

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MARCH 17, 2020

The Benton County Board of Commissioners met in regular session on March 17, 2020 in the Benton County Board Room in Foley, MN with Commissioners Ed Popp, Spencer Buerkle, Warren Peschl, Jake Bauerly and Steve Heinen present. Call to order by Chair Buerkle was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Peschl/Heinen unanimous to approve the amended agenda: add items: COVID-19 Planning Team Updates and Recommendations for County Board Action; Discussion Regarding DMV Operations During a Public Health Emergency; Request from U.S. Census to Allow the Census to Send out Text Messages to County Residents from Benton County; delete item: Great River Regional Library 2019 Activities Presentation.

No one was present to speak under Open Forum.

Popp/Heinen unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of March 3, 2020 as written; 2) approve Collective Bargaining Agreement with Operating Engineers Local 49, Representing Property Management Employees, for the Period of January 1, 2020 through December 31, 2022, and Authorize the Chair to sign; 3) approve Collective Bargaining Agreement with Law Enforcement Labor Services, Inc., Representing Sheriff's Office Non-Licensed Supervisors, for the Period of January 1, 2020 through December 31, 2022, and Authorize the Chair to Sign; 4) approve Letter of Understanding with Law Enforcement Labor Services, Inc. (Representing Sheriff's Office Non-Licensed Supervisors) to Allow Voluntary Participation in a Fitness Incentive Program, and Authorize the Chair to Sign; 5) approve Engagement Letter with *CliftonLarsonAllen* for Audit of the 2019, 2020 and 2021 Financial Statements, and Authorize the Chair to Sign; 6) approve Minor Final Plat Entitled "*Novak Meadow Second Addition*" in Gilmanton Township, Submitted by Aaron Novak, and Authorize the Chair to Sign; 7) approve Application for Exempt Permit for *Duelm Area Lions Club* to Conduct a Raffle, Paddlewheels, and Tipboards at Jack & Jim's Convention Center, 11025 Duelm Road NE, Foley, on June 10, 2020; 8) approve Application for 2020-2021 County Combination On-Sale & Sunday Sale Liquor License for *GCR Properties LLC* (Trade Name *Granite City Speedway Restaurant*), 2540 Golden Spike Road NE, Sauk Rapids; 9) approve New County Off-Sale Liquor License for *Midwest Investment LLC dba Mini Mart #10*, 1490- 110th Street NW, Rice; 10) approve New 2020 Tobacco License Application for *Midwest Investment LLC dba Mini Mart #10*, 1490 – 110th Street NW, Rice; 11) approve Final Payment to *Knife River, Inc.* for Construction Project SAP 005-622-014—CSAH 22 Reclaim and Pave Project, and Authorize the Chair to Sign; and 12) adopt Resolution 2020-#14, approving State of Minnesota Agency Agreement for Federal Participation in Advance Construction, and Authorize the Chair to Sign.

Nicole Ruhoff, Community Health Administrator, provided an update on COVID-19. She stated that, as of yesterday, the State of Minnesota has multiple counties with cases in varying degrees; there are currently 54 "positives" in the state, however many more individuals are being tested. Ruhoff reported on interventions being implemented to slow the spread of the disease, an update on the Benton County case, public health's role in isolation/quarantine/community containment, and EOC activation (public health is the lead in a public health emergency). Jim McDermott, Emergency Management Director, explained that while public health is the lead, COVID-19 has become a county-wide effort to support public health as this event will affect all county departments. He noted that staff will conduct daily briefings with press releases to the public (i.e. overnight changes, new concerns). McDermott stated the

need to look at the “big picture”—report any positive news as well. He stated the COVID-19 planning team’s recommendation for a local disaster declaration, granting powers and responsibilities under Chapter 12 of Minnesota Statutes. Heinen/Popp unanimous to adopt Resolution 2020-#13, a Declaration of Local State of Emergency, and authorize the Chair to sign.

Monty Headley, County Administrator, requested temporary personnel policy changes during a public health emergency: 1) Employees who must be absent due to the COVID-19 public health emergency and who have exhausted all available leave can be advanced up to 80 hours of paid leave, provided the employee cannot work while at home (the leave would be recouped upon their return to work; employees could preserve a maximum of 16 hours of vacation/PTO). Bauerly/Peschl unanimous to approve a temporary policy change advancing paid time off or sick leave (Benton County Public Health Emergency Policy). 2) Waive current limitations in the remote work policy to allow more employees to work from home (no 30-mile limit, no requirement to keep children in daycare, no requirement to give up a county office). Popp/Peschl unanimous to approve a temporary change in the remote work policy (Benton County Public Health Emergency Policy).

Bob Cornelius, Human Services Director, reported that the Human Services management team has been meeting daily to review the department Continuity of Operations Plan as the current plan mainly addresses local catastrophes. He stated that while a significant workforce is needed to complete core mandated services, the team is devising a plan to send as many employees as possible to work from home, starting with high risk employees (about 20% of the unit). Cornelius stated that the department will start planning two shifts, rotating shifts, rotating coverage and management shuffling as needed. He identified the COVID-19 Virus top priority mandates: 1) coverage for child protection; 2) coverage for adult protection; 3) coverage for intake services; 4) coverage for customer service/front desk; and 5) coverage for income maintenance (emergency assistance, food support, health care).

Troy Heck, County Sheriff, reported on several strategies which the Sheriff’s Office/Jail is implementing during the COVID-19 event; strategies include containment and social isolation, suspension of work release, screenings at arrival, and closure of the dispatch center/records department to non-dispatch, non-records employees. Heck stated that if the department loses staff due to their inability to work, he will prioritize which services must continue to be provided; the Sheriff’s Department will continue to operate at full capacity for as long as staff resources will allow.

Administrator Headley explained that because the Governor has invoked this public health emergency, electronic Board meetings are permissible—Board members could call into the meeting; the only requirement is that the County Board Chair or the County Administrator must be on-site at the meeting. Headley noted that this provision applies to other public bodies which operate under the open meeting law, such as Planning Commission and Board of Adjustment.

Nadean Inman, Auditor-Treasurer, led discussion regarding DMV operations during a public health emergency; a number of DMV stations have decided to close due to customer exposure/interaction. She spoke of department challenges with social distancing with customers; in addition, the customers in line are not distancing themselves six feet away. Inman inquired of the idea of temporarily installing plexiglass at the DMV window with a small slot for pass-through of documents. She raised the topics of potentially processing dealer paperwork and possible repercussions for individuals driving with expired tabs or expired drivers licenses. Headley commented “...the CDC and MN Department of Health are telling us to maintain six feet of separation...we can’t do that right now...my personal recommendation is that this facility should close immediately until we can create that proper environment/separation

(closure is at the discretion of the local Deputy Registrar)...” He stated that staff can work with Property Management to create an acceptable physical environment to allow the DMV to open as soon as possible. There was consensus of the Board to suspend DMV services immediately until further notice (create social distancing for the entire department). Board members requested that staff provide clear messaging, to the extent possible, about available service options such as online services, mail, drop-box, etc.

The next item on the agenda was a public hearing to consider 2020 Solid Waste Facility Licenses for *Waste Management, Republic Services (Minden Transfer Station), Henkemeyer Landfill Inc. and Tri-County Organics LLC*. Mark McNamara from the Department of Development explained that Benton County’s Solid Waste Ordinance requires annual renewal of solid waste management facility licenses, including a public hearing before the County Board. He stated that the Department of Development recommends that the Board require that all 2020 licenses have both a \$10,000 bond and \$1.5 million in liability insurance; these facilities are all in good standing with MPCA. The public hearing was opened at 10:24 AM. No one was present to address the Board on this item; the public hearing was closed at 10:25 AM. Peschl/Popp to require a \$10,000 bond and \$1.5 million in liability insurance. Motion carried with Peschl, Popp, Heinen and Buerkle voting aye and Bauerly abstaining from the vote. Heinen/Popp to approve 2020 Solid Waste Facility Licenses for *Waste Management, Republic Services (Minden Transfer Station), Henkemeyer Landfill Inc. and Tri-County Organics LLC*, and authorize the Chair to sign. Motion carried with Peschl, Popp, Heinen and Buerkle voting aye and Bauerly abstaining from the vote.

The Regular County Board meeting was recessed at 10:35 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 10:50 AM.

Chris Byrd, County Engineer, reported that MNDOT is planning a highway construction project on TH 23 this summer—the project includes work with the traffic signals at Benton County CSAH 1 and CSAH 8/TH 95; additionally, MNDOT will be constructing a Reduced Conflict Intersection where CSAH 8 crosses TH 23 near Rollies. Byrd explained that the proposed MNDOT construction agreement stipulates the responsibilities of each agency—the agreement states that Benton County will maintain the lighting system associated with the Reduced Conflict Intersection (includes “hook up costs”, monthly electrical costs and any burnt-out bulbs); further, MNDOT wants the County to perform the Gopher State One Call locates for the underground electrical wires. He stated his concern with having the ability and the capacity to locate additional facilities. Byrd noted that the City of St. Cloud is a party to this agreement; he has been informed that they have approved the agreement. Bauerly pointed out that these types of agreements are “protocol” throughout the state and not unique to Benton County. Following brief discussion, Bauerly/Peschl unanimous to adopt Resolution 2020-#15, approving MNDOT Cooperative Construction Agreement #1035734, and authorize the Chair to sign.

Byrd explained that the City of Foley would like to move forward with the construction of a trail project between Norway Drive and Birch Drive along TH 25; the City put together a successful Transportation Alternatives grant application titled “Foley Safe Routes to School” and the County agreed to be the sponsoring agency for the grant application. Byrd stated that the City will receive up to \$80,000 of federal grant money; MNDOT dictates that Benton County must be the fiscal agent to those federal funds (cities under 5,000 in population must have a sponsoring agency). He explained that the county should enter into an administrative agreement with the City to establish the roles and responsibilities of each party as it pertains to the construction of the trail project. Byrd noted that, for the most part,

construction will occur within the MNDOT State Highway right-of-way. Michelle Meyer, Assistant County Attorney, outlined her concerns with the proposed administrative agreement, stating "...Federal law and State law talk about how MNDOT is supposed to be the responsible authority who, essentially, sponsor these agreements... where does this authority come that the county can be a sponsoring agency and that MNDOT can delegate that authority to the county...was acknowledged that MNDOT cannot force the county to enter into an agreement...that MNDOT could be the agency that handles all those federal funds, but it's quicker if the county is willing...if the county doesn't comply with the federal requirements, then the county is the one who gets "dinged" for a project that, technically, we have nothing to do with...I would want to go back through the language and make sure that the city is liable for everything and that the county is not liable for anything...we could certainly have something ready for you at the next meeting..." Stating his belief that the risk is very minimal, Bauerly made a motion to move forward and that Benton County be the fiscal agent for the federal funding. Second by Peschl. Byrd commented "...right now, I wasn't asking to approve this agreement...but to move forward with an agreement with Foley...if Michelle has language that she's comfortable with, we would send it to the city for their signature first and bring back the agreement to the County Board..." The motion on the floor carried unanimously, subject to written agreement with the City of Foley.

Byrd explained that St. Elizabeth Church in Brennyville would like to address some sidewalk issues that are potentially pedestrian safety hazards; some of this work is to occur within the highway easement area of CSAH 14. He referenced county policy which states that any pedestrian work occurring within public rights-of-way should meet current ADA standards; the question is whether or not Benton County should participate in the costs associated with this work when there is no county road construction project. Byrd indicated that the costs are estimated to be under \$10,000 and either wheelage tax or levy could be utilized. Popp commented "...it is bad if somebody trips and falls...they are going to come after the county because it's in county right-of-way...you can't hardly see the curb...the other part that I have some concern about is that how many other places in the county do we have like this...are there other ones that are going to come forward that want this done or do they have curb and gutter...it's in the county's best interest to get this done..." Bauerly commented "...I think we should do it...try to figure out the mechanics of it..." Byrd acknowledged that the church is making a significant investment outside of the county right-of-way. Bauerly/Popp unanimous that the county participate in the ADA costs associated with the pedestrian work occurring in the county right-of-way, utilizing wheelage tax.

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

Peschl/Bauerly unanimous to set Committees of the Whole: March 24, Review Proposed Amendments to Benton County Subdivision Regulations.

Administrator Headley reported that the MN State Demographer has stated that the U.S. Census will be sending text messages to MN residents and are requesting Board approval to allow those text messages to have the appearance of coming from the county and not from the state. There was consensus of the Board to approve this request.

Heinen/Popp unanimous to conduct a closed session of the County Board (at 11:40 AM) under MN Statutes §13D.05, Subdivision 3, to evaluate the performance of County Engineer, Chris Byrd.

The Regular County Board meeting was reconvened at 12:29 PM.

Bauerly/Heinen unanimous to conduct a closed meeting of the County Board (at 12:30 PM) pursuant to MN Statutes §13D.03, Subdivision 1, to consider strategy for labor negotiations.

The Regular County Board meeting was reconvened at 12:58 PM.

Peschl/Heinen unanimous to adjourn at 12:59 PM.

Spencer C. Buerkle, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator