

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MAY 5, 2020

The Benton County Board of Commissioners met in regular session on May 5, 2020 in the Benton County Board Room in Foley, MN with Commissioners Jake Bauerly, Steve Heinen, Ed Popp, Spencer Buerkle and Warren Peschl 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 item: accept donation to Sheriff's Office Police Activities League Fund.

No one spoke under Open Forum.

Bauerly/Popp unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of April 21, 2020 as written; 2) accept and file Management Team Meeting Minutes of March 12, 2020 as written; 3) approve a Collective Bargaining Agreement with *AFSCME Council 65*, representing Human Services employees, for the period of January 1, 2020 through December 31, 2022, and authorize the Chair to sign; 4) approve two-year agreements with Attorneys Adam Brainard, Ethan Allen, Sam Young and Cathleen Gabriel, effective May 1, 2020 to April 30, 2022, for CHIPS and TPR representation, and authorize the Chair to sign; 5) reappoint Chris Byrd as County Engineer for a four-year term starting June 1, 2020 and expiring May 31, 2024; 6) approve cost-sharing agreement with Stearns County for a "Great River Park Complex" Master Plan, and authorize the Chair to sign; 7) approve application renewal for County Combination On-Sale, Off-Sale and Sunday Sale Liquor License for *RSVP Restaurants, Inc. dba Goodfella's Bar & Grill*, 14351 – 78th Street NE, Foley, for the period June 1, 2020-May 31, 2021, and authorize the Chair to sign; 8) adopt Resolution 2020-#21, accepting NG911 GIS Grant Award, and authorize the Chair to sign; 9) approve contract renewal with *ReCollect* for web and mobile services pertaining to waste collection, and authorize the Chair to sign; 10) approve *St. Cloud State University* Aquatic Invasive Species grant request as recommended by the Aquatic Invasive Species Task Force; 11) approve Special Road Use Permit—*Rice Family Fun Days*—and authorize the Chair to sign; and 12) adopt Resolution 2020-#22, accepting donation to the Sheriff's Office Police Activities League fund from Renee and Robert Bannister, and authorize the Chair to sign.

Troy Heck, County Sheriff, explained that May 10-16, 2020 has been designated as National Police Week; this designation honors the men and women of our nation's law enforcement agencies who work to ensure citizens may live their lives without fear of harm or loss. He stated that these dedicated men and women work under difficult and dangerous conditions dealing with violent, mentally ill, and dangerous individuals; Benton County is fortunate to have a talented and dedicated group of professional peace officers serving Benton County. Heck also noted that May 15th is designated as Peace Officers Memorial Day; since the first recorded death in 1791, more than 19,000 law enforcement officers in the United States have been killed in the line of duty, including one member of the Benton County Sheriff's Office (Deputy Sheriff Frank McGregor was killed in a fatal car accident in 1931). Peschl/Heinen unanimous to approve the proclamation recognizing the men and women of the Benton County Sheriff's Office, and authorize the Chair to sign.

Nicole Ruhoff, Community Health Administrator, provided an update on the COVID-19 pandemic, noting that Benton County has 35 cases as of yesterday, including one death; models show a peak in deaths in mid-May. She stated that staff has been working on a mapping of positive cases; these areas may need

additional outreach/education to, hopefully, slow the spread in those areas. Ruhoff pointed out that staff continues to work with Stearns County and Place of Hope on an agreement for sheltering those who are homeless who may need to be isolated or quarantined; Centra Care Health has numerous patients who are hospitalized—testing capacity is increasing, leading to an increase in cases locally. Ruhoff stated that public health has been providing resources/guidance to a number of community partners who are looking at either reopening their businesses or improving their practices. She added that Centra Care Health is also setting up nine COVID support sites which should be “up and running” soon.

The next item was a public hearing to consider an amendment of the Benton County Fee Schedule for Administrative Subdivisions and Simple Plats. Roxanne Achman, Department of Development Director, explained that the Simple Plat process will replace the Administrative Subdivision (5-19.9 acres); however, the fee will remain \$300.00. She stated that, additionally, the title for Administrative Subdivisions, 20 acres or greater, will become 10 acres or greater; the fee will remain \$150.00. Achman added that Corrective Action and Boundary Line Adjustment will be removed completely; the fee for corrective action will be based on the process required and Boundary Line Adjustments are subject to the \$300.00 fee. The public hearing was opened at 9:20 AM. With no one wishing to address the County Board, the public hearing was closed at 9:22 AM. Bauerly/Popp unanimous to approve the requested amendment to the Benton County Fee Schedule for Simple Plats and Administrative Subdivisions.

The Regular County Board meeting was recessed at 9:24 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:27 AM.

Bob Cornelius, Human Services Director, reported that turnover in the Office Support unit has been an ongoing problem; this unit is the first line of customer service. He explained a new concept of reassigning Office Support to Eligibility Specialist, which would provide more flexibility by having 25+ individuals who could provide front line customer service versus 3-5 individuals at the two locations. Cornelius explained that this concept sets up nicely for case banking and implementation of a call bank/ phone tree to address phone calls upfront, a huge efficiency (less messages and less phone tag). He commented “...in light of all the COVID-19...I think there are a lot of things we will need to look at that have changed...whether or not we want to go back to what we did before...we can still do almost everything we do over the phone...do we really need to have that high profile customer service...can we accomplish more from home/phone banking...” Cornelius stated that, to offset this proposal, one Eligibility Specialist position would be eliminated through attrition in 2021 (a savings of approximately \$60,000); cost to upgrade all Office Support at Grade 4 to Eligibility Specialist at Grade 5 is approximately \$22,300. Bauerly questioned if this action should be done in coordination with the classification and compensation study, noting that Grade 5 may or may not be the correct grade assignment. Cornelius noted that all Office Support will be expected to incorporate all Eligibility Specialist job duties and, likewise, the Eligibility Specialist position will incorporate Office Support duties; the proper grade for the resulting Eligibility Specialist position will be examined during the classification and compensation study. Peschl/Heinen unanimous to approve the reassignment of Office Support staff to Eligibility Specialist staff.

Chris Byrd, County Engineer, reported that two bids for 2020 seasonal bituminous overlay were received; this project is for small overlays/patches at various locations around the county. He noted

that Knife River was the lowest responsible bidder with a bid of \$675,870 (while Byrd did receive alternate bids as well from both bidders for less tonnage, this is the total bid for all the advertised quantity as recommended by the County Engineer); the bid is slightly above the Engineer's estimate of \$604,985, it is still below the 2020 budgeted amount of \$690,000. Referencing the listed projects for 2020 seasonal bituminous overlay, Bauerly commented "...putting a 2" overlay on a 15-year old parking lot (public works parking lot) seems a little excessive...put more on the roads where they need it so bad..." Following brief discussion, Peschl/Popp unanimous to accept the total bid of Knife River Corporation-North Central Division (\$675,870) for 2020 seasonal bituminous overlay and authorize the Chair to sign the construction contract.

Byrd reported that seven bids were received for 2020 gravel crushing project; this project is to produce 30,000 cubic yards of class 5 gravel in the county-leased pit. He pointed out that Brown Excavating, Inc. was the lowest responsible bidder with a bid of \$68,700; the bid is 29.5% below the Engineer's Estimate of \$97,500 and below the 2020 budgeted amount of \$180,000. Bauerly/Popp unanimous to accept the bid of Brown Excavating, Inc. (\$68,700) for 2020 gravel crushing project and authorize the Chair to sign the construction contract.

Byrd stated that two bids were received for 2020 pavement markings (striping); this project is to replace long-line pavement markings at various locations across the county (replace striping on about 100 miles of paved county roads). He indicated that Traffic Marking Services, Inc. was the lowest responsible bidder with a bid of \$103,200; this bid is 14% below the Engineer's Estimate of \$120,000 and below the 2020 budgeted amount of \$117,500. Peschl/Heinen unanimous to accept the bid of Traffic Marking Services, Inc. (\$103,200) for 2020 pavement markings/striping and authorize the Chair to sign the construction contract.

Byrd explained that the City of Sartell has inquired of the possibility of installing a sign within county owned, and maintained, right-of-way (at the intersection of Benton Drive and CR 29); the City claims that the mounting bases on the sign they are proposing are "break away" which is a requirement for traffic signs placed within the right-of-way. Byrd noted that Benton County does not have a well-defined policy on this; generally, Minnesota Statute §160.2715 prohibits erecting "advertisements" in public right-of-way (this could be construed as an advertisement, but it is a government agency). He stated several concerns—1) this request could trigger similar requests from other cities, and 2) does the proposed sign meet crash standards? Byrd stated that he would be "more comfortable" placing a sign "outside of the clear zone". Buerkle inquired if the proposed sign would distract from other traffic signs/signals in the area. Peschl inquired what other counties have done in similar situations. Bauerly commented "...could you get an opinion from the state aid traffic/safety engineer...that would be my recommendation...will it create any site/vision blocking...the safety component...what's the precedent around the state..." There was consensus of the Board that they should not make a decision on this request without the advice of an "expert"; Byrd will seek this guidance and report back to the Board.

Byrd provided an update on construction activities:

- Spring road restrictions were removed as of yesterday.
- CR 78—plans are to start paving on Monday. Bauerly commented "...it's pretty early to be paving a new grade in the second week of May...if the subgrade starts failing, you better shut them down...you could have some quality problems...I want to go on record on that because you could have problems..." Popp inquired about a project deadline. Byrd stated "...the end of May is the calendar completion date..." Bauerly added "...maybe our deadline is pushing them...I would suggest we back off the deadline to get a better quality product...ask them if you push back the

deadline by a week, would they push back the paving a week..." Byrd stated "...I still feel like it is somewhat, at this point, it's the contractor's decision to go ahead and move in...road restrictions are off so we are not saying no...we do know that we did have some soft spots that we identified and that we are correcting..." Bauerly stated "...maybe you should send them a letter saying that we are concerned about the subgrade being a little tender yet...could you wait a week or two...then, if it does fail, you've got something to go back on...I just don't want our deadline to force the issue..." Byrd indicated that he will have those discussions with the contractor, stating "we are going to protect the public investment the best that we can".

- CR 6 South of Ronneby—plans are to start this project on Wednesday (replacing entrance pipes).

Peschl/Heinen unanimous to conduct a closed meeting of the County Board (at 10:08 AM) pursuant to MN Statutes §13D.03, Subdivision 1, to consider strategy for labor negotiations.

The Regular County Board meeting was reconvened at 10:20 AM.

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

Under Commissioner Concerns, Commissioner Popp referenced the CR 78 project, stating "...I drove CR 78 yesterday...I have big concerns putting asphalt down on that road next week..." Byrd stated that staff will set up a meeting with Knife River, commenting "...the grading contractor is out there this week...at this point, it's the subgrade contractor's responsibility to address any subgrade issues...Knife River is moving in their plant this week...we test it as they are building that subgrade...we have some tools at our disposal to check this before it is compromised..."

Popp/Bauerly unanimous to set Committees of the Whole: May 11, Public Works; June 8, AMC District V Meeting.

The Regular County Board meeting was recessed at 10:38 AM to conduct a Ditch Authority meeting.

The Regular County Board meeting was reconvened at 11:36 AM.

Monty Headley, County Administrator, requested discussion, and possible direction, on whether Benton County will allow some form of property tax relief due to the COVID-19 pandemic. Nadean Inman, Auditor-Treasurer, provided an overview of actions that other counties have taken on this subject (Stearns; Wright; Morrison; Sherburne; Kandiyohi and Crow Wing) and the pros and cons of those actions. Bauerly inquired about "cutting the penalties in half for everyone" (half of the normal penalties for late payment of property tax across the board for all classifications—May 16-June 30, July 1-July 31). There was consensus of the Board that: 1) For taxes paid between May 16, 2020 and July 31, 2020, a penalty equal to one-half of the statutorily-prescribed percentage of the unpaid tax otherwise due; 2) such reduction not apply to personal property; and 3) for taxes paid on or after August 1, 2020, the penalty otherwise imposed by law. Bauerly/Peschl unanimous to adopt Resolution 2020-#23, A Resolution Reducing Penalties on Late Property Tax Payments Through July 31, 2020 Due to the Economic Impact of the COVID-19 Pandemic, and authorize the Chair to sign.

Administrator Headley explained that Benton County, as a signatory to the St. Cloud Regional Airport Commission authorizing resolution, appoints two County residents to the Commission; initially, the Commission will serve as an advisory group until the Federal Aviation Administration approves the transfer of the airport from the City of St. Cloud to the Regional Airport Authority. Headley noted that

once approval is granted, the Commission will assume all the powers vested to it by the resolution and state law. He stated that Benton County, Stearns County, Sherburne County and the City of St. Cloud each appoint two members and then these eight appointees select a ninth member. He stated that there seems to be some desire amongst the member counties that all member counties bring together their proposed representatives and have some group discussion; however, it is ultimately up to each individual County Board if they would rather make their own decision on their county's appointments. Several Board members noted possible candidates for appointment. Bauerly suggested that these potential candidates be invited to attend a Committee of the Whole of the County Board; the Board could then submit the names of those individuals they would like to move forward.

Headley reported that discussions have begun on possibly easing current restrictions to county facilities for greater public access and what it will take to do so safely; the annex area of the Government Center will likely receive the most pressure to reopen first. He explained that the departments in the annex area agreed on the importance of 1) having physical barriers (sneeze guards); 2) limiting the number of people entering the facility at any given time (station a person at the front door to meter the number of people entering; hand sanitizer will be available and masks will be offered); and 3) cleaning (engage in fairly regular sanitizing of contact services during the work day throughout county facilities—this could be accomplished through Service Master who currently provides cleaning services for county facilities). Heinen commented "...I think in the short term it's a good idea (hiring a cleaning company for sanitizing)...but not long term...in my opinion, we could have a couple employees doing this on a regular basis..." Headley noted that there will still need to be discussions about easing restrictions in other departments; department heads should determine what works for their individual departments. He added "...I think it's really important to have someone at the front door...sometimes veterans will come here...we are not going to ask them to stand in line and wait 30 minutes...our veterans service officer will come get them and they won't be part of that line situation..."

Bauerly/Heinen unanimous to adjourn at 12:20 PM.

Spencer C. Buerkle, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator