

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

The Benton County Board of Commissioners met in regular session on April 21, 2020 in the Benton County Board Room in Foley, MN with Commissioners Warren Peschl, Jake Bauerly, Steve Heinen, Ed Popp and Spencer Buerkle 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: Final Payment for Construction Project CP 005-058-004; Utility Relocation—Project SAP 005-612-017; Emergency Operations Center Policy Committee Recommendations.

Consent Agenda item #3 (Purchase Money Security Agreement for S.C.O.R.E. Grant) was “pulled” for further discussion. Peschl/Popp to approve the remaining Consent Agenda: 1) approve the Regular Meeting Minutes of April 7, 2020 as written; 2) approve Resolution 2020-#16, Supporting DNR Grant Application by *Benton County Snowmobile Club*, and authorize the Chair to sign; 4) approve Minor Final Plat entitled “*J and J Properties*” located in Gilmanton Township, submitted by Allen J. Bauerly, and authorize the Chair to sign the final plat; 5) approve Minor Final Plat entitled “*Neesers Ox Trail Estates*” located in Watab Township, submitted by Gary Neeser, Connie Anderson and Kaye Krych, and authorize the Chair to sign the final plat; 6) approve contract with *Leads Online*—a private company that receives reporting information from pawn shops in MN and around the country and allows law enforcement to search online marketplaces for stolen property, and authorize the Chair to sign; 7) approve Administrative Agreement between Benton County and the City of Foley—to construct a trail along State Highway 25, and authorize the Chair to sign; and 8) approve Final Payment to *Knife River, Inc.* for Construction Project CP 005-058-004—reclaim and pave project on CR 58—and authorize the Chair to sign. Motion carried with Popp, Buerkle, Peschl and Heinen voting aye and Bauerly abstaining from the vote. Regarding Consent Agenda item #3 (Purchase Money Security Agreement for S.C.O.R.E. Grant, *Foley Public Schools*), Popp questioned the need for two low dump trailers. Mark McNamara, Department of Development, explained that there are two different school locations involved—these trailers will allow delivery of organics from the schools to Tri-County Organics for recycling. Popp/Heinen unanimous to approve the Purchase Money Security Agreement for S.C.O.R.E. Grant—*Independent School District 51—Foley Public Schools*—for the purchase of two Sparks 14-foot low dump trailers, and authorize the Chair to sign (Consent Agenda item #3).

Troy Heck, County Sheriff, explained that May 3-9, 2020 has been designated as National Correctional Officer’s Week; this designation honors the men and women of our nation’s jails and prisons who do the difficult and dangerous job of ensuring that those arrested for, and convicted of, criminal offenses are safely housed during their incarceration. Heck noted that, with the advent of COVID-19, jails are experiencing an increase in mental illness in the inmate population. He noted that Benton County is fortunate to have a talented and dedicated group of professionals doing this job. Bauerly/Peschl unanimous to recognize the men and women of the Benton County Jail and authorize the Chair to sign the proclamation. In response to questions from the Board, Heck reported that the jail population is currently at “about 50% of normal”; domestics are trending upwards, as are thefts and burglaries. When questioned about early release of inmates, Heck stated “...we met with our judges...on a case by case basis...they make release decisions based upon the level of offense...there were a number of low level offenders released... the judges are considering our need to have a lower population as they evaluate each individual...we are committed to keeping Benton County safe...we are closely monitoring

how the infection is proceeding out in the county...while I believe it's the right thing to house fewer people in the jail right now because of what's going on, I do have some long term concerns about making this a normal policy..."

Jim McDermott, Emergency Management Director and Nicole Ruhoff, Community Health Administrator, provided an update on the COVID-19 pandemic. McDermott commented "...the EOC has been open for 46 days now...this website shows the growth rate of the virus is starting to come down...by May 15th, projecting zero deaths...this website shows we have more ICU beds available than we need...by flattening the curve, we are able to meet these surges..." Bauerly stated "...in this COVID-19...we are all relying on our internet...the Benton Economic Partnership would like to survey all Benton County residents about the adequacy of their internet service..." McDermott confirmed that the county's mass notification system is able to conduct the survey; however, the system can only call the individuals who register on the system. Popp commented on the devastation of COVID-19 on rural, small-town hospitals. Ruhoff stated "...we do have calls with our local public health directors at the state and the Commissioner of Health weekly...we certainly pose some of those same questions about unintended consequences that are happening in our local community...when is it safe to start reopening some services...they've been extremely cautious because we have had a low death rate in Minnesota...trying to use those forecasting models to see what is next to come..." Heinen requested an update on COVID-19 as it relates to assisted living facilities. Ruhoff stated "...we currently have a statewide long term care call once a week and a regional call which we also participate on...we ask our long term care facilities if they have questions or concerns or need resources... lots of check-ins...lots of guidance being distributed..." Bauerly commented on the collateral damage of isolation/quarantine, i.e. increase in domestic violence, mental health issues. McDermott stated "...as you prepare to open up...do a deep cleaning before the public starts coming in...put those physical barriers up... mark off spots where they stand (social distancing)...until we get a handle on this virus..."

Monty Headley, County Administrator, explained that it may come to pass that county employees are needed to fulfill roles in the EOC or other emergency response roles; to that end, the Emergency Operations Center Policy Committee is recommending Board approval of proposed policy statements. Headley stated that the policy statements contemplate seeking volunteers to fulfill roles first, providing volunteers with training and necessary personal protective equipment appropriate to the role, and taking into consideration the employee's health and availability. He added that, in the event a sufficient workforce of volunteers is not available, the policy statements allow the County to temporarily reassign employees to the EOC or other emergency response duties, within practical limits. Bauerly/Heinen unanimous to approve the EOC Policy Committee recommended Policy Statements as revised April 21, 2020.

The next item on the agenda was a public hearing to consider a 2020 Solid Waste Facility License for *Tom Kraemer Inc. dba East Side Transfer and Recycling*. Mark McNamara, Department of Development, explained that, on February 21, 2020, the MPCA issued Tom Kraemer Inc. a new Permit by Rule to operate a transfer station in the City of St. Cloud, adjacent to the existing Waste Management facility; Benton County's Solid Waste Ordinance requires licensing of all solid waste management facilities, including a public hearing before the County Board. The public hearing was opened at 10:00 AM. Speaking in support of the license was Brad Neugart and Tim Kraemer (16994 County Road 158, Cold Spring). Ken Schwinghammer (700 Highway 10 North) also addressed the Board, stating, in part "...I have the property on the north side of Waste Management...my concern is not with Mr. Kraemer and his operation...they have a very good reputation and do a very good job...my concern is once it is sold to some other organization, where does the county or the city have authority to enforce regulations..."

have a concern about the building...there are large holes in it...the doors haven't worked since November...they may have fixed them in the last few days...the tip floor is not cleaned...who in the county has the authority that I need to speak to...the tires are becoming a health hazard...it's got nothing to do with Mr. Kraemer...it's got to do with the county's responsibilities and authority..." With no one else wishing to address the County Board, the public hearing was closed at 10:04 AM. McNamara commented "...the County can enforce its licensure...because the project is within the city limits, the City of St. Cloud would have the zoning authority...they have a solid waste aspect of that authority...the MPCA can enforce their licensure and permit by rule that they issue...the contact people would be myself at the county or the City of St. Cloud or the MPCA in Brainerd..." Peschl/Popp unanimous to set the license requirements at a minimum of \$1.5 million in liability insurance and a \$10,000 bond, with no payment into the test well closure and post-closure contingency fund. Heinen/Bauerly unanimous to approve the 2020 Solid Waste Facility License for *Tom Kraemer Inc. dba East Side Transfer and Recycling*, and authorize the Chair to sign.

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

The Regular County Board meeting was reconvened at 10:12 AM.

The next item on the agenda was a public hearing to consider adoption of Ordinance No. 477, repealing and replacing Benton County Development Code Ordinance 185. Roxanne Achman, Department of Development Director, explained that, in the months prior to adoption of the 2040 Benton County Comprehensive Plan in June 2019, Benton County staff and consultants, HKGi, began reviewing the current Development Code in anticipation of the changes that would need to be made in order to compliment the 2040 Comp Plan. She stated that, following a number of Planning Commission workshops and public hearings, and notifications to townships and local jurisdictions, the Planning Commission is unanimously recommending approval of Ordinance No. 477 and repeal/replacement of current Benton County Development Code Ordinance No. 185. Achman detailed the proposed changes/clarifications in each section of the proposed ordinance. The public hearing was opened at 11:06 AM. With no one wishing to address the County Board, the public hearing was closed at 11:07 AM. Bauerly/Peschl unanimous to approve Ordinance No. 477, the repeal and replacement of Benton County Development Code Ordinance No. 185, as unanimously recommended by the Planning Commission, and authorize the Chair to sign.

Achman explained that Benton County Development Code Ordinance No. 477 established a Simple Plat process that is reviewed and certified by Benton County staff; in addition to the typical county staff that certifies the plat, the Development Code allows Simple Plats to be approved by a local government official designated by the governing body of the local governmental unit exercising authority over the subdivision of land. Bauerly/Popp unanimous to adopt Resolution 2020-#17, Delegating the Department of Development Director as the Signatory for Simple Plats, and authorize the Chair to sign.

Achman reported that the Simple Plat process will replace the Administrative Subdivision (5-19.9 acres); however, it is anticipated that the fee of \$300.00 will remain. She noted that staff intends to bring a fee schedule change request to the May 5th County Board meeting for action; in the meantime, staff is requesting to apply the \$300.00 Administrative Subdivision fee to any Simple Plat and to charge \$150.00 for Administrative Subdivisions 10 acres or greater. Bauerly/Peschl unanimous to direct Department of Development staff to continue to apply the Administrative Subdivision (5-19.9 acres) fee of \$300.00 for Simple Plats and the Administrative Subdivision (20 acres or greater) fee of \$150.00 for Administrative

Subdivisions (10 acres or greater) until an official change in the fee schedule has been adopted; further, that staff bring forward an amendment to the fee schedule on May 5, 2020.

Peschl/Heinen unanimous to conduct a closed meeting of the County Board (at 11:15 AM) pursuant to MN Statutes §13D.03, Subdivision 1, to consider strategy for labor negotiations.

The Regular County Board meeting was reconvened at 11:41 AM.

Chris Byrd, County Engineer, reported that the project bids received by public works reflected large savings in bituminous costs. He explained that the bids for tied projects SAP 005-602-017 and SAP 005-612-017 (full-depth reclamation of CSAH 2 in Rice and mill and overlay/reconstruction of CSAH 12 east of Rice) were opened on April 10, 2020. Byrd noted that Knife River was the lowest responsible bidder with a bid of \$2,461,554.85; this bid is 16.6% below the Engineer's Estimate. Peschl/Popp unanimous to adopt Resolution 2020-#18, awarding the construction contract for this tied project to Knife River Corporation-North Central Division, as lowest responsible bidder, and authorize the Chair to sign.

Byrd reported that the bids of tied projects SP 005-608-009, SP 005-070-007, SP 005-604-027 and SAP 005-606-020 (full-depth reclamation of CSAH 8 in East St. Cloud, full-depth reclamation of CSAH 4 east of Foley, and full-depth reclamation of CSAH 6 from CSAH 4 to TH 23) were opened on April 10, 2020. He noted that Knife River was the lowest responsible bidder with a bid of \$3,125,381.32; this bid is 15.3% below the Engineer's Estimate. Byrd stated that these tied projects have a portion funded by federal funds and will need to be approved by the Office of Civil Rights before executing the contract. Peschl/Popp unanimous to adopt Resolution 2020-#19, awarding the construction contract for this tied project to Knife River Corporation-North Central Division, as lowest responsible bidder, and authorize the Chair to sign.

Byrd explained that, having opened bids for construction projects on CSAH roads for 2020, a more accurate estimate of actual costs is known; however, currently there are not adequate funds in our State Aid balance to cover all our 2020 costs (an estimated shortfall of \$907,664.58). He noted that State Aid rules allow counties to advance up to two years equivalent of their annual apportionment; Benton County's annual Regular Construction allotment is about \$2.5 million, therefore up to \$5 million could be advanced. Bauerly/Heinen unanimous to adopt Resolution 2020-#20, advancing \$907,664.00 of CSAH Regular Construction in calendar year 2020, and authorize the Chair to sign. Popp inquired if counties will see a reduction in State Aid funding going forward. Byrd stated that MnDOT is anticipating some reduction in revenues; while there is no risk to 2020 payments, there could be reductions in 2021. Noting the current lower bituminous prices, Bauerly inquired about advancing additional dollars to do more paving. Byrd commented "...we could...we would probably be looking at more mill and overlays because of plan development...those would be the simplest type of projects to put together and still meet a reasonable timeframe this year to actually construct it...local projects that aren't using state aid money...we wouldn't have to go through state aid review which shortens the time for plan development and bidding..."

Byrd reported that, before road construction work can commence on the CSAH 12/CR 56 intersection, several utility poles need to be relocated; they are owned by East Central Energy and outside of the existing highway easement. He stated that department staff have reviewed construction plans and the location of the utility poles and reached an agreement with East Central Energy on which poles need to be relocated and an acceptable breakdown of costs. Byrd added that due to the poles existing in an area outside of the existing highway easement, the county is liable for relocation expenses totaling

\$12,321.50. Bauerly/Peschl unanimous to authorize the County Engineer to sign the “Acknowledgement of Expenses for Power Line Move” with East Central Energy.

Monty Headley, County Administrator, explained that a master plan for the consolidated “Mississippi River Park Complex” was requested by the Greater MN Parks and Trails Commission as a prerequisite to granting both Benton and Stearns County parks “regional park designation”, thereby making them eligible for State Legacy grant funds. Headley stated that Stearns County has selected HKGi to complete a master plan for its Mississippi River Park and to update the Bend in the River Master Plan; they have “fast-tracked” this process so it will be in a position early summer to apply for legacy grants to help them purchase 77 acres of land adjacent to their Mississippi River Park. He noted that Stearns has no master plan for its park so they will use the majority of the consultant’s time; for Benton County, the consultant would update the Bend in the River master plan and each county would be billed based on actual hours spent on each park (a percentage of \$44,200). Popp commented “...I think if we get regional designation, the Park Board will look at some more grants for doing a lot more things...” He inquired about using park dedication dollars as a funding source. Headley noted that those dollars may only be used for new park items or park improvements. Popp/Peschl unanimous to participate in the Mississippi River Park Complex master planning process and agree to share costs with Stearns County based on actual hours spent by the consultant on each park. Heinen requested that Board members receive a breakdown of costs between Benton and Stearns Counties once actual costs are known.

Headley requested Board direction on whether Benton Beach campground should open as normal on May 8th (if permitted to do so per the Governor’s Executive Order); in addition, direction is requested on whether to allow rentals of the Lakeview Center and Benton Beach shelters if permitted. He noted that the Park Commission consensus is to open the campground once the “stay at home” order has been rescinded, and that the Lakeview Center and shelters remain closed until social distancing recommendations have been lifted. Motion by Bauerly to postpone a decision to a month from now until more is known about the COVID-19 pandemic. Following brief discussion, Bauerly amended his motion to keep the Lakeview Center and Benton Beach shelters closed until at least June 1st. Second by Peschl. Heinen commented “...I don’t see us getting back to a venue of 250 people in a building of that size...be upfront now...we cannot guarantee that date...start looking for some other venue...” Bauerly amended his current motion—to keep the Lakeview Center and Benton Beach shelters closed until at least June 1st, with review in May for going forward (with notice that these facilities may remain closed in June and beyond depending upon the Governor’s direction). The amended motion was agreeable to the second (Peschl). Motion carried unanimously. There was consensus of the Board that no new reservations for the Lakeview Center or the shelters be accepted at this time. Headley restated that the campground is currently under closure through May 4th per the Governor’s Executive Order. Bauerly/Peschl unanimous “that the campground open when the Governor says we can” (acknowledging that park staff will need some “lead time”).

Headley requested Board discussion on potential modifications to counters to allow for safer interaction with customers long-term once county facilities reopen, mainly in the annex area—Auditor-Treasurer, Department of Development, and Land Services. He suggested exploring options similar to the window installed in the County Attorney’s Office by East Side Glass. Board consensus that East Side Glass be invited to visit the county facilities and provide cost estimates; further, that departments be invited to provide their input, keeping employee safety in mind. Chair Buerkle suggested that Public Health and/or the MN Department of Health be consulted for their recommendations as well. Several potential options for providing DMV services to allow for safer interactions with customers/clients were

discussed; the question was asked—how much is the county willing to invest to create a safe DMV environment versus the revenue that it brings in to the county.

Under Commissioner Concerns, Commissioner Bauerly led discussion on the possibility of some form of property tax relief due to the economic hardships created by the COVID-19 pandemic. He stated that one possible option could be a reduction of penalties associated with late payment as some of the other counties are considering. Buerkle pointed out that this topic has been discussed at great length at MICA and AMC; he suggested that further discussion take place at the next meeting of the County Board when additional budget information can be available. Bauerly/Heinen unanimous to postpone further discussion on this topic to the next meeting of the County Board. Nadean Inman, Auditor-Treasurer, reported that Stearns, Wright and Sherburne Counties all approved the proposal which she provided to the Board today regarding penalty abatement due to COVID-19'S financial impact on Benton County taxpayers.

Under Commissioner Concerns, Commissioner Peschl led discussion on a recent employee training held at the public works department and concerns with the size/spacing of the employee group receiving the training in lieu of the current COVID-19 pandemic. Johanna Mattson, Human Resources Director, reported on her investigation at this point. Heinen inquired how employee training will move forward during the current epidemic. Headley stated "...I wouldn't think there should be any training where there's more than ten people in a room...and they ought to be scattered out...certainly don't want them in a small, confined room...we should ask ourselves if the training is so critical that it has to be done now or can it be delayed..." He will send out a reminder email to all departments in this regard. Peschl also asked several questions with regard to the county policy on employee donation leave.

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

No Committees of the Whole were set.

Popp/Heinen unanimous to adjourn at 12:53 PM.

Spencer C. Buerkle, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator