

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

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

Peschl/Heinen unanimous to approve the agenda as amended—add item: Application for Exempt Permit for *Foley Area Ducks Unlimited*.

No one was present to speak under Open Forum.

Consent Agenda item #6 was “pulled” for further discussion. Popp/Peschl unanimous to approved the remaining Consent Agenda: 1) approve the Regular Meeting Minutes of February 19, 2019 as written; 2) approve grant with State of Minnesota for *Congratulate and Educate* tobacco compliance checks, and authorize the Chair to sign; 3) approve Application for Exempt Permit for *Duelm Area Lions* to conduct a raffle, paddlewheels and tipboards at Jack & Jim’s Convention Center, 11025 Duelm Road NE, Foley, on June 12, 2019 and November 16, 2019; 4) approve 2019 Solid Waste Hauler Licenses Round III—*Vanderpoel Disposal, Rapid Container Service Inc.*—and authorize the Chair to sign; 5) approve 2019 Solid Waste Newspaper Contract/Post Card Advertisement, and authorize the Chair to sign; and 7) approve Application for Exempt Permit for *Foley Area Ducks Unlimited* to conduct a raffle/bingo on April 14, 2019 at Jack & Jim’s Event Center, 11025 Duelm Road NE, Foley. Regarding Consent Agenda item #6 (Special Road Use Permit for Heritage Day Parade in Rice), Heinen asked if the applicant was aware of the 60-day notice prior to the event. Chris Byrd, County Engineer, stated that the applicant was aware of missing the deadline; however, the Board may waive this requirement if so desired. Byrd noted that the event has occurred for the last four years with no issues. Heinen/Popp unanimous to approve the Special Road Use Permit for Heritage Day Parade in Rice on March 16, 2019, and authorize the Chair to sign (Consent Agenda item #6).

A public hearing for the purpose of taking public testimony regarding the Sheriff’s Office body-worn camera policy was opened at 9:08 AM. Troy Heck, County Sheriff, explained that the cameras have been purchased; implementation is pending today’s hearing and training. He noted that he did receive one email from a member of the public stating their support for body cameras. With no one else wishing to be heard, the public hearing was closed at 9:12 AM. In response to Peschl’s inquiry, Heck stated that the officers will have discretion with regard to activation of the cameras; however, they will be provided with general direction as to what they should be capturing on these cameras. In response to Popp’s inquiry, Heck stated that anytime the cameras are activated, it becomes public data; how the officer categorizes the data dictates its retention period. Heinen inquired of the training that will be provided. Heck pointed out that training encompasses the same software/procedures that the officers are already using for their in-squad cameras. He stated his vision that the deputies will be utilizing the body cameras by April 1st. No action required by the Board at this time.

A public hearing for the purpose of taking public comment on Ordinance No. 471, repealing and replacing Benton County Solid Waste Ordinance No. 162 and Solid Waste Service Fee Ordinance No. 252, was opened at 9:18 AM. Roxanne Achman, Department of Development Director, introduced Tom Berry from Wenck Associates, the consultant who assisted with the ordinance update. Berry noted that

the intent of Ordinance No. 471 is to bring the Solid Waste Ordinance into conformance with MN State Statutes, make it more cohesive with the Development Code and to make it easier to interpret. He reported on the history and purpose of the Solid Waste Ordinance, the ordinance change process, and general/specific changes from the current ordinance to the proposed new ordinance. With no one else wishing to be heard, the public hearing was closed at 9:32 AM. Brief discussion occurred regarding the responsibility for collecting tires thrown in the ditch or stored on private property, as well as use of tires for agricultural purposes and road projects. Popp/Peschl unanimous to adopt Ordinance No. 471, repealing and replacing Solid Waste Ordinance No. 162 and Solid Waste Service Fee Ordinance No. 252, and authorize the Chair to sign.

Johanna Mattson, Human Resources Director, requested Board consideration of a professional services contract with *SafeAssure*; this contract would replace current service agreements with *CLMI Resources Now* and *MDSO* and result in a cost reduction of \$1,146. She pointed out that *SafeAssure* consultation and training services include OSHA compliance, onsite and online training, safety program policies and practices, simulated OSHA onsite audits and inspections, and safety committee advisory. Peschl/Heinen unanimous to approve a Professional Services Agreement with *SafeAssure* and authorize the Chair to sign.

The Regular County Board meeting was recessed at 9:41 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:45 AM.

Chris Byrd, County Engineer, requested Board consideration of a contract with civil engineering consultant KJ to provide AutoCADD training to the engineering technicians; this contract provides for an experienced, professional CADD technician working for KJ to come to Benton County and provide real-world AutoCADD training. He added that the contract further provides for 40 hours of “classroom” training and the creation of a “template” for Benton County to use for road construction projects. Peschl/Popp unanimous to approve the Professional Services Contract with KJ to provide AutoCADD training, and authorize the Chair to sign.

Byrd referenced the Governor’s recent budget proposal which included a \$0.20 gas tax increase with indexing, increasing the vehicle registration tax, and increasing the motor vehicle sales tax from 6.5% to 6.875%. He presented detailed background information on the 2018 gas tax distribution, including history of the CSAH formula (in 2018, \$2.274 billion was collected in the Highway User Tax Distribution Fund—of that amount, the 87 counties receive \$612 million or 29% in County State Aid). Byrd explained that the current formula contemplates all money being split, 68% to the apportionment sum and 32% to the excess sum; if revenues increase, every county will see an increase in CSAH funding. He pointed out that the CSAH funding received does not keep up with local needs, nor does the funding for county roads; however, the legislature has provided additional options in the wheelage tax and local option sales tax. Byrd referenced the local needs report as prepared by the Transportation Finance Advisory Committee on 20-year funding needs to achieve desired outcome; he stated that the overall Highway User Tax Distribution Fund shows a 20-year funding gap of \$21.5 billion-\$29 billion or an annual funding gap of \$1.1 billion-\$1.47 billion. Should the Governor’s proposal be approved, Byrd commented on what this would mean for Benton County in new CSAH revenue: FY 2020, \$361,521; FY 2021, \$1,399,628; FY 2022, \$1,653,050; FY 2023, \$1,708,549. He stated his belief that groups such as Association of MN Counties, Transportation Alliance, will be asking counties for resolutions of support for new transportation funding.

Byrd informed Board members that agreements have now been reached with all landowners with regard to the CR 78 right-of-way acquisition, therefore there will be no need to move forward with condemnation proceedings.

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

No Commissioner Concerns were noted.

Popp/Heinen unanimous to set Committees of the Whole: March 18, Goal-Setting Session; March 27, AMC "County Board Roundtable"; March 28, Benton Economic Partnership Quarterly Meeting; and April 3-5, AMC Leadership Summit.

Peschl/Popp unanimous to adjourn at 10:55 AM.

A. Jake Bauerly, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator