

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
FEBRUARY 5, 2019

The Benton County Board of Commissioners met in regular session on February 5, 2019 in the Benton County Board Room in Foley, MN with Commissioners Spencer Buerkle, Jake Bauerly, Steve Heinen, Warren Peschl and Ed Popp present. Call to order by Chair Bauerly was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Peschl/Popp unanimous to approve the agenda as amended: add items—discussion regarding body camera policy; Application for MN Lawful Gambling Permit—*Rocky Mountain Elk Foundation Northern Lights Chapter*.

No one was present to speak under Open Forum.

Consent Agenda item #2 was “pulled” for further discussion. Popp/Buerkle unanimous to approve the remaining Consent Agenda: 1) approve the Regular Meeting Minutes of January 22, 2019 as written; 3) approve 2019 Solid Waste Hauler Licenses Round I and authorize the Chair to sign—*Tom Kraemer Inc.; Jim’s Mille-Lacs Disposal, Inc.; West Central Sanitation, Inc.; Pierz Sanitation, Inc.; Advanced Disposal Services Inc.; Gary’s Trucking & More LLC dba Bumble Bee Express R.O.; Veit Container Corp dba Veit Disposal Systems; City of St. Cloud; and Republic Services Sauk Rapids*; 4) approve Application for MN Lawful Gambling Exempt Permit for *Columns Resource Group Foundation, Inc.* to hold a raffle at Wapicada Golf Club, 4498 – 15th Street NE, Sauk Rapids, on June 3, 2019; 5) approve Application for Exempt Permit for *Metro Lions of St. Cloud* to hold a raffle, paddlewheels and tipboards at Jack & Jim’s Event Center, 11025 Duelm Road NE, Foley, on April 6, 2019; and 6) approve Application for MN Lawful Gambling Permit—*Rocky Mountain Elk Foundation Northern Lights Chapter*—to conduct a raffle at Jack & Jim’s Bar, 11025 Duelm Road NE, Foley, on March 16, 2019. Regarding Consent Agenda item #2, Heinen inquired if SCORE Grants are approved for applicants outside of the area. Roxanne Achman, Department of Development Director, clarified that the SCORE Grant approved for Climb Theatre was for programs provided to students in area schools on solid waste/recycling. Heinen/Buerkle unanimous to approve 2019 SCORE Grant Applications Round I as recommended by the Solid Waste Advisory Committee (Consent Agenda item #2).

Troy Heck, County Sheriff, explained that State law requires that any law enforcement agency which implements a body camera program must have a written policy; the proposed draft policy was prepared using a Lexipol policy as a starting point and gathering policies from surrounding law enforcement agencies. Heck noted that State law also requires that the agency provide for public comment on the policy through a number of means, one of which is a public hearing; he plans to bring this policy before the Board for a public hearing at the first Board meeting in March. Buerkle inquired about ongoing costs. Heck stated he does not anticipate that there will be a lot of ongoing costs; he will be able to cover the costs and staffing within his budget. Peschl asked if activation will be at the discretion of the officer. Heck indicated that there is discretion built into the policy; the policy describes the general concept of what the officer should capture, i.e. critical incidents, use of force, confrontations. Popp inquired about training. Heck stated his intent to provide the training in-house.

A public hearing to consider the revised Large Exhibition Ordinance was opened at 9:12 AM. Christine Bosshart, Deputy Auditor-Treasurer, introduced the draft ordinance. Michelle Meyer, Assistant County Attorney, outlined the proposed revisions, which included updates to definitions to be consistent with

current law and practice, updates to the process/time frames, security issues/traffic controls, solid waste standards, emergency medical services, roadway closures, the revocation process, and additional information needed from the applicant. No one from the public was present to comment or ask questions; the public hearing was closed at 9:23 AM. Noting that the ordinance addresses a gathering of over 400 or more individuals, Popp asked if this was an acceptable number. Meyer stated her belief that this number seems reasonable; she clarified that this ordinance does not apply to permanent event centers. Peschl/Heinen unanimous to approve the revisions to the Large Exhibition Ordinance as presented and authorize the Chair to sign the resolution and Ordinance (Resolution 2019-#5; Ordinance Number 335).

Popp/Heinen unanimous to continue with the Special Board of Appeal and Equalization for the 2019 assessment year and to continue with the current per diem of \$135. Buerkle/Popp unanimous to set the date and time for convening the Special Board of Appeal and Equalization for Monday, June 17, 2019 at 6:30 PM in the County Board Room.

Mike Harvey, Land Services Director, requested Board approval to offer a secure, digital option to taxpayers to apply for homestead; *DocuSign* would allow his office to receive a digital signature that is legally recognized, along with a secure environment for providing private data. Buerkle/Popp unanimous to approve a contract with *DocuSign* to provide online homestead application software, and authorize the Chair to sign.

John Uphoff, Executive Director of the Benton Economic Partnership (BEP), appeared before the Board to provide an update on BEP activities and other related developments in Benton County. Topics include in Uphoff's report: BEP Board/BEP membership, East St. Cloud Redevelopment Project/ Opportunity Zones, business expansion in the Cities of Sauk Rapids and Rice, City of Foley's wastewater treatment project, and funding for border-to-border Broadband. Chair Bauerly commented "...this organization starting up...with John's leadership...is way beyond where we expected at this point in time...I thank him for his leadership and I thank the Board for supporting this...I think our return on investment over the years is going to be very substantial..."

The Regular County Board meeting was recessed at 9:45 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 10:16 AM.

Amanda Guertin, Benton SWCD Water Plan Technician, explained that, in 2015, the State initiated the transition from water management planning on a county scale to water management planning on a watershed scale; the process has begun for one of Benton County's watersheds—the Rum River Watershed. She noted that the county spent a lot of time and effort on the county water management plan; the new watershed approach would build off the county plan (take the local priorities from the county plan and attempt to provide the greatest measurable benefit for the entire watershed). Guertin noted that the funding would transition as well; however, counties would still receive their NRBG local water planning funds—the goal of the State is to have watershed plans completed for all watersheds in the state by 2025. She clarified that Benton County's participation in this process is optional (full or partial participation) as the Rum River Watershed only encompasses 9.2% of the county; participation is required for those counties that are within 10% of the watershed. Guertin explained the plan development process would include development of a steering committee, advisory committee and policy committee; she also reported on projected time and financial commitments. She noted that

Benton County also has two additional watersheds—the Mississippi River-Sartell and the Mississippi River-St.Cloud; the Rum River Watershed, a smaller watershed, could provide a “learning opportunity” as Benton County will be required to participate in the larger Mississippi River watersheds (which could be combined if there was such an agreement by all the watershed partners). Guertin pointed out that the next steps would be appointment of a County Board member and alternate to serve on the Policy Committee (should Benton County decide to participate in this watershed planning) and also signing of a Memorandum of Agreement. Popp raised questions regarding the SWCD staff time/budget involved in developing a plan for, potentially, three watersheds. Gerry Maciej, Benton SWCD Manager, commented “...cost is definitely a consideration...as we get into these plans...it’s going to take more of Amanda’s time...potentially, other staff as well...it’s not funded, so it would come out of our budget...we will need to pull back Amanda’s time doing other projects...if Benton County chooses not to participate in the Rum River Watershed...at the end we can still adopt the plan and retain eligibility for the grants...”

Lance Bernard, consultant from HKGi, appeared before the Board to provide an update on the work that has been completed so far on the comprehensive plan and the next steps to be taken. Bernard explained that he, along with staff, have been working closely with the cities and townships in the county, as well as other stakeholders (i.e. Planning Commission, Parks Commission), to “walk them through” the comprehensive plan process and garner their input and comments. He noted that the plan sets a 20-year vision, providing guidance for future decision making and updates to the Development Code; plan elements include land use, parks, open space and trails, natural resources, economic development, and transportation. Bernard noted general themes heard from the “listening groups” include preservation of agrarian and farming community, preservation of natural amenities, expansion of economy, embracing new technologies, and recognizing the importance of a healthy community. He stated that he, along with staff, have been addressing township/city concerns with regard to the urban growth areas; the intent is not to promote or encourage growth in these areas, but, at a minimum, they need to be addressed and recognized in the plan. Bernard added that he and staff continue to work with cities and townships on refining these urban growth boundaries to better reflect what they mean to each community (much of the focus has been meeting with Langola Township and the City of Rice regarding the growth areas around the City of Rice). He stated that the draft comprehensive plan should be available for staff review in the next month and brought forth for Planning Commission/ County Board review in the spring.

Roxanne Achman, Department of Development Director, provided a 2018 year-end activity/revenue report.

Chris Byrd, County Engineer, explained that, in 2018, the Local Road Program Advisory Committee requested State Aid to prepare a solicitation opportunity for local agencies to provide project applications for the Local Road Improvement Program (LRIP); the LRIP was established in statute to assist local agencies in constructing or reconstructing their local roads. Byrd pointed out that no funding is currently available for the program; however, it would be beneficial to the program as a whole to demonstrate the need in Greater Minnesota for additional funding. He suggested that Benton County get their CSAH 7 Reconstruction project on the list under the category of “Routes of Regional Significance”. Board consensus that Byrd submit an application for the CSAH 7 Reconstruction project.

Byrd reported that the Environmental Quality Board intends to adopt new administrative rules that govern when a project requires an Environmental Assessment Worksheet (EAW). He noted that the EQB intends to adopt the new rules without a public hearing; however, if 25 or more persons submit a written request for a hearing on the rules by 4:30 PM on February 4th, the EQB will hold public hearings.

Byrd pointed out that the proposed rule changes are positive in that they would change the length of a road project from one mile to two miles before it needs an EAW and it exempts auxiliary lanes; however, the proposed rule changes with regard to wetlands would have a negative effect on road construction project delivery, including additional costs and longer project development times, as it would likely require the Public Works department to complete more EAWs for more projects (these projects already go through wetland permitting that includes environmental review under the National Environmental Protection Act). Byrd provided Board members with a copy of the letter that he had sent to the EQB to, hopefully, trigger the public hearing requirement. He commented "...we are stewards of the environment...we are just saying that we believe the current rules...are providing that protection of the environment..." Byrd added that the reason for these rule changes was a legislative request in 2016 to streamline water permitting processes; however, the changes will actually result in additional time, funding, and staff resources to process additional EAWs.

Byrd reported that he has been approached by Winkelman Energy Group about studying the Public Works building site for suitability of a solar garden. He indicated that Winkelman has offered an agreement to complete a feasibility study of the site to determine, among other things, a kilowatt hour generation estimate; estimated cost of the study is \$3,000. Bauerly commented "...I don't think there is any reason for the county to pay a fee...if they want to develop it, let them do the research...the developer should pay that..." Buerkle stated his belief that first there should be agreement from the County Board that they would be interested in a solar garden at that site; personally, he would not be interested in participating. There was majority Board consensus that Winkelman Energy Group could complete a feasibility study, but at their expense, not the county's. Roxanne Achman pointed out that this site is located in the Foley City limits, so Byrd should first check with the City of Foley's policies with regard to solar gardens.

Administrator's Report: 1) Monthly Financial Report; 2) Update on locating office space in west side of the County (County is "honing in" on property on East St. Germain—East Gate—for relocation of a group of Human Services/Public Health employees; would need about 4,000 sq. ft. in one building and about 2,000 sq. ft. in another building (with a goal of moving all employees into one contiguous location once additional space was opened up); location is in great proximity to clients and transportation; building owner/architect will prepare a cost estimate of building renovations—other costs such as I.T. connectivity, utilities and janitorial will also be identified; an estimate of one time/annual costs will be brought to the County Board for consideration; Heinen inquired how the need for 6,000 sq. ft. was arrived at, suggesting the idea of initially occupying the 4,000 sq. ft. and then making a determination if the extra 2,000 sq. ft. was needed; Headley noted that the 6,000 sq. ft. is based on the "package of employees" that the Human Services Director believes need to be relocated to achieve their service goals (about 25% of the work force); also, space will be needed to create a secure environment to interact with clients; Bauerly suggested a three-year lease to begin with, noting that CentraCare still envisions the county combining with them and the workforce center in one location at some point—he also noted that the vast majority of clients come from that area of the county, as well as many of our employees; several Board members stated their desire to see a three-year proforma); 3) 2019 legislative priorities as identified by county departments (Board consensus to approve the priorities as presented; Board members will share these priorities at the upcoming AMC legislative conference); and 4) APO trip to Washington, D.C. (scheduled for February 11-15, 2019; Chair Bauerly will not be participating, but may participate as part of the Highway 23 Coalition group going to Washington, D.C. in June). It was agreed that an agenda item for tomorrow's County Board Committee of the Whole will be discussion of Auditor-Treasurer appointment legislation.

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

Under Commissioner Concerns, Commissioner Bauerly announced that he will not be present for the first Board meeting in March.

No Committees of the Whole were set.

Chair Bauerly adjourned the meeting at 12:10 PM.

A. Jake Bauerly, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator