

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JUNE 18, 2019

The Benton County Board of Commissioners met in regular session on June 18, 2019 in the Benton County Board Room in Foley, MN with Commissioners Steve Heinen, Spencer Buerkle, Jake Bauerly, Warren Peschl and Ed Popp present. Call to order by Chair Bauerly was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Heinen/Popp unanimous to approve the amended agenda—add item: resolution authorizing application for MN Housing and Finance Agency Family Homelessness Prevention and Assistance Program.

No one was present to speak under Open Forum.

Popp/Buerkle unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of June 4, 2019 as written; 2) accept and file Committee of the Whole Minutes of May 30, 2019 as written; 3) accept and file Committee of the Whole Minutes of June 3, 2019 as written; 4) adopt Resolution 2019-#20, authorizing County Attorney, Phil Miller, to execute a cooperative agreement with the MN Department of Public Safety, Office of Justice Programs, for Benton County to receive Victim Services grant funding, and authorize the Chair to sign; 5) approve Special Road Use Permit—*Gilman Days*—and waiver of the permit fee, and authorize the Chair to sign; 6) approve Application for Off-Sale Liquor License—*Pines Edge Liquor*—for the period July 1, 2019-June 30, 2020, and authorize the Chair to sign; 7) approve Application for a Special Event Permit request by Steven Propf, *Goodfella's Bar & Grill*—June 29, 2019; 8) adopt Resolution 2019-#21, approving Application to Conduct Off-Site Gambling (bingo, pull-tabs and raffle) on July 4, 2019 at St. Lawrence Church Hall, 10915 Duelm Road NE, Foley, and authorize the Chair to sign; and 9) approve MN Lawful Gambling Application for Exempt Permit—*Backing the Blue Line Inc.*—to conduct a raffle at Wapicada Golf Club, 4498 – 15th Street NE, Sauk Rapids, on August 25, 2019.

Heather Bondhus, Senior Deputy Auditor, explained that parcel 08.00067.00, a 49.63 acre tract of farm land in Maywood Township, became tax-forfeited on May 13th; the prior owner of record, John Robak, is requesting to repurchase the property for the amount of taxes, special assessments, penalties, interest and fees owing in the amount of \$2,795.83. Bondhus noted that Mr. Robak stated he had not received the tax-forfeiture notifications and was not aware of the tax-forfeiture deadline. Buerkle/Peschl unanimous to adopt Resolution 2019-#22, approving John Robak's request to repurchase parcel 08.00067.00, a tax-forfeited parcel located in Maywood Township, and authorize the Chair to sign.

Bondhus referenced the May 7th meeting of the County Board where City of Rice Councilperson, Paula Kampa, spoke with regard to parcels R15.00108.01 and P15.90600.00 and the City of Rice's desire to receive a tax statement for the leased portion of the property. Bondhus reported that the leased portion of the City of Rice's property is required by the Minnesota Department of Revenue to be taxed as a personal property parcel to the lessor directly, Prairie Farm Company. She noted that county staff members have reached out to several city officials in Rice who now have a better understanding of this situation. Mike Harvey, Land Services Director, added that once county staff became aware of the city's concerns, every effort was made to resolve those concerns.

Chris Byrd, County Engineer, presented an updated Roadway Ditch Maintenance and Drain Tile Connection Policy for Board consideration; the previous policy was adopted in 2014. He stated that the

policy addresses the permitting process for connecting drain tile to the roadway ditches, cleaning of roadway ditches with contractors performing this work as opposed to our own county forces, and prioritization/ cost participation with adjacent landowners. Byrd pointed out that much of the language in the policy is derived from State Statute 160.20. Bauerly stated a concern with proposed language in Section 2 of the policy—“The County may approve an application for a permit connecting a drain or ditch with any drain or ditch constructed along or across the highway...”; he felt that the word “may” should be replaced with the word “shall”. Bauerly suggested that an attorney experienced in ditch law review the language to “make sure we are not taking away landowners’ rights”. Byrd commented “...maybe it comes down to interpretation...it seems to me...we will do this if all the other conditions are met...maybe it is worth getting a legal opinion...is it supportable and enforceable...the statute does indicate that landowners do have the right to pond the land, but it also says that they shall get the permit from the road authority...the road authority has the right to prescribe reasonable conditions...” Several Board members stated their agreement with language stating that the County Engineer shall issue a permit provided all conditions are met. Following brief discussion, Heinen/Buerkle unanimous to table this item pending attorney review.

Byrd presented an update of the 2002 Cost Participation Policy, noting that this policy provides the guidance and justification to negotiate with other local road authorities when reconstructing roads. He stated that the policy addresses topics such as right-of-way, grading, surfacing, curb and gutter, driveway entrances, storm sewer, sidewalks, trails, private and municipal utilities, traffic signals, roundabout construction, bridge replacement, and street lighting. Popp/Peschl unanimous to adopt the updated Cost Participation Policy as presented.

Byrd reported that the consultant has completed the Public Works ADA (Americans with Disabilities Act) Transition Plan; the Federal Highway Administration recently announced that they will start withholding payments on Federal projects in Fiscal Year 2021-2022 for agencies not having a transition plan in place. Byrd stated that this plan contains an inventory and self-evaluation condition assessment of ADA facilities within County public rights of way and a policy for maintaining such facilities. He noted the goal of verifying that Benton County Public Works is providing accessibility and not adversely affecting the full participation of individuals with disabilities; remedies/improvement schedule for any barriers to accessibility as identified in the self-evaluation are set out in the transition plan. Byrd explained that the plan also designates the County Engineer as the ADA Coordinator; the Coordinator would be the point of contact for concerns/complaints with ADA facilities within the public right of way. He commented “...we may get requests for an ADA accommodation...as a public agency, if the request is reasonable, we should do our best to try to accommodate the request...” Byrd added that the plan will be updated as conditions within the county evolve. Peschl/Buerkle unanimous to adopt the Benton County Public Works ADA Transition Plan as presented.

Engineer’s Update: 1) current maintenance activities; 2) project updates: CSAH 29/33 (traffic signal issues are being addressed); CSAH 22/CR 58 reclaims (complete except for permanent striping); CR 78 (clearing and grubbing is mostly complete; pavement removed between CSAH 2 and CSAH 12); CSAH 2 (will open bids on July 12th, plan to start work August 1st).

Bob Cornelius, Human Services Director, explained that Lutheran Social Service-HOPE Housing was re-awarded the Family Homeless Prevention and Assistance Program through the Minnesota Housing Finance Agency for \$379,082 for the 2019-2021 biennium; they are seeking a resolution of support from the Benton County Board. Popp/Peschl unanimous to adopt Resolution 2019-#23, authorizing Lutheran Social Service to be charged with the administration of funds made available through the Minnesota

Housing and Finance Agency Family Homelessness Prevention and Assistance Program in Benton County, and authorize the Chair to sign.

The Regular County Board meeting was recessed at 9:52 AM to conduct a Human Services Board meeting. (Commissioner Heinen was excused at this time.)

The Regular County Board meeting was reconvened at 10:01 AM.

John Uphoff, Executive Director, Benton Economic Development Partnership, explained that the proposed resolution supporting a Minnesota Investment Fund (MIF) Program application is the first step in Minnesota Department of Employment and Economic Development's (DEED) MIF Program for project financing; the resolution essentially states that the County Board is in agreement with the Benton County Economic Development Authority (EDA) and Integrated Recycling Technologies Corporation in pursuing this funding. Uphoff stated that Integrated Recycling Technologies Corporation is looking to purchase the former Quad Graphics building--it is a \$6 million+ project; in order to qualify for MIF funding, the company must demonstrate job creation and demonstrate that they would not be able to do this project in Minnesota without this funding. He indicated that the Benton County EDA will hold a public hearing on July 2nd concerning submittal of the application to Minnesota DEED for a \$425,000 grant under the MIF program; there will be two contracts—one between Benton County and the State, and one between the County and the Client. Buerkle/Popp unanimous to adopt Resolution 2019-#19, a Resolution Supporting a Minnesota Investment Fund Program Application, and authorize the Chair to sign.

Chair Bauerly asked for Uphoff's opinion on whether or not it would be in Benton County's best interest to be involved in a regional airport authority. Uphoff stated "...I think if the City of St. Cloud is willing to engage in a broad-based economic development agreement with the County...and that includes things like the redevelopment of the east side of St. Cloud...the regionalization of the Foley Wastewater Treatment Facility and figuring out a way to reduce the costs there...then, yes, there is a significant economic impact that comes with the airport...but, frankly, the airport isn't going to go away if Benton County doesn't participate in a regional airport authority...what is the path forward...everybody knows that the airport is losing roughly \$900,000 per year...I do believe that that airport can operate in the black...I think it is about having a fiscally-responsible entity, like a regional authority, that's focused solely on the airport...if the City is unwilling to go down that path (engaging in a broad-based economic development agreement with Benton County), the airport will remain without Benton County's participation...the airport is a very important economic development asset...doing a few minor things like charging for parking or pursuing aviation education opportunities...will help offset the loss..." Popp commented "...for me, personally, I'd need to see a long term plan...Benton County should not share in the deficit equal to the other two counties..." Uphoff added "...my understanding of the resolution in front of the county boards and the city would include the City of St. Cloud contributing a significant amount of money for the next ten years...I think the better deal for Benton County is including other things...such as the Foley Wastewater Treatment Plant...I do see an advantage to Benton County for having a seat at that table (regional airport authority)...given the impact of that airport..." Buerkle commented "...this whole plan is fine...but linking the airport to it and having to become a member of the regional airport authority...to me doesn't wash out...we are too close to the Twin Cities airport and, therefore, don't qualify for some things..." Bauerly stated "...I feel Benton County could have a seat at the table for very little money...if we did it per capita basis...you will gain more political capital..."

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

No Commissioner Concerns were noted.

Popp/Peschl unanimous to set Committees of the Whole: July 2, Lunch with Benton SWCD Board/
Optional Tour of St. Cloud Construction Project.

Chair Bauerly adjourned the meeting at 10:39 AM.

A. Jake Bauerly, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator