

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

The Benton County Board of Commissioners met in regular session on July 21, 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 agenda as written.

Scott DesMarais (13042 – 65th Street NE, Foley) appeared under Open Forum, stating concerns with golf balls “bombarding” his property from the adjoining golf course driving range. He stated that the owners of the golf course have not addressed his concerns; the Foley City Council has referred him to the County Board of Commissioners (the golf course is in the city and the DesMarais property is in the county) . Also speaking was John Bradshaw, a lawyer and personal friend of DesMarais. He stated that a barn on the property had served as a barricade for the golf balls; the barn has since been torn down and this is now a matter of public safety. Chair Buerkle stated that the County Board will take this issue under advisement.

Popp/Bauerly unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of July 7, 2020 as written; and 2) authorize the Board Chair to sign a letter to the State Auditor indicating Benton County’s intent to use a private CPA firm for the 2021 and 2022 financial statement audits.

A public hearing to consider Ordinance #478 to rezone Lot 11, Block 1, *The Cove* (3.88 acres) in Watab Township from “B-1” Business District to “R-3” Single Family Residence, was opened at 9:09 AM. Roxanne Achman, Department of Development Director, explained that the applicant, *Phase 2, LLC/Nate Landwehr*, is requesting to rezone this lot from B-1” to “R-3” for the purpose of platting two residential lots. She stated that for the last 22 years, there has not been the ability to move forward with any type of commercial development; the “R-3” zoning would be consistent with the zoning of the surrounding property. Speaking in support of the request was Nathan Landwehr, 6625 – 55th Street NE, Sauk Rapids. With no one else wishing to address the County Board, the public hearing was closed at 9:13 AM. Achman noted that she did receive a call from Brad MacIntosh, who had some concerns about the rezoning in the sense that once it’s rezoned from commercial to residential, the likelihood of this ever being rezoned back to commercial is “slim to none”. She commented “...Watab Township did discuss this matter...they were split on how they felt about the decision...” Peschl noted that the Planning Commission conducted a public hearing and recommended approval of the rezoning. Popp commented “...I, too, had a call from Mr. MacIntosh...and I had one other call...I agree that 22 years is a long time and nothing has happened...” Bauerly stated “...there’s a big demand for housing lots now and not a big demand for commercial lots...” Heinen added his agreement, stating “...it’s all residential all the way around the whole property...” Bauerly/Peschl unanimous to adopt Ordinance #478, rezoning Lot 11, Block 1, *The Cove*, from “B-1” Business District to “R-3” Single Family Residence District, and authorize the Chair to sign.

A public hearing to consider the minor final plat entitled “*The Cove 3rd Addition*”, submitted by *Phase 2, LLC/Nate Landwehr*, was opened at 9:17 AM. Achman explained that the request is to replat lots within The Cove Development directly abutting the Mississippi River; the replat will result in a reduction of twelve single family dwelling lots and the creation of five larger single family lots. Nathan Landwehr

(6625 – 55th Street NE, Sauk Rapids) stated their desire to “make the lots a little bit bigger because we’ve had a hard time getting interest in the smaller lots”. He clarified that all the lots to the north (lots 5 and 6) do have access to the river through the shared Cove Association. With no one else wishing to address the County Board, the public hearing was closed at 9:20 AM. Achman noted that the township has approved the preliminary plat. Peschl added that the Planning Commission held a public hearing on July 9th and recommended approval of the preliminary plat. Peschl/Heinen unanimous to approve the final plat of “*The Cove 3rd Addition*” and authorize the Chair to sign the final plat.

Achman explained that the original Development Agreement for *The Cove* was entered into on July 18, 2006, with the understanding that any changes to the Agreement would require County Board approval. She stated that the amendment to the Agreement presented today would remove Lot 12, Block 1 and Outlots F & G of *The Cove* from the Multiple Unit Development; additionally, the centralized docking facilities section is amended to reflect the number of docking/mooring facilities based on the reduced number of Villa units and the elimination of the restaurant site. Achman clarified that the Development Agreement has been signed by James H. Brownson, President of New Pirates Cove, LLC and The Cove Development, as the principal developer of The Cove development. Bauerly/Popp unanimous to approve the request to amend the Development Agreement for the plat of *The Cove* and *The Cove 3rd Addition*, and authorize the Chair to sign the new Agreement.

Nadean Inman, Auditor-Treasurer, reported on the allowable uses of the 2020 Federal CARES Act funding for elections. She presented the CARES election grant default allocations that each county jurisdiction would receive if they choose to do so; a 20% match would be required of the County, City or Township. Inman stated that her office will provide this information to each jurisdiction, along with a list of allowable uses, and take note whether or not those jurisdictions wish to utilize this funding; she will report back to the Board on her findings. She pointed out that the State is supplying each jurisdiction with PPE for the primary and general elections, including masks and hand sanitizer; the County would also provide additional supplies through the election grant funds the County receives. Inman clarified that the CARES funding cannot be utilized for mail balloting. Heather Bondhus, Senior Deputy Auditor, reported on the curbside voting process and staffing plans for the primary and general elections.

Bob Cornelius, Human Services Director, reported that, per discussion at a recent Committee of the Whole meeting, Human Services is initiating a phone bank pilot program to promote better customer service. He referenced previous discussion proposing the elimination of one Eligibility Specialist position to accomplish other changes while remaining “budget neutral”; two proposed changes needing approval today are 1) moving one Eligibility Specialist position to a Lead Eligibility Specialist position, and 2) increasing a 20-hour Support Enforcement Aide position to 40 hours to support the movement of additional workload from the income maintenance unit to the child support unit. Peschl/Heinen unanimous to approve the changes as stated.

The Regular County Board meeting was recessed at 9:39 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:41 AM.

Chris Byrd, County Engineer, reported that county staff currently inspect 112 bridges in the county (82 owned by the county, 27 owned by the townships, and 3 owned by the City of Foley); as far as the condition of the bridges, 88% are “OK”, 10% are structurally deficient and 2% are functionally obsolete.

Byrd stated that 14 of the bridges are posted as weight-restricted—10 on county roads, 2 on township roads, and 2 on township roads that are actually closed to traffic. He commented “...we really need our legislators to pass a bonding bill because that is a significant source of funds for replacing these local bridges...if there is no bonding bill...these bridges most likely won’t get replaced because we would be forced to come up with local funds...” Byrd explained that, at their February 18th meeting, the Board adopted a resolution that prioritized the replacement of several bridges within the county; since that time, another bridge needs to be prioritized—Bridge L9200 is a Watab Township bridge over Sucker Creek; this bridge could be eligible for Township Bridge replacement funds. He clarified that, per State Aid eligibility criteria, the township is responsible for \$10,000 of engineering and \$10,000 of construction costs; however, all other costs could be covered. Byrd added that the County would need to be the project sponsor (all bridges identified in the resolution would be “bundled” into one project); the engineer would need to be selected through an RFP process. He stated that the resolution proposed today includes the addition of Bridge L9200; the next step is to get a commitment from the townships (who have deficient bridges as identified in the resolution) and the City of Foley for their local cost share. Byrd noted that if the townships wish to move forward, he will work with the County Attorney’s Office to draw up agreements. Bauerly/Popp unanimous to adopt Resolution 2020-#27, prioritizing the replacement of bridges, and authorize the Chair to sign.

Byrd reported on current maintenance and construction activities, noting that all construction work is expected to be complete by the middle of August. He noted that Benton County has seen steady growth in sales tax collections throughout the pandemic.

George Fiedler, Veterans Service Officer, explained that Benton County has used a product called Veteran Information Management System (VIMS) for over 20 years; this system has become outdated and poorly supported with new capabilities. He stated that VetPro by Panoramic Software has been used throughout the United States with great success and support; this software could be purchased through grant funds or, possibly, Federal CARES funding. Michelle Meyer, Assistant County Attorney, noted that staff were able to work out good contract terms. Popp/Heinen unanimous to approve the purchase of VetPro for use in Benton County, and authorize the Chair to sign the agreement.

Monty Headley, County Administrator, stated that the St. Cloud Regional Airport Advisory ad hoc group is looking to each member county and the City of St. Cloud to appoint their two representatives to the eventual Airport Commission. Heinen suggested that the Board discuss this issue further at a Committee of the Whole with formal action at the August 4th County Board meeting; there was Board consensus to set a Committee of the Whole later in today’s meeting.

Matt Massman, Executive Director with the Minnesota Inter-County Association (MICA), provided an overview of the “unprecedented” 2020 legislative session and its implications for Benton County; much of MICA’s focus shifted from established platform to what was needed to support County pandemic response and continuation of services. Massman reported on the Federal CARES Act funding, noting that Benton County will receive \$4,905,923 in CARES funding, which can be used for allowable COVID-related expenses. MICA staff members Nancy Silesky (Public Health/Health and Human Services Liaison) and Steve Novak (Transportation and Bonding Liaison) were additional presenters. Novak commented “...if there is no bonding bill, there won’t be any local road bonding money...no local bridge bonding money...no money for the local road wetland replacement program which, basically, will demolish next year’s spring construction season...no greater Minnesota transit money...no rail service money...and no airport money...” Massman commented on the current status of the State General Fund Budget, stating “...we started in February with a proposed positive balance of \$1.5 billion...went to a

\$2.4 billion deficit in May...FY2022-2023 was excluded from May re-estimates, so is very likely to be worse..."

Benton SWCD Manager, Gerry Maciej, was present to provide a review of 2019 accomplishments of the Benton SWCD; report highlights:

- 2019 Financial Contributions for Conservation Projects was \$3,479,303--\$931,755 was spent as a result of local landowner contributions.
- Countless hours were contributed by the community in the Little Rock Lake Drawdown which has led to positive water quality impacts in Little Rock Lake.
- Stormwater Treatment Project in Northeast St. Cloud

Pat Gehling, NRSC District Conservationist, highlighted the Environmental Quality Incentives Program (EQIP), a Federal program administered by NRCS. He spoke of the success of EQIP in Benton County, stating "...I can't take credit for that...we have an active Soil & Water Conservation District that works side by side...we are housed in the same office...in a direct partnership..." Popp commented "...that \$931,755 spent by local landowners...that doesn't happen without the quality of staff...I think our SWCD and Pat...they've combined everything to make this work..." Maciej referenced the recent Committee of the Whole discussion regarding One Watershed One Plan; staff are setting up a meeting with Sherburne County and the Sherburne County SWCD. There was consensus of the Board to appoint the Benton County Commissioner representative to this meeting at the August 4th meeting of the County Board.

Peschl/Heinen unanimous to set Committee of the Wholes: July 28, Regional Airport Authority Appointees/Federal CARES Funding.

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

Popp/Heinen unanimous to adjourn at 11:46 AM.

Spencer C. Buerkle, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator