

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
OCTOBER 20, 2020

The Benton County Board of Commissioners met in regular session on October 20, 2020 in the Benton County Board Room in Foley, MN with Commissioners Ed Popp, Spencer Buerkle, Steve Heinen, 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 amended—add item: approve Dispenser Agreement with *Georgia-Pacific Consumer Products*.

No one was present to speak under Open Forum.

Popp/Bauerly unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of October 6, 2020 as written; 2) accept and file Management Team Meeting Minutes of September 10, 2020 as written; 3) accept and file Human Services Committee of the Whole Minutes of October 5, 2020 as written; 4) accept and file Committee of the Whole Minutes of October 7, 2020 as written; 5) approve summary of closed session conducted October 6, 2020 to evaluate the performance regarding an individual subject to County Board authority; 6) approve Resolution 2020-#33, reappointing Michael Harvey as Benton County Assessor for a term of January 1, 2021 to December 31, 2024, and authorize the Chair to sign; 7) approve contract for email migration consulting services, and authorize the Chair to sign; 8) approve 2020 Solid Waste Hauler License Round III—*GFL Solid Waste Midwest LLC*—and authorize the Chair to sign; 9) approve 2020 tobacco license application—*Adam's Tobacco Shop*; and 10) approve Dispenser Agreement with *Georgia-Pacific Consumer Products* for replacement of paper towel and hand soap dispensers with touchless models, and authorize the Chair to sign.

Amanda Othoudt, Executive Director of the Benton Economic Partnership (BEP), presented a revised listing of Benton County businesses recommended for CARES grants by the BEP, noting that all 23 businesses on the listing have experienced a loss in sales. She noted that some businesses may have received funding from other sources; however, this does not make them ineligible for CARES funding from the county when the dollars are used for dissimilar expenses. Othoudt stated her intent to bring another round of recommended grant recipients to the November 3rd meeting of the County Board; there may be potential to reopen the application process in the future should there be CARES funding remaining. Heinen/Bauerly unanimous to approve the Round One distribution of CARES funding to Benton County businesses, as recommended by the Benton Economic Partnership.

The Regular County Board meeting was recessed at 9:13 AM to conduct a meeting of the Economic Development Authority (EDA).

The Regular County Board meeting was reconvened at 9:27 AM.

The next item on the agenda was a public hearing to consider the request of *JANNEW Properties LLC (Sandra Saldana)* to rezone 14.62 acres in Watab Township from the "A" Agricultural District to the "R-2" Single Family Residence District. Roxanne Achman, Department of Development Director, explained that there are some significant aggregate resources in this area; however, it is unlikely that an aggregate-type operation would occur in such close proximity to residential uses. Achman stated that this area is separated from the remaining agricultural areas by a physical barrier—the railroad does run directly to the west; there is an existing home and the applicant would replat into five additional lots, for a total of six lots which would all be over two acres in size. She noted that Watab Township did review Benton County Board Minutes/October 20, 2020

this request and are in support; any plat would be required to go through Watab Township first before coming through the county. Sandy Saldana spoke in favor of the request, stating her belief that this request would be a good fit for the area and the additional housing would be beneficial. The public hearing was opened at 9:33 AM; with no one wishing to address the County Board, the public hearing was closed at 9:34 AM. Motion by Bauerly to approved Ordinance #479, rezoning 14.62 acres from “A” Agricultural to “R-2” Single Family Residence District, and authorize the Chair to sign. Second by Peschl. Popp stated his intent to excuse himself from the vote because of a family conflict. Motion carried with Bauerly, Peschl, Heinen and Buerkle voting aye and Popp abstaining from the vote.

Monty Headley, County Administrator, explained that the County Board discussed the allocation of CARES funding in Committees of the Whole on October 7th and 19th, and reached a consensus on supplemental allocations; these allocations are in addition to allocations adopted September 1st and include distributions to schools and non-profits. Headley noted that this plan also directs more resources to business assistance through the Benton Economic Partnership. He reported on CARES funding for non-profit grants (County Board allocated \$100,000 for non-profits); BEP has recommended that the County administer those grants. Headley stated his intent to bring forth a listing of applicants for the non-profit grants to the County Board and ask the Board to make a decision on which non-profits should receive grant funding and the amount of the grant—any non-profit that serves Benton County residents will be eligible and must have experienced some types of impacts because of the pandemic, i.e. lost revenue. Headley noted that the county may also receive additional CARES funding from townships within the county who have unspent CARES dollars to turn back to the county. Popp/Heinen unanimous to adopt a supplemental CARES allocation plan dated October 20, 2020 as presented.

Bob Cornelius, Human Services Director, requested that the Board authorize the distribution of CARES Act funds to *Career Solutions* through a sub-recipient grant relationship to establish and manage economic support programs within Benton County; *Career Solutions* will then distribute the special one-time grant to residents in Benton County experiencing financial hardships due to COVID-19. Cornelius noted that he will update the contract to reflect the increased CARES allocation from \$50,000 to \$100,000. Peschl/Heinen unanimous to approve the contract to redirect CARES funding to *Career Solutions*, and authorize the Chair to sign.

The Regular County Board meeting was recessed at 9:47 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:50 AM.

The next item on the agenda was a public hearing to consider adoption of an ordinance regulating parking on Benton County Road 2. Troy Heck, County Sheriff, explained that, each spring, fishing opportunities draw people to the north shore of Little Rock Lake along the edge of Benton County Road 2 at the bridge over Little Rock Creek. He stated a concern that cars parked on the shoulder of this roadway restrict the ability of passing motorists to see the pedestrians fishing on the bridge or in the ditch, or darting out between parked cars as traffic passes at highway speeds. Heck stated that after reconstruction of this roadway, the Sheriff’s Office has annually made use of the sheriff’s authority to impose a temporary parking ban 1/10 of a mile from each corner of the bridge on either side (trying to enforce through voluntary compliance); this preserves about 3,200 feet of parking shoulder (about 800 feet from each bridge corner) where vehicles may legally park. He stated that the proposed ordinance codifies the safety strategy of forbidding parking within 1/10 of a mile of each corner of the bridge on a permanent basis. The public hearing was opened at 9:54 AM. There being no one wishing to address the County Board, the public hearing was closed at 9:55 AM. Sheriff Heck read a letter received from Donald Weyer (1528 – 125TH Street NW, Rice) into the record; the letter stated, in part, “...I am retired Benton County Board Minutes/October 20, 2020

with some health issues which make it very hard to have to walk too far...I have fished off that bridge for over 46 years...now you want us to walk 1/10 of a mile to get to the bridge...this is a problem for people with health issues...we need to find a happy medium for all people..." Bauerly inquired about shortening up the site distance. Popp commented "...we know it's only a problem a couple times a year...could we restrict parking between certain dates..." Heck stated his belief that the County Board has the authority to make whatever parking rules they deem fit for the area. Buerkle inquired of any associated ADA requirements. Chris Byrd, County Engineer, stated "...from an engineering standpoint, it does meet ADA requirements...if we started designating parking spots on the roadway, then a certain percentage of those spots as ADA accessible...as part of our reconstruction project, we did have to replace the guardrail...the guardrails are a lot longer than what they were...this is a high speed, highly travelled roadway...we are just trying to make this roadway safe for everybody..." Bauerly inquired about restricting the speed to 45 m.p.h. through that area. Byrd indicated this would require a traffic engineering speed study be performed. Heinen inquired about starting the parking at the end of the guardrail on either side. Following further discussion, Bauerly/Popp unanimous to adopt an ordinance regulating parking on Benton County Road 2, prohibiting parking within 300 feet on either side of bridge number 05512 on County State Aid Highway 2 at the place this road crosses over Little Rock Creek, and authorize the Chair to sign.

Nadean Inman, Auditor-Treasurer, explained that membership on the Canvassing Board and Post-Election Review Board includes two members of the County Board who are not candidates at the election. Commissioners Popp and Peschl volunteered to serve on the Canvassing Board (November 13, 2020 at 10:00 AM). Commissioners Popp and Peschl volunteered to serve on the Post-Election Review Board (November 18, 2020 at 10:00 AM). Inman reported on the status of Elections (30% of registered voters in Benton County have requested absentee ballots; 18% of that 30% have returned their absentee ballots) and Tax Collections (as of yesterday, the office had collected all taxes except 5% of the levy—the majority of that 5% is agricultural and mobile home collections which are not due until November 16th).

Chris Byrd, County Engineer, provided an informational presentation on MS4 (Municipal Separate Storm Sewer System) activities:

- MS4 is a conveyance system of storm water within our roads and road ditches; owned or operated by a public entity (i.e. cities, townships, counties, hospitals, universities, sewer districts); designed or used for collecting or conveying stormwater that runs off impervious surfaces
- Originated with the Federal Clean Water Act which created the NPDES (National Pollution Discharge Elimination System); MPCA (MN Pollution Control Agency) issues NPDES permits for construction sites, industrial facilities and MS4s
- As a road authority, Benton County has the obligation to inspect our storm sewer system and report illicit discharges; not all our road system is under the jurisdiction of MS4, only the county rights-of-way within "urbanized" areas; Benton County is subject to MS4 because of its proximity to St. Cloud—an "urbanized area" as defined by the U.S. Census; Benton County Public Works is only concerned with what's within the public road right-of-way
- Responsibilities include developing, implementing and enforcing a SWPPP (Storm Water Pollution Prevention Plan) on affected roadways, including mapping and inventory, and minimum control measures
- CMWEA (Central MN Water Education Alliance) assists the counties with public outreach and education/public involvement; Benton County's annual MS4 public open meeting will be held Monday, October 26, 2020, at 9:30 AM at the Benton County Public Works Facility

Byrd reported on the impacts to Benton County Highway with the passage of the state bonding bill.

Johanna Mattson, Human Resources Director, explained that, over the next few months, Benton County employees will have the opportunity to attend virtual training on the subject of Unconscious Bias; this is a two-hour training funded through the county's health benefits provider and broker with wellness dollars. Mattson stated that the emphasis of this training is to build awareness to understand what unconscious bias is and why it matters, understand the impacts of unconscious bias at work and the impact it has on decision making, and develop new skills to take action to manage bias. She stated the request of the Health & Wellness Committee/HR that the County Board make this training a requirement for all county employees. Buerkle stated "...I'm not sure I'm ready for a "shall"..." Bauerly stated that he would like to see more of the curriculum. Peschl and Popp stated their belief that this training should not be "forced" on employees. Several Board members inquired of the consequences should an employee not complete the training; there was agreement that the training could be "highly recommended". Heinen commented "...I would like to hear from Johanna after she's gone through the training..." Bauerly suggested that several Board members could also go through the training before considering making it mandatory for all employees. Mattson noted that she would like to offer the employee training in 2020 as the wellness dollars must be spent in 2020. Bauerly stated "...as long as you go through it and approve it..." No formal action was taken by the Board.

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

Under Commissioner Concerns, Heinen stated "...I think in the future...we need to seriously look at getting Broadband throughout the whole county..." Bauerly added "...Broadband is part of infrastructure...I'd like to see us have a talk about expanding the Engineer's role...including Broadband as part of our infrastructure agenda..."

Under Commissioner Concerns, Popp stated "...I have one concern...when we met yesterday and talked about the building inspector...I'm not so sure I wouldn't like to see that go out for bids...I don't know if I'm just ready yet to automatically renew the contract we have today (David Barsody)..." There was majority consensus of the County Board to go out for bids for building inspection services.

Popp/Heinen unanimous to set Committees of the Whole: October 19, Pleasantview Elementary Ground Breaking Ceremony; November 10, Fueling Station Repairs at Public Works Facility/Corrections Office Staffing/CARES Act Funding.

Peschl/Popp unanimous to conduct a closed session of the County Board under MN Statutes §13D.05, Subdivision 3, to continue the evaluation of the performance of the County Administrator (at 11:14 AM).

The Regular County Board meeting was reconvened at 12:22 PM.

Chair Buerkle adjourned the meeting at 12:23 PM.

Spencer C. Buerkle, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator

