

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MARCH 2, 2021

The Benton County Board of Commissioners met in regular session on March 2, 2021 in the Benton County Board Room in Foley, MN with Commissioners Scott Johnson, Ed Popp, Jared Gapinski, Steve Heinen and Beth Schlangen present. Call to order by Chair Popp was at 9:00 AM followed by the Pledge of Allegiance to the flag.

County Administrator, Monty Headley requested to add an item to the Regular Agenda to consider the appointment of Angela Olson to the St. Cloud Regional Airport Advisory Committee. Motion by Johnson and second by Gapinski to approve the amended agenda. Motion carried unanimously.

Present to speak under Open Forum: Jim Hovde, 160 North Freedom Rd Rice, MN, Michael Lewandowski 11709 85th Ave NE Foley, MN and Michael Deppa, 12831 85th Ave NE Foley, MN all expressing their concerns with the Mutual Aid Agreement with the City of Minneapolis.

Johnson/Heinen unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of February 16, 2021 as written; 2) accept and file Human Services Committee of the Whole Meeting Minutes of February 8, 2021 as written; 4) approve contract for PREA (the Prison Rape Elimination Act) audit of the Benton County Jail and authorize Chair to sign, 5) approve maintenance agreement with Motorola as written; 6) approve special road use permit to close county roads within the City of Foley for their annual Foley Fun Days and authorize the Chair to sign; 7) approve administrative agreement between Watab Township and Benton County for Bridge number L9200 over Sucker Creek and authorize Chair to sign; 8) approve the administrative agreement between Mayhew Lake Township and Benton County for bridges number 95617 and 95616 over Mayhew Creek and authorize Chair to sign; 9) approve administrative agreement between Mayhew Lake Township and Benton County regarding mill and overlay project on CR 90 in East St. Cloud and authorize Chair to sign.

Chair Popp requested to move to the Regular Agenda item regarding the Mutual Aid Agreement with the City of Minneapolis. Benton County Sheriff Troy Heck proposed his request for the Board to approve the Mutual Aid Agreement with the City of Minneapolis regarding the trial of Derek Chauvin which is scheduled in March. Heck stated that the goal is to ensure public safety is maintained during and following the trial of Chauvin. Mutual Aid is a common tool used in Law Enforcement and it happens on a routine basis. "There is nothing out of the ordinary according to this agreement" according to Heck. The agreement has been vetted by the County Attorney's Office, and MCIT confirmed that the terms of this agreement are typical. Heck also stated that if anything is damaged, it would be covered by our insurance policies and we would have to pay the deductibles. Heck stated the "good in the agreement" is that the City of Minneapolis would indemnify and defend Benton County against any and all claims. We would also get reimbursed over-time after the first eight hours, and for lodging. We also reserve the right to call back our staff at any time. We are looking at possibly sending three to four of our staff, depending on what local threat looks like there. Heck said: "Keeping Benton County safe is our mission and our first priority" and "Minnesota Sheriffs take pride in the motto No Sheriff Stands Alone". Heck is

concerned if we turn from this challenge, how long before we are targeted by this “mob”. Gapinski said he is in support of police but has a real problem with sending our people there to help especially since Minneapolis is not willing to pay the whole “freight”. Gapinski is concerned that if one of our officers does something wrong, and they see a Benton County uniform, we could have rioting here in Benton County and then we are on the hook for that bill, as well any damages from rioting. Heck agrees with the reservations that people have and has reservations about this as well- but believes the greater good calls for us to assist a County in their time of need and believes the risk is worth what is at stake. Johnson commented on the late coming of this contract to the Board as well as the Sheriff’s Office. Gapinski also felt this matter was brought to us too late. Popp is concerned about long term consequences such as an injured Deputy and Workers Compensation fees. Popp feels they already have multiple resources available to help such as the National Guard and State Troopers. Schlangen is wanting to work with prevention instead of waiting for the chaos to start but is concerned about our officers not having the specific training and the liability that would result from that. Heck assured the Board that his Officers have had the proper training and have the equipment needed to handle a situation such as this. Heck stated that if the Board is not ready to make a decision today, we could table this until the next Board Meeting on March 26th, 2021. Heck expects deployment for the trial would not be until end of March or early April. Motion by Gapinski to table this topic until March 16th and Johnson seconded. Under discussion, the County Board asked Sheriff Heck to contact surrounding counties to see if any of those Sheriffs Offices plan to send Deputies to Minneapolis to assist. Motion carried with Schlangen, Johnson, Popp and Gapinski voting “aye,” Heinen abstained.

Amanda Othoudt from Benton Economic Partnership (BEP) presented to the County Board “Round Two” Business Assistance Grant Recommendations. BEP is recommending additional allocations based on profit and losses during the months of November and December of 2019, compared to November and December 2020. The BEP made as many businesses whole as they could, which utilized all the remaining funding. The total amount originally available to expend was \$787,399.76. The County Board approved grants totaling \$365,887.50 for Round One on February 16th, leaving \$421,512.26 remaining for Round Two. Othoudt figured total revenue losses for all business at over \$4 million dollars during the two-month time frame from 2019 to 2020. Othoudt asked for a motion to approve the BEP recommended “Round 2” business assistance grants. Johnson motioned to approve the BEP recommended “Round 2” business assistance grants to those businesses that are compliant with the terms of the grant. Gapinski second. Motion carried unanimously.

County Administrator Monty Headley asked the County Board to consider revisions to the Public Health Emergency Temporary Personnel Policies. Headley recommends a revision to the temporary personnel policies to limit exceeding the 40-hour comp time bank to only those employees providing direct assistance to COVID vaccination clinics. This proposed revision still allows employees who directly contribute to COVID vaccination clinics to exceed the 40-hour limit. This proposal was discussed in the February Management Team Meeting and appeared acceptable to County Departments. Headley confirmed that those employees that have accrued more than 40 hours of comp time would be able to keep those hours, but they would no longer be able to go over the maximum of 40 hours. Heinen motioned to approve the revised Public Health Emergency Temporary Personnel Policies as presented.

Gapinski second. Motion carried unanimously.

Headley went on to the amended agenda item to consider the appointment of Angela Olson to the St. Cloud regional Airport Advisory Committee. On February 25th the St. Cloud Airport “Ad-Hoc” Committee discussed the 9th at-large member of the St. Cloud Regional Airport Advisory Committee. The Authority will form once FAA approval is granted and control of the airport moves from the City of St. Cloud to the Authority. Headley asked the Board to affirm the appointment of Angela Olson. Motion by Heinen and second by Gapinski to support the appointment. Motion carried unanimously.

Headley presented the Administrator’s Report which included:

- Monthly Financial Report through December 2020
- Administrator Updates
 - St. Cloud Regional Airport Authority
 - Foley Wastewater Project/Fiber Connection to St. Cloud
 - Class and Comp Study progress
 - Employees Vaccinated for COVID-19
 - 2020 Park Dedication Collections
 - Tax Rate Ranking

This presentation was for informational purposes only; no action requested.

Board recessed at 10:18 AM

Regular Board Meeting reconvened at 10:23 AM

Regular County Board Meeting was recessed at 10:24 to conduct Human Services Board Meeting.

Regular Board Meeting reconvened at 10:29 am

County Engineer Chris Byrd requested adoption of a Resolution to award a construction contract for the 2021 Gravel Crushing project. Bidding for this project opened on February 26, 2021. This project is to produce 30,000 cubic yards of Class 5 Gravel in the County-leased pit. We received several bids. The gravel will be used to maintain gravel roads, gravel shoulders on roads and other maintenance projects. Brown Excavation was the lowest bidder and came in at \$68,700, with a unit price of \$3.25 per cubic yard which is 29.54% under our estimate. Popp asked if we came in lower if we can crush up to 125% of the gravel. Byrd said that is a possibility and if we did that and we ended up with extra, we could stockpile it until next year. Motion by Johnson to adopt a Resolution to award a construction contract for the 2021 Gravel Crushing project. Second by Gapinski. Motion carried unanimously.

Byrd gave a presentation on the decline of State Aid Revenues. Byrd stated that 2020 was a very unusual year. Due to the pandemic, revenues into the Highway User Tax Distribution (HUTDF) are down. This affects the amount of allotment we receive to construct and maintain our County State Aid Highways. The County State Aid distribution numbers have been released. We now know how much will be available to Benton County for 2021. For Benton County, this means a reduction of 8.4% from last year.

This was for informational purposes only; no action requested.

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

There were no Commissioner Concerns.

Johnson/Heinen to set Committees of the Whole, Thursday, April 8, 2021 at 3:45 pm GSDC Virtual Annual Meeting.

Gapinski/Heinen to conduct a closed meeting of the County Board (at 11:31 AM), pursuant to MN Statutes §13D.03, Subdivision 1, to evaluate the performance of an individual subject to County Board authority. It was noted for the record that today's closed session is being held to evaluate the performance of the Department of Development Director and the Land Services Director.

Regular County Board Meeting was reconvened at 12:42 pm.

Gapinski/Heinen to adjourn at 12:43 PM. Motion carried unanimously.

Edward D. Popp, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator