

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
SEPTEMBER 3, 2019

The Benton County Board of Commissioners met in regular session on September 3, 2019 in the Benton County Board Room in Foley, MN with Commissioners Warren Peschl, Spencer Buerkle, Jake Bauerly, Ed Popp and Steve Heinen present. Call to order by Chair Bauerly 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 was present to speak under Open Forum.

Popp/Buerkle unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of August 20, 2019 as written; 2) accept and file Committee of the Whole Minutes of August 21, 2019 as written; 3) authorize IT Department to agree to routine Apple Developer Agreement and Google Play Developer Program Agreement updates; and 4) approve Application for MN Lawful Gambling Exempt Permit—*Whitetails Unlimited*—to hold a raffle at Jack & Jim’s Convention Center, 11025 Duelm Road NE, Foley, on October 12, 2019.

Tim Oswald, Tri-County Solid Waste Management Commission Coordinator, appeared before the Board to present a proposed amendment to the current *Pope Douglas* Solid Waste Delivery Agreement. Oswald explained that, currently, Benton County is a signatory with Tri-County on a 20-year waste delivery agreement with Pope/Douglas Counties. He stated that, in 2021, the delivery amounts of this agreement for Tri-County begin a tiered reduction of 15,000 tons over a five-year period with an additional reduction proposed to occur again in 2026—in an effort to continue Tri-County’s goal of landfill abatement, Tri-County is asking each member county to consider a proposal from *Pope Douglas* to maintain the current solid waste delivery schedule of 50,000 tons/year, with a possible reduction from 2026 to 2031, in exchange for an advantageous fee structure that benefits Tri-County members in comparison to the current contract. Oswald noted that Stearns County has approved the amendment and he will be presenting to Sherburne County on September 17th; the Benton County Solid Waste Advisory Committee recommends approval. He stated he did not foresee any issues with meeting the volumes of contracted waste. Buerkle/Peschl unanimous to continue the Agreement at the current delivery rates for an additional five-year period or until 2026.

Chris Byrd, County Engineer, reported that every five years the APO is federally mandated to create/update the long range transportation plan for the region; as part of this plan, a list of projects are identified for possible federal funding. Byrd noted the four Benton County expansion projects on the project list--CSAH 29 Extension in 2027 (two lane divided arterial), CSAH 1 in 2038 (from CSAH 29 to Highway 23), CSAH 33 in 2027 (from CSAH 29 to 18th St NW) and CSAH 29 in 2038 (from Highway 10 to Highway 15). He noted that the changes to the project list that were requested by Benton and Stearns Counties has opened up a new 30-day public comment period; at the end of the public comment period, the Policy Board of the APO will be expected to adopt the transportation plan/project list. Byrd also referenced Benton County’s “illustrative” project listing and the “unconstrained” projects on the list; these are projects that Benton County would like to construct, but recognizing that there is not enough money locally, or even federally, to construct them. Popp/Heinen unanimous to approve the revised project list for APO Metropolitan Transportation Plan as presented.

Byrd explained that, recently, Benton County's 2014 policy related to road ditch maintenance/clean out was challenged; subsequently, the County Board advised that an outside attorney review the county policy and offer suggestions. Byrd outlined the changes as proposed by the attorney, stating his belief that the changes are reasonable. He outlined the basic policy changes, stating "...we can have a permitting process for allowing outside entities or private contractors to clean our roadway ditches...allows for a level of discretion when appropriate...the main issues to look at when receiving a request to clean a ditch...is the lack of maintenance harmful to the road and does the lack of maintenance cause an objective harm to the public or private interests adjacent to the roadway...also has language on cost participation...the county could participate up to 50% of the costs for that repair...and talks about establishing a maintenance fund...as directed, it is our intention to use outside contractors so there would be discussion with those contractors on estimating those costs so we could tell landowners what that estimated percentage of participation would be..." Byrd clarified that this policy does not preclude the county from identifying issues and addressing them at the county's cost. He also clarified that the policy states the need for a permit; a damage deposit may also be collected which could be 100% refundable once the work is completed. Peschl/Heinen unanimous to adopt Resolution 2019-#30, approving the updated Road Ditch Drainage Policy, and authorize the Chair to sign.

Byrd reported that the five-year road construction program (2020-2024) has a new funding source in the Local Option Sales Tax for Transportation (expected to generate \$1.9 million/year); the Board has provided direction on how these dollars are to be used, i.e. maintenance of CSAH roads, maintenance of county roads, economic development type projects. Byrd indicated that any increase in funding through the five-year program will likely be offset by inflation in construction costs. He noted that the CR 55 reconstruction project (Bend in the River Park to Rice) and CR 62 reconstruction project (TH 95 to TH 23) are "parked" in year five without identified funding. Buerkle referenced the CR 50 project (paving gravel road from TH 23 to CR 62) slated in construction year 2022; noting the traffic volume of 41 vehicles per day, he asked for an updated traffic count on that roadway. Popp noted some concern with the CSAH 5 project (Gilman to Mille Lacs County Line) slated in construction year 2021, noting the proposed mill and overlay on a road after only 13 years (but does have a traffic volume of 1,000 vehicles per day). He also referenced the CSAH 2 project (River to TH 25) slated in construction year 2020, commenting "...I don't believe there are 5,000 cars per day on CSAH 2...there may be 5,000 cars from the river to Rice and from Rice to West Lake Road, but there's a stretch in there where there is not 5,000 cars per day...I'd like to see some better counts..." Byrd stated "...we make some assumptions that that count represents a certain segment of roadway...when, in reality, some locations may be less than that...closer to TH 25...I could break this plan up into different segments...but, in reality, it's all going to be combined as one contract..." Popp added "...I could see a mill and overlay from the river to Rice...maybe we need to reassess from Rice to Highway 25...that's two different segments...should not be lumped into one project from what I see..." Peschl added "...I don't know why you want to do eight miles all at one time..." Following further discussion, Heinen noted "...if we do adopt this plan today...we can still change our priorities for roads...we can always modify the plan as long as it is on the list...that would give you plenty of opportunity to look at CSAH 2..." Popp/Heinen unanimous to adopt the five-year construction program (2020-2024) as presented (with the understanding that the plan can be modified in the future).

Byrd provided clarification on his budget item for highway aggregate and sand. Bauerly stated "...it would be nice to know what you spend per mile of gravel road per year over 20 years...including county labor, county trucks, county blade, buying materials, rental trucks, an all-inclusive number..." Byrd stated he will provide this information to Board members via the highway annual report; he also provided updates on the current CR 78 project and CSAH 2 project.

The Regular County Board meeting was recessed at 9:49 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:54 AM.

Monty Headley, County Administrator, presented a proposal from *Marco* for live-streaming of County Board meetings via YouTube. He stated that the proposal (estimated cost of \$17,296) includes acquiring and installation of equipment which is broadcast for free via YouTube; meetings can be archived as well. Bauerly asked if a second quote was obtained. Steve Stang, IT Director, explained that a second quote was not obtained as the county already has a relationship with Marco from prior equipment purchases and they are a local provider. Bauerly commented "...in the future, I think for a public entity, it's nice to have more than one bid..." Headley noted that the formal bidding threshold is \$175,000; staff could obtain a second quote if desired by the Board. Popp/Peschl unanimous to approve the installation of a live-streaming solution from *Marco* for County Board meetings (in the future, at least two quotes be obtained).

Headley reported that, at their July 11th meeting, the Park Commission reached a consensus to recommend additional trails at Bend in the River Park. He stated that Property Management obtained an estimate to construct the new trails; since the trail surface would be a recycled concrete product, the county could apply for a SCORE grant to cover 75% of the material cost—the remaining labor would be a county cost. Headley noted that the estimated county cost of both trails would be \$43,600; SCORE would cover \$6,210 of the materials cost. He referenced possible funding sources would include Park Dedication/County "25%", \$28,564; and Watab Park Dedication, \$11,587, with the balance of \$3,449 from the Board Contingency Fund (there has been no conversation with Watab Township at this point). There was consensus of the Board to minimize the use of levy dollars and take the funding from the park dedication fund. Headley clarified that the action he is seeking today is permission to apply for a SCORE grant and commitment of the local match; if the SCORE grant is approved, he will return to the Board for final permission to move forward with the project. He indicated that he would also obtain a second quote for the construction of the trails. Popp/Heinen unanimous to approve applying for a SCORE grant and committing the local match for the remainder of the project cost.

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

No Commissioner Concerns were noted.

Peschl/Buerkle unanimous to set Committees of the Whole: October 18, Highway 23 Coalition General Membership Meeting.

Buerkle/Heinen unanimous to adjourn at 10:20 AM.

A. Jake Bauerly, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator

