Exempt Permit and authorize the Chair to sign; 7) approve and accept the annual Emergency Management Performance Grant and authorize the Chair to sign; 8) approve the final payment to Knife River Corporation – North Central for tied projects SAP 005-606-020, SP 005-070-007, SP 005-604-027, and SP 005-608-009 and authorize the Chair to sign; 9) approve the amendment to DOC Work Release agreement and authorize the Chair to sign; 10) accept and file the VSO quarterly report; 11) approve application for Exempt Permit and Resolution for the Clear Lake Lions to hold a raffle at Goodfella's Bar & Grill located at 14351 78<sup>th</sup> St NE Foley, MN 56329 on June 5, 2021 and authorize the Chair to sign. Motion carried unanimously. Regarding Consent Agenda item # 4

(approve the Proclamation to designate the week of May 16 - 22, 2021 as Emergency Medical Services Week) Gapinski wanted to take a moment to recognize those individuals and what they have done for the County, State and Country after going through the pandemic. Motion by Gapinski, seconded by Johnson to approve Consent Agenda # 4 approving the Proclamation to designate the week of May 16 – 22, 2021 as Emergency Medical Services Week and authorize the Chair to sign. Motion carried unanimously.

Next, Social Services Supervisor Bruce DeGrote took a moment to recognize Benton County employee Sandy Block for being nominated for the Employee Recognition Award under the category of “Inspirational Leader.” Block has been with Benton County for 45 years and works in our Child Protection unit as a Social Services Administrative Aide. Block was nominated because of her everyday leadership, her willingness to perform extra duties/expanded roles and her assistance on special projects that come up in Human Services.

Motion by Heinen, seconded by Gapinski to recess the Regular County Board meeting at 9:11 AM to conduct a closed meeting of the County Board under MN Statutes §13D.05, Subdivision 3(b) as permitted by the attorney-client privilege. Motion carried unanimously.

The Regular Board meeting reconvened at 10:02 AM.

Next, Department of Development (DoD) Director Roxanne Achman conducted a Public Hearing to consider Ordinance No. 481 amending Benton County Development Code Ordinance No. 477. As explained by Achman, with the adoption of the new development code, DoD began allowing for the subdivision of property 10 acres or greater to be split by a certificate of survey rather than by platting. Within our minor and major subdivision section, we missed changing “the residual lot if 20 acres or larger may be depicted by a certificate of survey or be platted.” Ordinance No. 481 changes 20 acres to 10 acres. The Public Hearing was opened by Chair Popp at 10:03 AM. No one from the public was present for the Public Hearing. The Public Hearing was closed at 10:04 AM. There were no emails, letters or other communications to be read into the record. The Department has not received any comments or concerns from any State agencies, cities or townships on this agenda item. There was no official action required by an affected Township according to Achman. Motion by Johnson to approve Ordinance No. 481 amending the County Development Code Ordinance No. 477. Seconded by Gapinski. Motion carried unanimously.

Then, Benton Economic Partnership (BEP) Director Amanda Othoudt would like to partner with the County and area cities in Benton County to conduct a Housing Study for Benton County. This came up during the discussion of the Foley wastewater connection to St. Cloud, anticipating this will bring in new possibilities for residential and industrial development. Othoudt stated that it’s important to understand the needs for housing in our County. Othoudt believes that the County has not done a comprehensive Housing Study in the past and feels it’s a good idea to understand what the housing need/demand is now and for the future. Othoudt has talked to the cities in Benton County and all are in favor of a Housing Study. However, only one city has set aside money to help cover the costs for a study. Othoudt asked the County Board if they would be interested in moving forward to see what the cost to complete

the housing study would be and to see if we can use the American Rescue Plan Act (ARPA) funds to help cover the costs. The last Housing Study Othoudt participated in cost approximately \$40,000 to \$50,000. The benefits would be that we could use the study for policy decisions for both cities and the County, and to identify what our housing need is. Othoudt stated that this is a document that we could give to developers that are interested in developing housing in the County. Gapinski added that this is a plan that can be updated every three years, so once we do the initial study, it gets substantially more inexpensive as you go. Johnson asked about the ARPA dollars and if Othoudt knows if those dollars can be spent towards a study. Othoudt has not heard either way yet, but she will keep watching for updates. Othoudt added that this is not something that needs to be done right away but should be done within the next upcoming months. Heinen asked about how long of a process this would be and Othoudt anticipated the study to last about three to six months. Popp asked if we would look to the cities to help with covering the costs of the study and Othoudt said they could, but the last housing study she participated in, the County funded the entire study because it was a huge benefit to the entire County. Gapinski stated that developers do use the studies for future development and if one business comes to this area that would pay for the study. Gapinski feels that funding for this could fall under ARPA and that we could tie in our Broadband needs to the Housing Study. Othoudt is asking the County Board for a consensus to move forward with collecting information for the Housing Study. It was the consensus of the County Board to continue gathering more information about a Housing Study and bring this item back to a future Board meeting.

Next, Othoudt invited Jim Martinson to facilitate a presentation in support of certification as a "Telecommuter Forward" community. Martinson explained that certification includes selecting a contact person, as the single point of contact for coordinating telecommuting opportunities within Benton County and to provide objectives such as partnering with broadband providers, realtors, economic development professionals, employers, employees and other telecommuting stakeholders. We would communicate and partner with broadband providers and economic development professionals to develop common goals, and we would promote telecommuter-friendly workspaces, such as business incubators with telecommuting spaces, if such a workspace has been established in the political subdivision at the time the political subdivision adopts the resolution. We would also create familiarity with broadband mapping tools and other state-level resources while maintaining regular communication with the state broadband office. We would also make regular reports to the governing body of the political subdivision. Martinson asked to adopt the Resolution in support of Telecommuting opportunities and Telecommuter Forward Certification. Motion by Johnson to adopt the Resolution for certification for the Telecommuter Forward Community. Seconded by Gapinski. Headley stated that when he got the Resolution, he placed himself as the single point of contact and asked if there would be someone more appropriate for that role. Martinson said that he would be happy to be the single point of contact. Johnson amended his motion to include Jim Martinson as the contact person. Seconded by Gapinski. Motion carried unanimously.

Motion by Johnson and seconded by Heinen to recess the Regular County Board meeting at 10:32 AM to conduct a closed meeting of the County Board under MN Statutes §13D.03, Subdivision 1 to consider strategy for labor negotiations.

Regular County Board was reconvened at 11:21 AM.

Next, Headley wanted to discuss the Foley to St. Cloud fiber connection and the County's financial commitment to this project. Headley would like to leave the meeting today with a formal financial commitment to this project. Headley informed the County Board there was a Special Meeting of the Foley City Council where Othoudt, Johnson and Headley were in attendance. The City Council discussed the fiber installation and additional costs the city may incur due to changes to the plans to accommodate what Benton County would like to see. The City estimates those additional costs to be about \$35,000. Headley stated there was a motion yesterday at the meeting saying that the County can own it, provided we are willing to pay for these incremental costs. The City also identified another \$10,000 it had already spent to obtain easements, legal fees and engineering for a total cost of \$45,000. The City of Foley believes that the County should cover these costs by virtue of the County owning the fiber. Headley asked the County Board if they are comfortable committing to covering the City's costs, and secondly the underlying cost of the fiber itself. The latest estimate was about \$288,000 to install the armored fiber. The City of Foley has already paid about \$451,000 for engineering and design work for the sewer pipeline, according to Foley City Administrator Sarah Brunn. Johnson wanted to publicly give a "shout out" to the City of Foley for creating this opportunity. Johnson feels we are looking at ARPA funding for this, and even if we didn't have that money coming he would still want to find a way to provide funding for this project. Johnson believes this is bigger than just the City of Foley, and it is an opportunity for us to expand the County's broadband. Gapinski seconded the motion but asked for clarifications. Gapinski wants to work with the City of Foley on the \$45,000 cost and make sure we can get that as cost effective as we can. Gapinski also wants to bring in the Foley School District to find out what they can "bring to the table". Popp questioned if the County needs to own this fiber and what the annual cost would be. Gapinski said that annual costs of locates would be directed towards the carrier that takes over the fiber. Headley added that bringing fiber to Foley addresses the City's broadband needs, but also the needs of City residents to access high-speed internet service. Popp stated that even if ARPA funds were not available he would be in favor this project. Popp then asked if Arvig was going to be our provider. Brunn said that they do not have any committed financial partners yet but would work with Arvig. Gapinski stated that we would request RFP's from multiple providers and then decide which ones are best suited to help the County. Motion by Johnson as follows: 1) the County would have ownership of the fiber from Minnesota Truck Headquarters to Trunk Highway 25, 2) the County would cover the cost of the fiber installation up to \$325,000, and 3) the County would cover the City's costs to make revisions to their plans up to \$45,000, with the understanding that we are going to continue discussions with the City of Foley about what those costs are. Headley noted that there will still be a gap and that is still something we will have to address, but for now we are basically just getting the fiber to Foley. Seconded by Gapinski. Motion carried unanimously.

Next, Headley wanted to discuss our broadband project direction and how the County should pursue the deployment of broadband service into underserved areas of the County. Given there are substantial Federal funds involved, Headley feels there should be a competitive process where you put out an RFP and providers apply for and are awarded grants. Headley would like to hear from the County Board on what they think this process would look like. Gapinski said that we will need to continue having



discussions with more providers to get a better understanding of what they would be looking for, plus we need to get our opinion out there on what we are looking for from a County standpoint. After that's done, then we can prepare an RFP to be sent out. We would likely have to hire someone to put together an RFP for us. Headley stated we should find where the underserved areas of the County are and go to providers to let them know what we would like them to make proposals on. Gapinski feels this will need to be a conversation that goes both ways. Headley asked for a motion to appoint members to the Broadband Subcommittee. Johnson, Gapinski, Headley, Brunn, a member from BEP, IT Director Steve Stang, and possibly the City of Sauk Rapids and the other cities within the County would be the appointed members of the Broadband Project Subcommittee. Motion by Heinen to appoint a Broadband Committee as discussed, and seconded by Popp. Motion carried unanimously.

The Regular County Board meeting was recessed at 11:46 AM to conduct a Human Services Board Meeting.

Regular Board meeting reconvened at 11:51 AM.

Next, Board members reported on Commissioner updates and recent meetings they attended on behalf of the County.

There were no Commissioner concerns to be discussed at this time.

Next, the County Board set future Committee of the Whole meetings: AMC District V Meeting on Monday, June 14, 2021 at the Northern Lights Ballroom at 10376 112<sup>th</sup> Ave, Milaca, MN starting at 8:00 AM; Foley to St. Cloud Fiber meeting with Johnson, Gapinski and Othoudt at Falcon National Bank on May 5, 2021; discussion on Highway road program issues in the County Boardroom on Wednesday, June 2, 2021 at 9:00 AM; discussion with Department heads on Countywide space needs in the County Boardroom on Wednesday, June 16, 2021 at 9:00 AM; and the future Human Services Committee of the Whole Meetings the location will change from the County Boardroom to the Human Services 3<sup>rd</sup> Floor Conference Room on Monday, June 7, 2021, Monday, September 13, 2021 and Monday, December 13, 2021, all at 10:00 AM. Motion by Johnson and seconded by Heinen to approve the future Committee of the Whole Meetings. Motion carried unanimously.

Meeting adjourned at 12:20 PM.

ATTEST:

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Montgomery Headley  
Benton County Administrator

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Edward D. Popp, Chair  
Benton County Board of Commissioners