

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
SEPTEMBER 15, 2020

The Benton County Board of Commissioners met in regular session on September 15, 2020 in the Benton County Board Room in Foley, MN with Commissioners Warren Peschl, Jake Bauerly, Ed Popp and Spencer Buerkle present and Commissioner Steve Heinen absent (excused). Call to order by Chair Buerkle was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Peschl/Popp unanimous to approve the amended agenda—add item: reappoint Cindy Voit to the Benton County Park Commission (Consent Agenda item #9); move Consent Agenda items #6 and #7 to the Regular Agenda.

No one was present to speak under Open Forum.

Bauerly/Popp unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of September 1, 2020 as written; 2) accept and file Committee of the Whole Minutes of September 2, 2020 as written; 3) approve minor final plat entitled “*Thompson Village*” in Watab Township, submitted by Raymond Thompson, and authorize the Chair to sign the final plat; 4) approve five-year contract with *Schneider Geospatial* for web-based permitting program, and authorize the Chair to sign; 5) adopt Resolution 2020-#30, approving Application for Premises Permit, as requested by the *Central Minnesota Youth Soccer Association*, to conduct charitable gambling at Wapicada Golf Club, 4498 – 15th Street NE, Sauk Rapids, and authorize the Chair to sign; 8) approve Application for MN Lawful Gambling Exempt Permit for *Sauk Rapids Tinville Lions* to hold a raffle at Rollie’s, 940 – 35th Street NE, Sauk Rapids, on October 11, 2020; and 9) appoint Cindy Voit to the Benton County Park Commission beginning July 1, 2020 through June 30, 2023, representing Commissioner District 3.

Heather Bondhus, Senior Deputy Auditor, addressed Chair Buerkle’s questions relating to election items on today’s agenda. She explained how the decision was made as to who would serve on the Absentee Ballot Board for the 2020 general election—the Auditor-Treasurer desires to appoint her staff to this board; staff will have completed the required election judge training prior to serving on the board. Bondhus added that, with the current pandemic, it may be desirable to limit exposures by utilizing internal staff; to her knowledge, there has been no pushback from the public to appointing staff to serve on the ballot board. She also addressed other election items—security, chain of custody for ballots, what might cause a ballot to be rejected, and when absentee ballots are opened and tabulated. Bauerly/Peschl unanimous to approve the appointment of absentee ballot board members for the 2020 general election—Nadean Inman, Julia Robak, Heather Bondhus, Christy Bosshart, Tonya Ray, Cheryl Walker, Amy Traut and Sharrie Beckers (Consent Agenda item #6); also to approve the Joint Powers Agreement between the State of Minnesota Secretary of State and Benton County for the State General Election Recount, and authorize the Chair to sign (Consent Agenda item #7).

The next item on the agenda was a public hearing to consider the minor final plat entitled “*Luckys Place*” in St. George Township, submitted by Gordon and Janet Hansmeier. Roxanne Achman, Department of Development Director, explained that the request is to plat three single family lots; one of the lots has an existing home on it and each of the lots is over ten acres in size. She stated that the lots will need to be served by a local alternative septic system as they do not meet the minimum requirements for a standard Type I septic; a deed restriction is required for lots that are subject to an alternative septic system so that future buyers are aware of the maintenance that will be required. Achman pointed out

that St. George Township has approved the preliminary plat. The public hearing was opened at 9:21 AM. With no one wishing to address the County Board, the public hearing was closed at 9:22 AM. Peschl noted that this is marginal farmland; the Planning Commission recommends County Board approval. Bauerly/Peschl unanimous to approve the final plat of "Luckys Place", as recommended by the Planning Commission, and authorize the Chair to sign the final plat.

Mark Pappenfus, Public Works Director for the City of Foley, explained that the City of Foley was awarded a Benton County SCORE Grant in Quarter 1 of 2020 for the yearly grinding of the brush at the city compost site; the application was filled out incorrectly, so that grant was returned back to the county. He stated that a subsequent application was approved in June 2020—a \$7,500 SCORE Grant with a \$2,500 city responsibility. Pappenfus stated that the contractor who the city had to grind their pile moved out of the area by the time the new grant was awarded, and the brush pile has grown considerably in size this summer; the current estimate to grind the current brush pile this fall is about \$14,000. He stated that the city is requesting an additional \$3,750 in SCORE funding (this would equate to a total SCORE grant in the amount of \$11,250 and City of Foley responsibility of \$3,750). Popp/Peschl unanimous to approve the additional SCORE funding request from the City of Foley for compost grinding at the city's compost facility.

Achman reported that about 500 cars participated in Amnesty Day in Foley on September 12th, about 1/3 of those being duplicates (dropped off items, went home and came back with more items). She noted that staff received many compliments on this service; overall, the event went very well.

Chris Byrd, County Engineer, provided history on Rook Road in Minden Township, which lies on a parcel that went tax forfeiture in 2014; it appears that no one has maintained this road for over 20 years. He explained that a portion of Rook Road was "taken over" by MNDOT when TH 23 was expanded to four lanes (known as Buck Road at that time); a frontage road was constructed over the top of a portion of Rook Road and this frontage road was turned back to the township in 1997. Byrd pointed out that the portion of Rook Road that exists today was outside of the construction in 1996; this portion of road was a private road that served an old farmstead. He stated that, after the TH 23 construction in 1996, the land that road was on transferred from private ownership to several entities, ending up with Waters Edge Development LLC, who ultimately let the parcel go tax forfeit in July of 2013. Byrd asked the question—if the private road goes to tax forfeit, who maintains the road? He noted that this road does serve two residences and a business (Lamar Signs); it never was a county road and he would suggest not making it a county road. Peschl commented "...whichever township it's in...they should take care of it..." Bauerly stated "...I think the county should overlay it and then turn it back to the township...there's a business and two residences there...by default, I think it's township after we improve it..." Michelle Meyer, Assistant County Attorney, stated "...this is private land...it's not subject to the turnback provisions of a public road...the land is initially sold to the state in a tax judgement sale and subject to redemption rights of the private property owner...once that time period expires, the title vests solely with the state and the property is held in trust for the taxing entities...it's then put on the county to manage and administer these tax-forfeited properties...classifying property...maintaining and managing the property...we could try to sell it privately or reclassify the property to remain in public ownership... we do have some authority to manage and spend tax forfeited funds...we can do some maintenance on roads without assuming the responsibility of continuing maintenance...even though it's private property, there are, potentially, some rights that the residences could retain as an easement through that property (the business has another available secondary access)...technically, the state owns the property...they could give it to the county if the county wanted to keep it..." Steve Simones, Minden Township Supervisor, commented "...if a road is not recorded, it is not a road...it's a private driveway..."

the township has not maintained it...it's never been considered a road by the postal service, or by Minden Township, or by the County...even if it's been tax-forfeited back to the county..." Mark Ebnet, Maintenance Superintendent, stated "...with the City of St. Cloud being out that far, why wouldn't we look at giving it to the City of St. Cloud...they are looking at annexing that piece anyway within five years..." Byrd added "...regardless if it was a public road or not, we have deed transfers that went tax forfeited...we need to make a decision going forward...there may be a process where the county can apply to the state to take that over as county land if we so desire..." Meyer pointed out "...the county would be able to utilize tax forfeited sale funds to do some grading of that road if the county auditor made that request to the Board or the surrounding property owners did...you would be allowed to do that without taking over any ownership...or asking the state for the county to receive those lands...you do have immediate ability to do some grading of that land..." Byrd asked the question—are we willing to spend county dollars to do something to this road and not anticipating getting any refund back? Simones stated "...if the county takes this road over and improves it and wants to turn it back to the township, that has to be improved to a 9-ton road...and maintained for two years by the county..." Popp commented "...maybe give it to the two residences that are back there...and they can get together with Lamar Signs...let them have it as a private driveway..." Ebnet clarified "...this isn't the only road that we are going to have issues within Minden Township...whatever you guys do on this road could set a precedent..." Meyer offered to draft some guidance for the Board, including a snapshot of the processes that would need to be followed for various options for the roadway going forward; the Board will schedule a Committee of the Whole to discuss this issue further.

The Regular County Board meeting was recessed at 9:54 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:56 AM.

Jackie Traut, Accounting Supervisor, explained that, in August, the President issued an Executive Order allowing certain payroll taxes to be deferred. She stated that additional guidance released in late August makes it clear that the taxes are only deferred, not forgiven, and employees would be required to pay the taxes during the first few months of 2021 (January through April). Traut noted that the employer is not required to offer this tax deferral; at this time, staff is recommending that it not be offered. She stated concerns about problematic tax implications for some employees down the line as well as the fact that the County would be ultimately responsible for paying the tax in 2021. Bauerly/Popp unanimous to approve the recommendation of staff that the County opt not to proceed with processing tax deferrals on payroll taxes for employee payroll dates on and after September 1, 2020 through December 31, 2020.

Monty Headley, County Administrator, summarized the major factors in the proposed 2021 budget and levy per consensus of the Board from recent Committee of the Whole meetings:

- The proposed 2021 levy increases 0.5%, or \$100,597 from 2020, to a total property tax levy of \$20,219,966
- With this proposed change for 2021, the 10-year average levy change for Benton County is a 0.15% increase (the proposed 2021 levy is \$269,460 higher than it was 10 years ago)
- The proposed levy keeps the increase below the 6.2% expected growth in the County's payable 2021 tax capacity, which translates into a reduced County tax rate in 2021; the estimated 2021 County tax rate will fall from 58.45% to 55.31% of tax capacity (down from a peak of 77.74% in 2013)
- The proposed 2021 operating budget totals \$42,182,345, a decrease of \$2,844,237, or a 6.3% reduction from 2020

- The proposed levy increase is comprised of the following major elements:
 - Employee compensation and benefits \$925,888
 - Declining inmate boarding revenue 186,000
 - Use all County Program Aid for levy reduction (475,000)
 - Delayed equipment purchases (380,801)
 - Use reserves to reduce levy (360,497)
 - All other operating and capital budget changes 205,007
 - Total Levy Change for 2021 \$100,597

- No new positions are added for 2021

Headley reviewed the summary of funding to outside agencies as well as an update on 2021 budget reduction options. He also explained "...the 2021 base budget and levy assumed about a 3.3% increase in health insurance premiums...I've learned over the last couple of days from our broker that it might need to be more than that...what they are hearing...four of the seven counties...members of the Collaborative...have experienced substantial reliance upon their reinsurance coverage...Preferred One is telling them that they need some pretty substantial increases in the reinsurance premium portion...our broker is negotiating with Preferred One to try to get this reinsurance premium down...if they are not able to successfully negotiate...they want to take this to market...put out an RFP and see if other reinsurance carriers will bid on this coverage...options may include using reserves in our reinsurance fund...or increasing the threshold when reinsurance kicks in...a premium recommendation will be brought to the County Board no later than the last meeting in October..." Peschl/Popp unanimous to adopt Resolution 2020-#31, a Resolution setting the proposed 2021 levy at \$20,219,966, and authorize the Chair to sign. Popp/Bauerly unanimous to adopt Resolution 2020-#32, a Resolution establishing the proposed 2021 Benton County budget as presented, and authorize the Chair to sign.

Chair Buerkle announced that the Benton County Board of Commissioners will conduct a Truth in Taxation public meeting on Tuesday, December 1, 2020 at 7:00 PM in the Benton County Board Room.

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

Under Commissioner Concerns, Bauerly raised the issue of possible refinancing of bonds by the county. There was consensus of the Board for Administrator Headley to pursue this issue with the county's bond advisor. Bauerly also commented on how remote work is changing transportation patterns.

Peschl/Popp unanimous to set Committees of the Whole: October 5, Human Services; October 7, Further Discussion on Rook Road in Minden Township/Further Discussion on Federal CARES Funding.

Bauerly/Popp unanimous to adjourn at 10:39 AM.

Spencer C. Buerkle, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator

