

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JANUARY 5, 2021

The Benton County Board of Commissioners met in regular session on January 5, 2021 in the Benton County Board Room in Foley, MN with Commissioners Steve Heinen, Ed Popp, Jared Gapinski, Beth Schlangen and Scott Johnson present. Call to order by Administrator Monty Headley was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Heinen nominated Popp for 2021 Chair of the Board. Second by Johnson. Nominations were closed and a unanimous ballot was cast for Popp for Board Chair for 2021. Chair Popp called for nominations for 2021 Board Vice-Chair. Gapinski nominated Heinen for 2021 Vice-Chair of the Board. Second by Johnson. Nominations were closed and a unanimous ballot cast for Heinen for Board Vice-Chair for 2021.

Johnson/Heinen unanimous to approve the agenda as written.

No one was present to speak under Open Forum.

Headley explained that the draft listing of 2021 County Board meeting dates and times reflects the traditional meeting dates of “first and third” Tuesday of each month at 9:00 AM; December meeting dates were left blank pending Board discussion regarding possible conflicts with the AMC Annual Conference and a date for the Truth in Taxation public meeting. Following discussion, Johnson/Heinen unanimous to set 2021 County Board meeting dates and times: “first and third” Tuesday of each month at 9:00 AM with the exception of December—December meetings will be December 14th at 6:00 PM (to combine with the Truth in Taxation meeting) and December 28th at 9:00 AM.

Gapinski/Schlangen unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of December 15, 2020 as written; 2) approve the Special Meeting Minutes of December 15, 2020 as written; 3) approve the Special Meeting Minutes of December 16, 2020 as written; 4) accept and file Committee of the Whole Minutes of December 14, 2020 as written; 5) set the 2021 per diem rate for Boards and Commissions at \$60.00; 6) adopt Resolution 2021-#1, a resolution to use an alternative method to disseminate bids and requests for proposals, and authorize the Chair to sign; 7) approve 2021 tobacco license applications—*Adam’s Tobacco Shop*; 8) adopt Resolution 2021-#2, approving Application for Minnesota Lawful Gambling Premises Permit and Lease for Lawful Gambling Activity for *Minnesota Fishing Museum at Mini Mart #4 (2379 Pine Road NW, Rice)* and Resolution 2021-#3, approving Application for Minnesota Lawful Gambling Premises Permit and Lease for Lawful Gambling Activity for *Minnesota Fishing Museum at Mini Mart #10 (1490 – 110th Street NW, Rice)*, and authorize the Chair to sign; and 9) approve appointments/reappointments to the Board of Adjustment (Roy Schneider), Planning Commission (Mary Jo Holewa, Warren Peschl, Jr.) and Solid Waste Advisory Committee (Steve Pallansch).

Headley explained that the Benton Economic Partnership has agreed to administer the \$807,085 in state funding for grants to businesses and non-profits in Benton County that have suffered adverse economic consequences from the COVID pandemic and related Executive Orders. He noted that the state appropriation allows the County to retain up to 2.5% of the appropriation for grant administration costs (\$19,685) to cover its staff time to manage the grant program. Headley stated that the draft agreement provides that any grant recommendations must be made to allow the County Board to adopt those recommendations by March 15, 2021; disbursements of grant funds must occur by April 1, 2021.

Schlangen/Heinen unanimous to approve the agreement with the Benton Economic Partnership to manage a State-funded pandemic assistance grant program, and authorize the Chair to sign.

Headley presented a draft listing of suggested parameters from the Benton Economic Partnership for reviewing and recommending grant awards in conjunction with the State-funded pandemic assistance grant program which the Benton Economic Partnership will administer. Amanda Othoudt, Executive Director of the BEP, reviewed the two tiers of applicants for which the 2021 business relief fund grants will initially be issued; after BEP has processed all applications for Tier 1 and Tier 2 businesses, they may issue supplemental awards to those businesses if funds remain after the initial round of grants. Othoudt detailed the eligible/ineligible businesses under Tier 1 (Immediate Relief for Businesses Closed by Executive Order 20-99) and Tier 2 (Relief for Businesses and Nonprofits Not Receiving Awards from the State), as well as the application process. She pointed out that eligible Tier 1 businesses/veteran service organizations may receive a one-time grant of up to \$10,000 based on demonstrated need and for use on eligible expenses; eligible Tier 2 businesses/nonprofits, other than sole proprietorships, may receive a one-time grant of up to \$10,000 (sole proprietorships may receive a one-time grant of up to \$5,000). Board members asked questions regarding auditing of the awarded funds and documentation retention. Heinen/Gapinski unanimous to adopt Benton County's State-Funded Business Assistance Grant Policy.

Nadean Inman, Auditor-Treasurer, reported on the two newspaper bids that were received (Benton County News and Sauk Rapids Herald) for publication of the official proceedings of the County Board and other publications as required. She noted the rates included in the bids (the legal rate will increase 2% for 2021 as it has not been raised since January 1, 2019), along with a combined rate for publishing in both papers (continuation of a 30% discount on ads and legal notices). Johnson/Gapinski unanimous to designate the Benton County News and Sauk Rapids Herald as the official newspapers for Benton County for 2021.

Gapinski/Heinen unanimous to re-designate the Auditor-Treasurer the authority to designate depository banks. Heinen/Johnson unanimous to adopt Resolution 2021-#4, designating depository banks for Benton County, and authorize the Chair to sign. Johnson requested that Inman provide Board members with the fund balances in the various funds. Gapinski inquired of the possibility of reducing the number of depository banks. Inman stated her willingness to provide the Board with the fund balances as requested; she will also research the idea of reducing the number of depository banks.

Roxanne Achman, Department of Development Director, explained that, in June 2019, Benton County approved the plat of *St. George Corners South* as part of a cluster development of three lots in St. George Township. She stated that the owners of the property, Douglas and Lori Lezer, now desire to vacate the plat with the exception of the dedicated right-of-way; all lots within the plat are owned by the Lezer's. Achman noted that the vacation of a plat occurs through a court process; the county is named as an interested party in the vacation proceedings due to the dedicated right-of-way. She indicated that a resolution has been drafted by the Lezer's attorney, stating that the County does not object to vacating the lots and that the county would keep the right-of-way; the resolution and documents retaining the right-of-way have been reviewed by the County Attorney's Office and the County Surveyor. Doug Lezer (5864 – 75th Avenue NE, Sauk Rapids) appeared before the Board, stating his desire to vacate the plat of *St. George Corners South*, due to feedback he has received that the lots are too small. Schlangen inquired of the underlying use of the land; Lezer stated the land would revert back to agricultural. Schlangen/Gapinski to adopt Resolution 2021-#5, Benton County Resolution to Consent to Plat Vacation, and authorize the Chair to sign. Motion carried with Schlangen, Gapinski, Popp and Heinen voting aye and Johnson abstaining from the vote.

The Regular County Board meeting was recessed at 9:42 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:47 AM.

Headley announced that the County may be eligible for federal Transportation Alternatives Project (TAP) funding to construct a separated bicycle and pedestrian trail linking the City of Rice and the County's Bend in the River Park along County Road 55. He stated that the estimated cost of this project is \$165,000; TAP grants require a 20% local match (Benton County's commitment, including ineligible costs, would be about \$45,000). Chris Byrd, County Engineer, noted that right-of-way costs are not included as the County is acquiring right-of-way as part of a road project that will occur in 2021; further, right-of-way costs are not eligible for this grant funding. Headley clarified that this funding is for federal fiscal year 2025; however, counties can advance these projects and construct them sooner (if successful with the grant, the County could upfront the money and receive reimbursement later—there are dollars available in the county CIP fund). Popp questioned if there will be sufficient right-of-way for the trail. Byrd stated "...it would be easier to acquire additional right-of-way on the east side of the roadway...there's more development on the west side of the roadway...maybe we can have additional discussion at the upcoming committee of the whole..." Schlangen inquired if area property owners are aware of this potential project. Byrd stated ".....the City of Rice is working on acquiring that additional easement on the east side...we are working on acquiring additional easement as part of that as well... right now, the residents are aware of a road construction project...maybe not necessarily a pedestrian trail at the edge of that...that would still need to be worked out with the landowners..." Gapinski noted that the application deadline for this funding cycle is January 8, 2021, stating "regardless of when it's constructed, we should really move on that..." Gapinski/Johnson unanimous to adopt Resolution 2021-#6, "A Resolution to sponsor Transportation Alternatives Project funding for a bicycle and pedestrian trail connecting the City of Rice with Benton County's Bend in the River Regional Park", and authorize the Chair to sign. Heinen inquired of the maintenance costs for the trail. Byrd stated "...I don't think this precludes us from getting into an agreement with another entity to perform that maintenance for us... the Feds are saying...if we give you money...we don't want you to turn around and give it to some other entity or try to sell it...they want to make sure it's staying in public ownership for its useful life..." Headley added "...I wasn't expecting that we would ever do snow removal on it...we simply don't have the staff resources to do so..." Byrd suggested that a clear, defined policy be established with regard to maintenance of the trail. Schlangen asked about the length of the trail (about a mile). Byrd commented "...we are applying for the funding now...we likely will not know if we are successful or not until March or April...the City of Rice is applying for a grant for the same program...we will be competing with the City of Rice, along with about eleven other counties in central Minnesota for about \$1.5 million..." Heinen inquired if it would be beneficial for both Benton County and the City of Rice to join in on one grant application. Byrd stated "...I think that would have a negative effect because the trail that they are applying for is on the east side of Highway 10...trails that have been successful in this program have been those which are regional in nature...the two trail segments are not connected...they serve different needs..." Heinen inquired of using park dedication dollars for the project. Headley stated "...there is about \$85,000 spread out in twelve township buckets...the townships would have to consent to release their funds for this purpose..." Gapinski/Heinen unanimous to adopt Resolution 2021-#7, "A Resolution agreeing to operate and maintain for its useful life, a bicycle and pedestrian trail connecting the City of Rice with Benton County's Bend in the River Regional Park", and authorize the Chair to sign.

Headley referenced the proposed Letters of Understanding with each of the four law enforcement unions which would allow members who are above the 288 hour maximum on vacation accrual at December 31, 2020 to have until March 1, 2021 to use any hours above 288 before forfeiting those hours. He noted that a condition of allowing this extension must be a demonstration that the employee

was denied the use of vacation time during 2020. Johnson/Schlangen unanimous to approve the Letters of Understanding with Law Enforcement Labor Services, Inc. and Teamsters Local 320, and authorize the Chair to sign.

Under Administrator's Report, Headley detailed the monthly financial report through November 2020. He also provided an update on County facility access and additional measures taken in response to the COVID pandemic (security/enhanced sanitizing). There was Board consensus that the current level of building access was acceptable. In discussing the current level of contracted sanitizing services, Headley indicated that the current cost of \$2,000 per week continues to be 75% FEMA reimbursed. There was consensus of the Board to revisit this service/cost when FEMA funding ends. Headley suggested that the county also explore hiring a temporary employee/county employee which is vastly cheaper than a contracted sanitizing service. Gapinski commented "...as individuals get vaccinated, over the next six months I think a lot of this is going to change..." Johnson commented "...at the end of the day, those FEMA dollars are still tax dollars...I think we should be reviewing this sooner than later...if we are going to continue with the sanitizing, I'd be inclined to hire someone locally instead of contracting it out..."

Board members discussed a number of meeting procedures: 1) consent agenda (consensus to not read the consent agenda items, with the exception of added consent items; consent items may be "pulled" for further discussion); 2) public hearing procedures (Chair is provided a streamlined script which sets the "ground rules"; must allow public to speak and be heard; Board members in agreement with current process); 3) open forum policy (Board members in agreement with current process); 4) distribution of County Board meeting packets (individual Board member choice of "paper" or "paperless"); 5) Commissioner Concern items (when possible, Board members will let Headley know in advance so the item is listed on the published agenda); 6) live streaming (consensus to live stream regular/special meetings of the County Board, but not informal Committees of the Whole); 7) Committees of the Whole (consensus to continue to schedule as needed rather than a standing Committee of the Whole schedule); and 8) employee forums (consensus to resume employee forums).

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

Under Commissioner Concerns, Johnson stated his understanding that today's agenda would include a County Board member appointment to the Planning Commission; the next Planning Commission meeting is scheduled for January 14th. Following brief discussion, there was Board consensus to schedule a special meeting of the Board for January 12th at 10:30 AM to formalize County Board committee/board appointments (and schedule a Committee of the Whole prior to the special meeting to discuss these appointments).

Heinen/Gapinski unanimous to set Committees of the Whole: January 12, Discussion on 1) County Board committee/board appointments, and 2) county highway issues; and AMC County Government 101 virtual meetings (January 20 and 21, February 17, March 17).

Johnson/Heinen unanimous to adjourn at 11:10 AM.

Edward D. Popp, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator

