

BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
AUGUST 4, 2020

The Benton County Board of Commissioners met in regular session on August 4, 2020 in the Benton County Board Room in Foley, MN with Commissioners Steve Heinen, Ed Popp, Spencer Buerkle, Warren Peschl and Jake Bauerly 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.

Appearing under Open Forum were Rod Gapinski (4996 – 75<sup>th</sup> Avenue NE, Sauk Rapids) and Jim Studenski (5115 – 75<sup>th</sup> Avenue NE, Sauk Rapids). Gapinski stated “...we have a driveway issue at my shop...we have a cluster development next to my property which is not an issue...it’s gone through planning and zoning...and approved...it went through the commissioner board...and approved...three weeks after everything was gaveled by both boards...all of a sudden, driveways started changing... entrances started changing...it was stated in the minutes of the meetings at the time that my driveway was not to be used...I have a commercial excavating business...they are proposing putting a residential driveway added onto my driveway...I really need to keep my place secure...it’s pitting neighbors against neighbors and friends against friends...I don’t like the change without any public hearing on the change...I’m not against the neighbor building...I wish there would be another public meeting on it to re-look at this driveway issue...” Studenski added “...this was all decided and voted on by the zoning board and by the commission board to OK it the way it was...and then all of a sudden the driveways changed...it was good the way they initially put them in...it would have been nice to have some type of a meeting...of what was going to go on...”

Popp/Bauerly unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of July 21, 2020 as written; 2) accept and file Committee of the Whole Minutes of July 13, 2020 as written; 3) accept and file Committee of the Whole Minutes of July 14, 2020 as written; 4) approve *Language Line* contract and authorize the Chair to sign; and 5) approve contract with *Climb Theatre* to provide educational materials related to aquatic invasive species, and authorize the Chair to sign.

Troy Heck, County Sheriff, referenced a law passed during the 2020 legislative session, and made effective August 1, 2020, which requires the Benton County Board to provide an opportunity for public comment on the Sheriff’s Office use of unmanned aerial vehicles (UAV)/drones and UAV policy. He explained that the Sheriff’s Office purchased two UAVs for law enforcement use in January of 2020, prior to the enactment of this law; these UAVs have been used on several occasions since their purchase in law enforcement missions and in service to other county departments. Heck stated that the Sheriff’s Office is in the process of updating their UAV policy to reflect the new statute requirements; a search warrant is required for drone usage, with specific exemptions to the requirement. The public comment period was opened and Sheriff Heck read the following comments into the record which were received per social media site:

- “I think it’s a good idea. If you do nothing wrong, you have nothing to worry about.”
- “Thorough documentation of each incident where used as warranted.”
- “I think search and rescue abilities are worth it in emergencies. I don’t think anyone wants to be patrolled by a flying robo-cop through.”
- “I think you should be able to use whatever tools are needed to help in this day and age.”
- “Can you say more spying?”

- “Do whatever you have to do to keep law and order.”
  - “What—are you nuts?”
- “Yes, they are great. I can’t confirm or deny if I may have gotten a speeding ticket from a UAV in Miami, Florida in 2012.”

James Hovda (160 N Freedom Road, Rice) was present to speak, stating “...I fully support the program...on many law enforcement vehicles the words *to protect and serve* are displayed...protection of their citizens and then to serve in many different capacities...locating fugitives...locating lost people...this law enforcement tool can act as a multiplier of law enforcement people...its recorded data could be used to educate judges, prosecutors and juries...to better understand what happened...I would encourage you commissioners to fund, to the fullest, Sheriff Troy Heck’s request for this valuable program...” No other comments were received; the public comment period was closed.

Sheriff Heck explained that, in May of 2017, Benton County entered into a contract with CentraCare for medical services in our jail; he stated that he has been very happy with the services provided by CentraCare and would like to continue to partner with them in finding better solutions to manage the health of individuals occupying the jail. Heck stated his belief that their price is “in line” with what you’d see from other jail medical providers; he feels the current jail medical budget can support the 12% increase negotiated for 2021 (it is anticipated that the lower inmate count will last through mid-year 2021, resulting in reduced expenses for hospital visits, thereby freeing up funds to support the increase). Bauerly inquired if additional quotes were obtained. Heck responded “...we did not get additional quotes this year...last year, CentraCare came in as the least expensive...when we are looking at the numbers that were coming at us from the other medical providers last year, considering the total cost because of the records management component...this \$201,600 is still in line with what they were quoting us in 2020...” Headley confirmed that while it may be good practice, acquiring additional bids is not required. Following brief discussion, Bauerly/Heinen unanimous to approve a contract with CentraCare for 2021 jail medical services, and authorize the Chair to sign.

Nadean Inman, Auditor-Treasurer, reported that Canvassing Board membership includes two members of the County Board who are not candidates at the election. Commissioners Peschl and Popp volunteered to serve on the Canvassing Board (August 13<sup>th</sup> at 10:00 AM).

The Regular County Board meeting was recessed at 9:27 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:29 AM.

Monty Headley, County Administrator, explained that the resolution approved by Benton County, Stearns County, Sherburne County and the City of St. Cloud provides for the creation of a nine-member St. Cloud Regional Airport Advisory Board; once the Federal Aviation Administration has approved the transfer of the Airport from the City of St. Cloud to the Regional Airport Authority, the Advisory Board will then become the formal St. Cloud Regional Airport Authority. Headley noted that each member may appoint two representatives to the Advisory Board; those eight appointees then choose the final ninth member. Bauerly/Peschl unanimous to appoint John Quade and Kurt Hunstiger to the St. Cloud Regional Airport Advisory Board.

Headley stated that the Benton County SWCD has requested that the County Board appoint one Board member to represent the County in discussions with Sherburne County about potential watershed boundaries and agreements to implement the One Watershed-One Plan concept. Peschl/Heinen

unanimous to appoint Commissioner Ed Popp to represent Benton County in discussions with Sherburne County on One Watershed-One Plan.

Headley provided follow-up on the complaint raised by Scott DesMarais at the July 21<sup>st</sup> County Board meeting regarding golf balls from the Foley golf course driving range landing on Mr. DesMarais' property. Headley stated that the County Attorney's Office has advised that this is a private civil matter between neighboring property owners and that the property owners should seek the advice of a private attorney (the golf course is located in the city so the county would not have jurisdiction over how the golf course conducts its business). Headley noted that he also spoke with the County Department of Development Director who feels there are no land use actions the county could take at this time. He stated that he has shared this information with Scott DesMarais. Peschl noted that he spoke with the Foley City Administrator who agreed with the county's conclusion. No action was taken.

Headley requested Board discussion, and possible action, to set forth broad parameters for the Benton Economic Partnership to follow when distributing CARES funds to local businesses. He referenced a listing of potential criteria which he compiled based on plans received from other counties as well as his own; there was consensus of the Board to send this listing as shown to the BEP Board and report back to the County Board any changes proposed by BEP. Bauerly commented "...if we expand the scope of this, there is a concern on how much BEP can handle...maybe we can do a segment of it...it's important to get it right..." Headley confirmed the December 1<sup>st</sup> deadline for spending of the funds; he noted that the County Attorney's Office is drafting a contract between Benton County and BEP—a provision in the agreement will allow BEP to use CARES funding for its administrative costs. He indicated that county staff are compiling a listing of the county's CARE-eligible costs from March to current; his plan is to provide Board members with the dollar amount that the county may claim by the next County Board meeting—this will provide a sense of the dollar amount that BEP will have to direct to local businesses.

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

Peschl/Popp unanimous to set Committees of the Whole: August 27, GSDC Meeting of Investors & Partners.

Popp/Heinen unanimous to adjourn at 9:59 AM.

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Spencer C. Buerkle, Chair  
Benton County Board of Commissioners

ATTEST:

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Montgomery Headley  
Benton County Administrator