

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JANUARY 21, 2020

The Benton County Board of Commissioners met in regular session on January 21, 2020 in the Benton County Board Room in Foley, MN with Commissioners Ed Popp, Spencer Buerkle, Jake Bauerly, Warren Peschl and Steve Heinen present. Call to order by Chair Buerkle was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Popp/Peschl unanimous to approve the amended agenda (add item: Administrator's Update; delete item: "refugee resettlement" item (due to federal judge ruling against President Trump's executive order requiring states and local governments to give consent for the placement of new refugees in their communities)).

Speaking under Open Forum was Larry Hosch, Business Development Director with the Greater St. Cloud Development Corporation (GSDC). Hosch stated his support, along with the support of the GSDC, in moving toward a regional business structure for the St. Cloud Airport. He commented "...a regional authority will really lend to a better governance model of the airport...we really hope that Benton County chooses to participate in that model..."

Bauerly/Heinen unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of January 7, 2020 as written; 2) accept and file Veteran Service Officer Quarterly Report as presented; 3) approve agreement with *Madden, Galanter and Hansen* Law Firm for outside labor attorney services through August 31, 2020, and authorize the Chair to sign; 4) approve appointment of Alphonse Brenny to the Planning Commission for the term January 1, 2020 through December 31, 2022; 5) approve appointment of Brian Kaschmitter as the new at-large representative on the Water Resources Advisory Committee; 6) approve Application for Exempt Permit for *Mid Minnesota Friends* to conduct a raffle at Jack & Jim's Event Center, 11025 Duelm Road NE, Foley, on March 7, 2020; 7) approve 2019 Federal Equitable Sharing Agreement and Certification, and authorize the Chair to sign; and 8) approve Special Road Use Permit—*Foley Fun Days*—and authorize the Chair to sign.

Board members recognized Pam Foss from Human Services as the September-December 2019 quarterly award winner in the category of "Inspirational Leader".

The next item on the agenda was a public hearing to consider Benton County Boundary Commission Plat No. 1 located in Watab Township. Roxanne Achman, Department of Development Director, explained that a Boundary Commission was established in July 2019 at the request of property owners and their legal representation, in addition to the professional opinion of County staff, for an area on the east side of Little Rock Lake in Watab Township. She stated that, over several months, county staff and legal counsel from the Rinke Noonan law firm researched and surveyed each parcel, while working directly with the affected property owners to establish the boundary lines as occupied by each property owner so that their deeds would match the occupied area. Achman indicated that a number of properties (non-conforming lots) were combined per county zoning requirements. She pointed out that, on December 17, 2019, a public hearing was held by the Boundary Commission to recommend approval of the Benton County Boundary Commission Plat No. 1 to the County Board. Achman stated that, thus far, the majority of property owners agree to the location of their boundaries as set by the plat; however, there is some concern on how the costs will be assessed—at this time, staff is requesting that the County Board hold off on making any decision on the assessment of costs until the process is fully

completed. The public hearing was opened at 9:17 AM. Brian Erdmann, who owns property adjoining this plat, stated that he has an easement on his property (a 33-foot cart way); however, it is described as 66 feet. David Meyers, legal counsel with the Rinke Noonan law firm, commented "...there are title records from the township that established a 66-foot wide right-of-way there...we are not asking the Board to make any decision on whether it is correct or not...this is what the records show..." Roger Erdmann, 10253 Sucker Creek Road, asked if there will be another court date to get opinions from the property owners. Meyers stated "...the County Board today is being asked to adopt the plat...in order to make sure it does not get challenged again, we are going to go to court and have a judge determine that this is a valid plat...but you don't have to appear in court unless you want to..." Roger Erdmann further commented "...I have no problem with the plat...just how the money is going to be assessed to us landowners here..." Mike Meyers, 10247 Sucker Creek Road, stated that he went through a quiet title action seven or eight years ago; he is concerned about "having to pay for the same thing again". With no one else wishing to be heard, the public hearing was closed at 9:22 AM. Achman commented that there will be clarification of the right-of-way for Watab Township; Watab Township is a party to this plat. Popp commented "...I feel staff and the surveyor and the attorney did a good job...I think it meets the qualifications of what we set out to do..." Bauerly commented "...it's our obligation to do this...it's the best resolution...it needs to be resolved..." Popp/ Heinen unanimous to adopt Resolution 2020-#3, approving Benton County Boundary Commission Plat No. 1, directing counsel to petition the District Court for judicial approval of the plat, with placement of judicial landmarks, reserving the assessment of costs for the proceedings until after all judicial proceedings have been completed, and authorize the Chair to sign the resolution.

Achman reported that the "first round" of 2020 census forms will be sent out in mid-March; a large portion of the population will be asked to complete the census online (if a response to the census mailing is not submitted, census workers will begin "knocking on doors"). She noted that the information is confidential and protected under Title 13; respondents are not required to provide a name—the important part is that everyone is counted. Achman pointed out that failure to account for everyone may result in Minnesota losing a state representative, which would result in redistricting the following year; the impact of an undercount will last ten years. She indicated that Benton County currently has about 36% of the employees that are needed; the jobs are paying \$19.00 per hour, which may increase as the census draws nearer and employees are still lacking.

Achman explained that, due to some recent residential development within the rural Oak Park area, a number of conflicting property city and zip code addresses have been identified for correction; physical addresses are assigned by the Benton County Department of Development or the corresponding city and the city/zip code are decided by the U.S. Postal Service. She indicated that 123 physical addresses within the Oak Park zip code area have been identified as needing correction; only the city and zip code will change within the address—not the house/structure number or road. Achman stated that informational letters will be sent to all properties notifying them of the physical address change.

The Regular County Board meeting was recessed at 9:37 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:41 AM.

Nadean Inman, Auditor-Treasurer, informed the Board that additional grants for the purchase of updated election equipment are being offered by the Minnesota Secretary of State's Office. She stated that Benton County purchased new tabulators and e-poll books with the previous round of election

equipment grant funds; she is applying for additional grant funds to add additional e-poll books and to replace the outdated AutoMark assistive voting devices. Inman noted that the maximum grant per precinct is \$5,000; Benton County has 27 precincts so the maximum total grant would be \$135,000. She stated her hope that Benton County will receive a minimum of \$17,000 to purchase 14 e-poll books (Benton County's match would be about \$4,480). Peschl/Heinen unanimous to adopt Resolution 2020-#4, authorizing the Auditor-Treasurer's Office to submit the 2019 County Application for Voting Equipment Grant to the Minnesota Secretary of State's Office, and authorize the Chair to sign.

Monty Headley, County Administrator, explained that the 2020-2022 Collective Bargaining Agreement with LELS (Deputy/Detective group) was approved by the County Board on December 17th; a change affecting how overtime can be accrued was included with that agreement. Headley, along with Commissioner Bauerly, explained that, when the Sheriff's Office took steps to implement the change, it was clearly apparent that the Union and the County did not interpret the change the same way. Headley noted that, since then, the Union and the County's negotiating committee has agreed to revert back to the old language governing how overtime is accrued; the negotiating committee recommends County Board approval of this amendment to the collective bargaining agreement. Bauerly/Heinen unanimous to approve an amended Collective Bargaining Agreement with Law Enforcement Labor Services, Inc., representing Deputies, Detectives and Court Security Deputies, for the period of January 1, 2020 to December 31, 2022, and authorize the Chair to sign.

Administrator's Update: 1) Employee movement to the St. Cloud East Gate location should be complete by Monday of next week; while staff may begin seeing clients in a couple weeks, the facility will not officially open until "we are ready"; 2) Live-streaming of County Board meetings to You-Tube will technically be ready to go in about 2-3 weeks; the Board will make the decision when live-streaming will begin; and 3) Leadership training providers were evaluated and narrowed down to two—Giant Worldwide and the collaborative program of Resource Training and Solutions/University of MN Extension; the Management Team has now recommended Resource Training and Solutions/U of M Extension for leadership training; employees will need to apply for participation in this intensive training which will run through the end of 2020; staff will also research other leadership training options for supervisors.

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

Under Commissioner Concerns, Commissioner Buerkle requested that the Emergency Management Director provide the Board with an update on spring flood preparations at a future Board meeting.

Under Commissioner Concerns, Commissioner Bauerly led discussion on Board consideration of a resolution authorizing the creation of a St. Cloud Regional Airport Authority. Bauerly stated, in part, "...we've been talking about this for a couple years...the City of St. Cloud came back with kind of a compromise that they would fund this for the next ten years because funding was a big issue for the counties...there's a \$78 million investment out there in that airport that the City of St. Cloud is offering to turn over to the three counties...the Greater St. Cloud Development Corporation supports it...Benton Economic Partnership Board supports it...former representative, Jerry Bauerly, is here and taught me about political capital...I think it's time for us to vote on this issue...Sherburne County has already passed it...the City of Sauk Rapids seems to be on board with it...there's no better economic development opportunity than this sitting right before us today..." Heinen confirmed that the Sauk Rapids City Council and staff are in favor, noting that the City is already paying sales tax to fund the airport. Motion by Bauerly to adopt Resolution 2020-#5, authorizing the creation of a St. Cloud Regional Airport

Authority, and authorize the Chair to sign. Second by Popp. Popp stated "...when I came on this Board, the perception was that the airport is losing \$800,000 a year and we are going to divide that up four ways and it just didn't sit well with me or my constituents...in the process, GSCD, the City of St. Cloud, and the counties heard that and there was no appetite to do that...what's before us now...it would be in the best interest for us to do this because it definitely is going to benefit Benton County in some way as we go forward...it's a really good deal compared to where we were five years ago..." Peschl commented "...my constituents had said they don't want anything to do with that airport...that they were taxed enough...I told Brian Myres (GSDC Board Chair) that they are not very well organized if they kept losing money for all those years...I guess there are things they are going to change that would probably change my mind a little bit..." Heinen stated "...I give Sherburne County a lot of credit for taking the lead on this and providing all the information...there is a price to pay for economic development...this is just another part of the equation or the plan...I am actually in support of it...I was not at first...I look at this as an opportunity to change the way it has always been running...to get the right people in place to make it successful..." Bauerly added "...it's all based upon tax capacity...rural Benton County won't pay more than a buck or two a year..." Buerkle stated "...I asked two questions that I wanted them to address because they are concerns of mine...those two questions were--will the new authority have taxing authority...I'm always skeptical to pass off taxing authority to non-elected officials...I didn't get the right answer on that...I also asked for an opt-out clause...that was based on our experience with the Northstar...we had an opportunity to get out of it and we did...I felt if we could get some sort of an opt-out...even if it was at the end of ten years...we are going to have a lot of pressure put on us in the future with Northstar because that's coming into east St. Cloud if it does come here...we are going to hear the same economic development things again on that...that might be a harder no than this for some people...I'm looking for a way to approve this thing, but I'm not finding it right now...I'd like to see us get a good answer on these points so I could support it...right now, I couldn't..." Following brief discussion, the motion on the floor carried with Bauerly, Popp and Heinen voting aye and Buerkle and Peschl voting nay.

Peschl/Heinen unanimous to set Committees of the Whole: March 16, Human Services Committee of the Whole; April 2, Greater St. Cloud Development Corporation Annual Meeting.

Heinen/Popp unanimous to adjourn at 10:28 AM.

Spencer C. Buerkle, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator

