

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
SEPTEMBER 7, 2021

The Benton County Board of Commissioners met in regular session on September 7, 2021 in the Benton County Board Room in Foley, MN. Call to order by Chair Ed Popp was at 9:00 AM followed by the Pledge of Allegiance to the flag. A roll call showed Commissioners Scott Johnson, Ed Popp, and Jared Gapinski present. Commissioner Schlangen was not present at roll call. The Board Chair noted absence unexcused. Commissioner Steve Heinen was absent due to a prior commitment. Chair Popp noted absence excused. Commissioner Beth Schlangen joined the meeting at 9:01 AM.

Motion by Johnson and seconded by Gapinski to approve the agenda as written. Motion carried unanimously.

No one was present to speak under Open Forum.

Motion by Gapinski and seconded by Johnson to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of August 17, 2021; 2) approve the Management Representation Letter related to the Audit of the Benton County Financial Statements for the year ending December 31, 2020 and authorize the Chair to sign; 3) approve an application for the Minnesota Lawful Gambling Permit for Northern Lights Royal Rocky Mountain Elk Foundation at Jack & Jim's Bar on September 24, 2021 and authorize the Chair to sign; 4) approve the Board Certification of the Solid Waste Service Fee to the Auditor-Treasurer for Tax Year 2022 Benton County Solid Waste Fee Assessment and authorize the Chair to sign; 5) approve the 2022-2026 SCORE Grant Agreement and payment and authorize the Chair to sign; 6) approve the Special Road Use Permit for the American Legion Car Show on September 19, 2021 and authorize the Chair to sign; 7) approve the maintenance agreement with SGTS and authorize the Chair to sign; 8) approve the Resolution and amendment of the Joint Powers Agreement (JPA) with the Minnesota Bureau of Criminal Apprehension (BCA) and Court Services Agreement and authorize the Chair to sign; 9) approve the Mutual Aid JPA with Minnesota Department of Corrections and authorize the Chair to sign. Motion carried unanimously.

Next, Auditor-Treasurer Nadean Inman requested the Board approval of the CSG Forte Payments Inc. credit card agreement. Benton County would like to offer credit card processing as a payment option for all departments within the county who regularly receive payments for goods and/or services. Offering credit card transactions will benefit the County by improving our customer service, ensuring faster payment, increase revenues and enhancing collection rates by encouraging prompt payments for goods and/or services. Credit card payments will be accepted for the amount of the purchase, plus a 2.35% service fee. It was also noted that Benton County will still be accepting cash and check payments, and that the credit card payment would be another payment option. Motion by Johnson and seconded by Gapinski to approve the CSG Forte Payments Inc. credit card agreement. Motion carried unanimously.

Recessed Regular Board Meeting to conduct an Economic Development Authority (EDA) meeting at 9:12 AM.

Regular Board Meeting reconvened at 9:22 AM.

Next, County Administrator Montgomery Headley requested that his Regular Agenda Item regarding the Letter of Support for the SBDC request for grant assistance through the Small Business Partnership Grant Program application by Benton Economic Partnership (BEP) Director Amanda Othoudt to be presented now instead of at 10:15 am. Consensus by the Board to move this topic. Othoudt stated that the Minnesota Department of Employment and Economic Development (DEED) is seeking proposals from non-profits and public entities to provide and facilitate business development assistance and technical assistance services to entrepreneurs and small businesses. The Central Region Small Business Development Center intends to apply for this grant with the support of BEP and Benton County. The purpose of this grant is to support the start-up, growth, and success of Minnesota's entrepreneurs and small business owners through the delivery of high quality free or low-cost professional business development and technical assistance. The successful implementation of these grant funded projects will help facilitate an economic environment that produces job growth and supports the economic success of Benton County individuals, businesses, and communities by providing opportunities for growth. Motion by Johnson and seconded by Gapinski to approve the Letter of Support for the SBDC's request for grant assistance through the Small Business Partnership Grant Program application. Motion carried unanimously.

Next, Department of Development (DoD) Director Roxanne Achman had the Wetland and Solid Waste Program Lead Mark McNamara address the next topic requesting the Board to approve a Resolution to submit the Benton County Solid Waste Management Plan to the Minnesota Pollution Control Agency (MPCA) for Commissioner review and public comment as required by MPCA. MPCA requires that every ten years counties develop and adopt a Solid Waste Management Plan. Benton County, in cooperation with Tri-County Solid Waste Management Commission and MPCA has developed a draft Solid Waste Management Plan. Gapinski got clarification from McNamara that if we do not approve this, it would affect our SCORE grant. Motion by Gapinski and seconded by Johnson to adopt the resolution to submit the Benton County Solid Waste Management Plan to MPCA. Motion carried unanimously.

Next, Achman requested the Board provide direction on the building inspection services contract. In late 2020, staff sent out a Request for Proposals (RFP's) for contracted building inspection services. The County received three bids, to include the current contracted service provider, David Barsody with Inspection Services of Central Minnesota, Inc. All three companies were interviewed. It was ultimately decided to extend the contract with Inspection Services of Central Minnesota, Inc. for one additional year, with the intent to come back in September 2021 to reevaluate. Over the past 8-9 months, staff has been handing out comment forms with building permits to get the public and contractors to reach out to the DoD if they have concerns. To date, the DoD has received one concern from a contractor. The concern was that the inspectors were following building code and plans when other jurisdictions allowed them not to meet or follow building code or plans. Staff worked with David Barsody on this complaint and delved into the specific details of each of the concerns the contractor expressed. Each complaint was specifically related to building code and not in how the inspector handled himself or the situation. To allow for a builder to skip certain requirements would be a direct violation of Minn. Stat. Cha. § 326B and a liability for both the County and for Inspection Services of Central MN, and also a

concern for the future homeowner. There was a consensus by the County Board to continue with the same Contractor, David Barsody and to not put out any RFP's at this point. Staff was further directed to obtain quotes from Barsody for terms of 1, 2 and 3 years. No motion was needed on this Regular Agenda item.

The Regular County Board meeting was recessed at 9:37 AM to conduct a Human Services Board Meeting.

The Regular Board meeting reconvened at 9:50 AM.

Next, Public Works Director Christopher Byrd requested that the County Board consider an appeal to the County's Highway Access Policy. Benton County resident Jeff Hanson appeared before the Board at the April 6, 2021 Regular Board Meeting. Hanson is appealing the denial of a second driveway onto his parcel at 8660 1st Ave NE Rice (along CR 78). Gapinski felt that with Heinen being on a pre-approved absence, he would like to table this until the next meeting. Motion by Gapinski to table this topic until the September 21, 2021 Regular Board Meeting, where we would have all five members of the County Board present to accept or deny the request. Seconded by Johnson. The Board suggested to the applicant that he explore the possibility of locating the planned driveway farther to the North to create greater separation between accesses to County Road 78. Part of this option would include determining how much additional wetland might be affected and whether the threshold for a "de minimis" wetland impact was crossed, potentially requiring mitigation or replacement. Motion carried unanimously.

Then Byrd requested the County Board to award a construction contract for tied project SAP 005-598-026 and SP 005-598-027. These projects are the bridge replacement on CR 51 in Foley and the bridge replacement on CR 67 in Maywood Township. The lowest responsible bidder was Landwher Construction, Inc. The Engineer's Estimate was \$565,754.00 and Landwher's bid came in at \$643,355.50 which was about 13% over the Engineer's Estimate. Byrd said the main cause of the influx in the bid was due to the costs of materials that has gone up. Byrd still recommends awarding a construction contract even though the bids came in higher than the Engineer's Estimate. Byrd stated most of the over runs should be covered by the bridge grant. Motion by Johnson and seconded by Gapinski to award a construction contract for tied projects SAP 005-598-026 and SP 005-598-027. Motion carried unanimously.

Next, Byrd provided the County Board a presentation of Culvert Inventory and Management Program for informational purposes only. No motion or action was needed on this informational topic.

Last, Byrd provided information regarding Railroad Crossing improvements planned for 2022. Byrd was recently informed that BNSF is planning to replace the rail crossing warning system at the crossing on Benton County Road 40 near TH 10, also known as Halfway Crossing. BNSF is expecting Benton County to participate in the costs of replacement including the crossing surfacing material. They have provided an estimate of costs that puts the County participation amount at \$59,200. This cost was not included in the Department's 2022 budget submittal. Byrd asked BNSF "what if the County doesn't agree in paying this?" In summary, their response was that BNSF would not replace the surfacing material, let it deteriorate and then we would have a "hearing" before MNDOT to determine cost participation. There

was a consensus by the County Board to have Byrd report on what would need to be cut from the budget proposal to accommodate this new cost of the Railroad Crossing improvement.

Next, Representatives from Minnesota Inter-County Association (MICA) provided an update on the 2021 legislative session for informational purposes only.

The County Board recessed at 11:01 AM.

The County Board reconvened at 11:03 AM.

Next, Headley invited Jessica Green from Northland Securities to present to the County Board a possible re-funding on the County's 2014 Tax Abatement bonds. Green asked the County Board for their approval of the adoption of the Resolution providing for the competitive negotiated sale of general obligation tax abatement refunding bonds of \$2,520,000. Motion by Johnson and seconded by Gapinski to authorize a set-sale Resolution authorizing the refunding of the 2014 Tax Abatement bonds. Motion carried unanimously.

Then, Headley asked the County Board for a motion to approve a consulting services agreement with Finley Engineering for a broadband feasibility study and stated the County's Broadband Committee recommends approval of an agreement with Finley Engineering to conduct a feasibility study on broadband services in Benton County. The study will identify unserved and underserved areas of the County that can be eligible for American Rescue Plan Act (ARPA) funds. The study will also form the basis for (RFP's) from broadband providers to bring broadband service to these unserved and underserved areas. Funding for the study can come from the County's ARPA allocation. Motion by Gapinski and seconded by Johnson to approve a consulting services agreement with Finley Engineering for a broadband feasibility study. Motion carried unanimously.

Next, County Board members reported on Commissioner updates and recent meetings they attended on behalf of the County.

There were no Commissioner concerns to report at this time.

There were no new Committee of the Whole Meetings to be added to the current Committee of the Whole Public Notice.

Meeting adjourned at 11:32 AM.

ATTEST:

Edward D. Popp, Chair
Benton County Board of Commissioners

Montgomery Headley
Benton County Administrator