

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 16, 2019

The Benton County Board of Commissioners met in regular session on July 16, 2019 in the Benton County Board Room in Foley, MN with Commissioners Jake Bauerly, Ed Popp, Steve Heinen, Warren Peschl and Spencer Buerkle present. Call to order by Chair Bauerly was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Peschl/Popp unanimous to approve the agenda as amended—add item: approval of change in DMV service hours to 8:00 AM to 4:00 PM.

No one was present to speak under Open Forum.

Heinen/Buerkle unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of July 2, 2019 as written; 2) approve Prepaid Debit Inmate Release Program Agent Agreement with *RAPID Financial Solutions*, and authorize the Chair to sign; 3) approve contract with State of MN for placement of radio equipment on Duelm Tower, and authorize the Chair to sign; 4) approve Application for Exempt Permit for *Central Chapter of MN Deer Hunters Association* to conduct a raffle at Henry's Catering & Banquet Center, 6774 Highway 25 NE, Foley, on September 6, 2019; 5) approve Application for Exempt Permit for *Benton County Snowmobile Club* to conduct a raffle at Henry's Catering & Banquet Center, 6774 Highway 25 NE, Foley, on November 30, 2019; 6) approve Special Road Use Permit—*Rice Family Fun Days*-August 17 & 18, 2019, and authorize the Chair to sign; 7) approve final payment to *Redstone Construction, LLC* for Project SAP 005-629-015—bridge repair of the Mississippi River Crossing in Sartell, and authorize the Chair to sign; 8) approve final payment to *Tri-City Paving, Inc.* for Project SP 005-070-006/SAP 005-613-015—reclaim and pave project on CSAH 13, and authorize the Chair to sign; and 9) approve change in DMV service hours to 8:00 AM to 4:00 PM.

A public hearing to consider further amendments to the Benton County Retail Licensing Ordinance 298, amended by Ordinance 406, relating to the sale, possession, and use of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products in the county, was opened at 9:06 AM. Nicole Ruhoff, Benton County Public Health Supervisor, spoke in support of the proposed ordinance on behalf of the Benton County Tobacco Committee. She noted that the recommendations in the ordinance are proven strategies to help reduce youth access (i.e. increased distance between retailers and schools from 300 feet to 500 feet; prohibiting sampling of tobacco products and price promotions; changing the minimum sales age from 18 years of age to 21 years of age). Speaking in support of the proposed ordinance were Summer Hagy (307 Scott Drive, Sartell, American Heart Association Youth Marketing), Shayne Kusler (Principal at Foley High School), Steve Wagner (413 5th Avenue East, Sartell, Assistant Principal at Sauk Rapids-Rice School), Jennifer Kenning (1308 5th Avenue North, Sauk Rapids, Licensed Alcohol/Drug Counselor for Sauk Rapids-Rice School District), Dr. David Tilstra (305 Rosewood Road, Sartell, CentraCare Health) and Alex Dusha (2551 Colony Circle, St. Cloud, Senior at Sauk Rapids-Rice High School). Ruhoff referenced the 14 letters of support received; Headley referenced the 29 postcards received in support of the proposed ordinance from Rice community members. With no one else wishing to address the Board, the public hearing was closed at 9:25 AM. Buerkle stated "...it would be better if we could get it statewide...I think this piecemeal approach, probably in our case, is symbolic at best since it doesn't even cover half the county...it will just send business from out here into the parts of the county that aren't covered by it...if there's a way we can possibly get this message a little stronger to our state legislators, I think that would help quite a bit...I think when you are confronted with the data, it's pretty hard not to go along with some of these

things...” Heinen commented “...I really hope that everybody in the audience goes to the Sauk Rapids City Council and addresses that too...just remember, we can pass this ordinance county-wide, but all the cities that do their own licensing have got to step up to really make this work in the county...” Popp stated “...I think that maybe this will send a message to the cities within our county that they will look at this and say—if the county agrees to it, maybe the cities should get on board too...I think that us, as commissioners and leaders, could talk to our cities...” Bauerly stated “...I think Benton County shows leadership by doing this...it will send a message to cities and other counties...” Peschl commented “...it’s a start in the right direction...it’s going to make it a little more difficult to get it...” Peschl/Popp unanimous to adopt Ordinance Number 475, Benton County Retail Licensing Ordinance, amending Ordinance 298, amended by Ordinance 406, and authorize the Chair to sign.

The Regular County Board meeting was recessed at 9:29 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:35 AM.

Roxanne Achman, Department of Development Director, explained that, over time, the Benton County Surveyor and Benton County Attorney’s Office have been contacted regarding boundary line issues (errors in legal descriptions) in certain parts of Watab Township; given the number of parcels that are affected by problem legal descriptions (85), the most cost effective way to remedy the situation is to establish a Boundary Commission to review the matters. Achman stated that the County Surveyor (Jay Wittstock) will work with each property owner, review deeds, and attempt to reach consensus of where the property lines are; the County Attorney’s Office has requested the assistance of David Meyers of Rinke Noonan for the research and other legal aspects of determining property boundaries. Achman stated that the typical Boundary Commission consists of five members—Planning Commissioners Scott Johnson, Art Buhs, Dan Gottwalt and Gerry Feld have agreed to serve on the Boundary Commission, along with Joe Scapanski from the Board of Equalization. She pointed out that once the survey is completed, property lines will be drawn up; if there is disagreement from a property owner, the Boundary Commission will attempt to resolve the matter—if there is still disagreement, the matter will go to the County Board--District Court would be the final authority in determining all disputes. Achman added that the court would issue its judgement in the form of a plat; Minnesota Statutes permit the County to assess part or all of the costs incurred against the benefited properties on a per parcel basis. She noted that, typically, this process will cost significantly less than if each property owner hired their own surveyor and attorney to do the work; a neighborhood meeting has been scheduled for July 30th at 4:30 PM at the Watab Town Hall. Achman stated plans to start this project in August in conjunction with the Little Rock Lake drawdown; Meyers has stated his hope to have this matter finalized by the end of the year. Achman commented that, generally, there is a per diem assigned for the Boundary Commission members; the County Board decides on an appropriate per diem. Following brief discussion, Board consensus to set a per diem of \$100.00; there was also consensus of the Board that the word “shall” remain in the proposed resolution—“The Benton County Board of Commissioners shall assess all of the costs incurred against the benefited properties...” Buerkle/Popp unanimous to adopt Resolution 2019-#25, establishing a Boundary Commission, appointing the five members as noted, setting a per diem of \$100.00, and authorize the Chair to sign the Resolution.

Board members welcomed Nathan Bonzelet, one of Benton County’s new Engineering Technicians. Bonzelet reported that he has been working on road inspections, bridge design, surveying, and pavement inspection work.

Byrd explained that CSAH 3 crosses the Elk River about 1.25 miles southwest of Popple Creek; staff has been monitoring the stream bank for erosion. He pointed out that, in recent months, the rate at which the bank is eroding has increased dramatically; staff has surveyed the stream bank this spring and believe that, if left alone, the bank will continue to erode and will compromise the CSAH 3 roadway and the bridge. Byrd stated that he has been in communication with Benton County SWCD to partner on a stream bank stabilization project; SWCD is planning to apply for a grant to complete some bio-engineering solutions next year and there will be a local participation component (the idea is not to incur any costs for adjacent landowners). Byrd stated he may ask the Board for a letter of support for this grant funding in the future.

Byrd presented a proposed agreement with WSB & Associates, noting that this agreement is needed so that WSB bridge inspector, Dan Flittie, can act as Benton County Bridge Team leader. He explained that, each year, a number of in-service bridges need to be inspected to be in compliance with National Bridge Safety Standards (the county is responsible for inspections of 110 bridges county-wide, including township bridges). Byrd pointed out that since the county does not have a Bridge Team Leader on staff, we need to seek professional services; WSB would allow county staff to accompany the Bridge Team Leader so that our staff can get that training. He noted that WSB was not the lowest bidder of the four proposals received; however, staff believes the county will receive high quality inspections and still be within the budgeted amount (budget was \$50,000 and WSB will complete the inspections for a total fee of \$34,800). Peschl/Popp unanimous to approve the Professional Services Agreement with WSB & Associates, and authorize the Chair to sign (agreement includes 100 bridge inspections due by February 15, 2020).

Byrd reported that the bids for Project SAP 005-602-016—CSAH 2 Reconstruction at the north end of Little Rock Lake—were opened July 12th; the lowest responsible bidder was Rice Contracting and Development Services with a bid of \$983,856.20 (2.27% below Engineer’s Estimate). Byrd stated the plan to start the project on August 1st in conjunction with the Little Rock Lake drawdown. Popp/Heinen unanimous to award a construction contract for Project SAP 005-602-016 to Rice Contracting and Development Services and authorize the Chair to sign the contract (contingent upon the Little Rock Lake drawdown occurring).

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

Peschl/Heinen unanimous to set Committees of the Whole: July 25, Benton Economic Partnership Quarterly Membership Meeting.

Peschl/Heinen unanimous to conduct a closed meeting of the County Board (at 10:30 AM), as permitted under MN Statutes §13D.05, Subdivision 3(b), for attorney-client privilege discussion between the County Board and legal counsel.

The Regular County Board Meeting was reconvened at 11:19 AM. Heinen/Peschl unanimous to adjourn at 11:20 AM.

A. Jake Bauerly, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator

