

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JUNE 16, 2020

The Benton County Board of Commissioners met in regular session on June 16, 2020 in the Benton County Board Room in Foley, MN with Commissioners Spencer Buerkle, Warren Peschl, Jake Bauerly and Steve Heinen present and Commissioner Ed Popp absent (excused). 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 agenda as written.

No one spoke under Open Forum.

Bauerly/Peschl unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of June 2, 2020 as written; 2) approve 2020 Boat and Water Safety Grant, and authorize the Chair to sign; 3) approve Resolution 2020-#25, accepting donation of KN95 facemasks from *Coborn's Inc.*, and authorize the Chair to sign; 4) approve Purchase Money Security Agreement for S.C.O.R.E. Grant—*City of Foley*—for the purchase of eight Hampton park benches and eight By-the-Yard chaise lounges with wheels, and authorize the Chair to sign; and 5) approve Liquor License Renewals—*Jack & Jim's; Rumors Bar & Grill; Rollies; Coyote Moon Grill & Lounge; Henry's Catering; Wapicada Golf Course; Molitor's Quarry Grill & Bar* and *Pines Edge Liquor*.

Connie Cardinal and Gini Kalton from Foley CARE appeared before the Board, requesting Board approval to operate a food stand and to conduct garage sales to help with their fund-raising efforts. Monty Headley, County Administrator, explained that the food stand would be located in front of the old Highway Department garage area—where CARE food distribution has occurred; CARE would also like approval to hold tented garage sales periodically on the grassy area to the north of the old Highway building. Cardinal and Kalton noted that the food stand would operate this summer during lunch and evening weekdays and would be licensed by the MN Department of Health—days and times of operation would be determined at a later date. Heinen inquired about any liability issues this would create for the county. Headley noted that the county has a lease agreement with CARE for office space; he did not know how this agreement might extend to activities occurring outside on county property—he will seek an answer from MCIT. Phil Miller, County Attorney, added “...I sit on the Board of Directors for CARE...speaking as County Attorney, typically what we look for is \$1.5 million of insurance coverage...CARE has \$1 million...do the risk analysis... the county should decide whether that is a risk they are willing to accept...” Bauerly/Peschl unanimous to allow CARE to operate a food stand and periodic garage sales on County property during the summer of 2020. Chair Buerkle noted that the Council on Aging has a number of grants available for which Foley CARE may be eligible.

Jim McDermott, Emergency Management Director, and Nicole Ruhoff, Community Health Administrator, provided updates on the COVID-19 pandemic. McDermott commented “...everything points to the virus slowing down in Minnesota...the number of cases are going down, as well as the number of deaths, hospitalizations and ICU admissions...infrastructure is all set to handle a resurgence if needed...” Ruhoff added “...there was a release of data from the Department of Health about long term care...deaths and cases...our local long-term care agencies do have the opportunity to do testing now facility-wide...some in our region have opted to do that...I believe that will be opened up to group homes and assisted living as well...I want to praise our local businesses because they are really doing a great job with their infection control processes...one new area we are certainly watching is our seasonal workers and migrant workers... we have no concerns with the Benton County area at this time...CentraCare has moved their respiratory clinic from the area it was in to the St. Cloud Medical Group Northwest site...”

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Ruhoff also noted that Benton County did receive a grant in March which is being used to fund many of the COVID-19 activities; additional CARES funding is expected.

Nadean Inman, Auditor-Treasurer, explained that the Auditor-Treasurer's Office applied for a VEGA-2 grant to allow for the purchase of additional poll pads and was approved for a grant of \$48,070.40; in order to use the grant monies, the county would need to approve matching funds of 25% of the grant amount, or \$12,017.60. Inman stated that the additional poll pads would alleviate significant slowdowns in both checking in pre-registered voters and in registering new voters, as well as saving several weeks of manual data entry by Auditor-Treasurer staff. Peschl/Bauerly unanimous to approve \$12,017.60 of matching funds, allowing the Auditor-Treasurer's Office to purchase the needed poll pads using the VEGA-2 grant.

Inman reported that the Auditor-Treasurer's Office received two inquiries regarding the possible sale of alcohol for consumption on the golf courses in early May when the Governor's Executive Order #20-48 was in effect. She stated that on May 7th, after the first inquiry, her office contacted, and emailed, all Benton County golf courses, providing clear information regarding the executive order and stating that on-premises consumption of alcohol is not allowed on the golf course. Inman stated that, on May 19th, a second inquiry was received, and she reached out to the State Alcohol and Gambling Enforcement a second time for direction and was instructed to contact local law enforcement to look into the matter. She noted that, on May 20th, a deputy was dispatched to investigate all Benton County golf courses; on this date, two Benton County golf courses were found to be out of compliance with the Governor's Executive Order #20-48—Wapicada Golf Course and Territory Golf Club. Inman stated that a subsequent call to the State resulted in their statement that "...due to all the rioting and things that were going on in the cities, they would prefer that this be handled on a local level...they just don't have the manpower to look into it...their resources are being used in other areas..." Inman clarified that the Board did previously approve a reduced liquor license fee for all businesses (reduced by the number of months they were closed); each business will receive a refund of \$550.00 for the three months they were closed due to the executive order. Phil Miller, County Attorney, stated "...all three golf courses in Benton County were checked...Oak Hill was in compliance...employees at Wapicada and Territory admitted to non-compliance...the golf courses were aware, based upon communications from our Auditor-Treasurer's Office, that they were not to be selling alcohol...argue, if you will, how wise the executive order was, there was one golf course that was following the law and two did not...they have not been convicted or charged at this point...they are subject to a criminal citation...we have held off on that...as a matter of fairness, I think this is something the Board needs to look at..." Following brief discussion, motion by Bauerly to fine Wapicada Golf Course and Territory Golf Club \$100.00 for their non-compliance. Second by Peschl for discussion. Peschl suggested that these two golf courses not receive the \$550.00 refund as previously approved by the Board for liquor license fee reduction for March, April and May. Following further discussion, Bauerly stated his intent to stand on his motion to fine each of the two golf courses a fine of \$100.00 (they would remain eligible for the \$550.00 refund). The motion on the floor failed with Bauerly and Peschl voting aye and Buerkle and Heinen voting nay.

The Regular County Board meeting was recessed at 9:47 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:57 AM.

Administrator Monty Headley reviewed the 2020 Monthly Financial Report—activity through May 31, 2020. He reported on the Federal CARES funding, stating "...the legislature and the Governor have not settled on the total amount of CARES funding that they are going to distribute to cities and counties...it's a number somewhere between \$500 million and \$800 million...the guidance is still evolving as to how

this money can be used...I had posed a question to MICA...if you are unable to spend a good share of your CARES funding, what would you do with it then...there's a provision in the bill that some of it could actually go out to businesses and individuals who have experienced economic hardship as a result of the pandemic...that was a big topic of discussion...how would you administer this...what would be the basis for giving a business a grant...I believe that this CARES funding could essentially reimburse virtually all of our pandemic related expenses...and it even goes farther than that...there seems to be a presumption that virtually all of your public health and all of your public safety salary and benefit costs from March through November could be reimbursable with this CARES funding...in addition, the extraordinary costs which were incurred...like the extra sanitizing services, the contact station, and the PPE...I think there is an opportunity for the county to retain a fairly large portion of this funding to offset our costs...it seems to be the intention of the federal funding to help stabilize local government finances to get you through these next couple of years so you didn't need to impose staff reductions or reductions in services...it seems like the dollars are very flexible...we've already levied for those costs this year...those CARES dollars could go into our fund balance...you might tap into that fund balance in 2021 and 2022 to help keep your budget more or less stable..." Bauerly commented "...the best thing we can do, I think, is keep those funds and not raise taxes...or lower taxes...that helps everyone...otherwise, how do you pick "winners and losers" if it goes out to businesses...plus, we are going to lose revenue from the jail...looks like \$300,000 to \$400,000...the economy is going to be hurt...our tax capacity is going to go down with these restaurants closing..." Headley added "...the current legislative consensus would give Benton County almost \$5 million...a provision about sending resources out to businesses and so on is still in the bill...it says you must send at least 10% (\$500,000) out to businesses or individuals who have experienced economic loss...I've heard lots of ideas of how these resources could be used...for example, Broadband came up...the challenge is that all the resources we receive, no matter how we intend to use them, must be expended by mid-November... of that total \$5 million, whatever we haven't expended, either ourselves or what we have sent out to other entities, must be returned...we could certainly say all of our salary expenses for our public safety and public health functions and various others, from March through November, related to COVID-19...we reimburse ourselves for all of that and then, essentially, we keep that in our fund balance and use that to help balance our budget in 2021 and 2022...we have to expend about \$500,000 outside of the county...assuming that this bill stays in place..." Headley clarified that cities and townships with populations of 200 and above are receiving their own distribution. He suggested that the Board set a Committee of the Whole in the future to discuss the CARES funding in more detail.

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

Under Commissioner Concerns, Bauerly questioned if a portion of the Federal CARES funding which the county receives could be distributed to Foley CARE. Headley will research whether or not non-profits who are providing services related to COVID-19 qualify to receive this funding.

No Committees of the Whole were set.

Peschl/Heinen unanimous to adjourn at 10:32 AM.

Spencer C. Buerkle, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator
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