

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
February 2, 2016

The Benton County Board of Commissioners met in regular session on February 2, 2016 in the Benton County Board Room in Foley, MN with Commissioners Jim McMahon, Spencer Buerkle, Warren Peschl, Jake Bauerly and Ed Popp present. Call to order by Chair Buerkle was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Peschl/Bauerly unanimous to approve the agenda as written.

No one was present to speak under Open Forum.

Popp/McMahon unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of January 19, 2016 as written; 2) accept and file Management Team Meeting Minutes of December 10, 2015 as written; 3) accept and file Administrator's Report/Monthly Financial Report as presented; 4) reappoint Marilyn Eichler as Benton County lay-person representative to the Central MN Mental Health Board for the term January 1, 2016-December 31, 2018; 5) appoint Duane Cekalla to the Benton County Water Resources Advisory Committee as an at-large member for the term January 1, 2016-December 31, 2018; 6) approve Application for MN Lawful Gambling Exempt Permit—*St. Cloud Metro Lions*—to hold a raffle, paddlewheels and tipboards on April 2, 2016 at Jack & Jim's Event Center; and 7) approve Application for MN Lawful Gambling Exempt Permit—*Church of St. Patrick*—to conduct a raffle on April 10, 2016 at Henry's Catering in Foley.

Karen Pundsack, Executive Director of the Great River Regional Library, along with Julie Henne, Associate Director of Public Relations, appeared before the Board to provide an overview of Benton County library usage and services from 2015, and the new five-year strategic plan.

Phil Miller, County Attorney, reported on case numbers that the Benton County Attorney's Office opened up in 2015, noting that there has been a marked increase over case filings in previous years: 317 felony, 104 gross misdemeanor, 160 misdemeanor, 125 petty misdemeanor, 79 CHIPS (permanency; child protection), 181 juvenile/criminal, and 62 juvenile/diversion. Miller noted that the County Attorney's Office continues to do prosecution work for the City of Foley.

Joe Janish, Department of Development Director, explained that, currently, Benton County has a Waste Delivery Agreement with Tri-County Solid Waste Management Commission which is a 20 year "put or pay" agreement which has recently expired. He noted that, at the August 20, 2015 Tri-County Solid Waste Commission meeting, the Board decided to continue with the 20-year "put or pay" agreement with Pope/ Douglas Counties; to do so, Tri-County is asking each participant county to enter into, and sign, individual Allocation Agreements for waste deliveries to the Pope/Douglas Joint Solid Waste Management Board facility for a period of 20 years. Janish noted that, under the Agreement, Benton County's allocation for municipal solid waste delivery (within the Tri-County service area) and liability for any potential shortfall of delivery is 18.1%. Peschl/Bauerly unanimous to approve the Benton County Waste Allocation/Delivery Agreement with Pope Douglas, and authorize the Chair to sign.

Janish presented the Department of Development 2015 Year End Activity/Revenue Report (602 "actions" totaling \$158,564.20). He reported that 34 permits were issued for new homes in 2015, with an average house value of \$272,827. Janish noted that projects slated for 2016 include a re-write of the

ordinance to allow for “community solar gardens” within the agricultural/rural agricultural areas and pursuing modifications to an alternative local septic ordinance.

The Regular County Board meeting was recessed at 9:58 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 10:03 AM.

Chris Byrd, County Engineer, reported that, due to the change in access control along Parcel 14 of Benton County Road Right-of-Way Plat 9B, a contract is needed to demonstrate that the Fee Title owner of the parcel and Benton County are in agreement with the location of the access and access control along Mayhew Lake Road. Peschl/Popp unanimous to approve the Access Agreement between Benton County and Richard R. and Rose A. Leyk, as Trustees of the Richard Ray and Rose Ann Leyk Loving Trust, dated July 10, 1990, and authorize the Chair to sign.

Byrd explained that Benton County Road Right-of-Way Plat 9 was adopted showing access control along Mayhew Lake Road, with a break in control near the north edge of Parcel 14; however, during negotiations (after the plat was adopted and recorded), the location of the break was moved south. Byrd stated that, during construction, a driveway entrance was constructed at this location as part of the CSAH 3 roundabout project; the proposed amended plat is needed to reflect the correct location of the break in access control and constructed driveway. Bauerly/McMahon unanimous to approve the amended plat, Benton County Road Right of Way Plat 9B, and authorize the Chair to sign.

Byrd reported that Century Link has a private easement along CSAH 3 within the City of Sauk Rapids and within the project limits of the “Up the Hill” project, for the purposes of locating their utilities. He pointed out that this easement is needed to facilitate the reconstruction of CSAH 3. Byrd indicated that staff has been able to negotiate the termination of their utility easement and, in return, offer an equivalent parcel of land that Century Link can relocate their utilities to. Peschl/Popp unanimous to approve the Termination of Utility Easement Agreement between Benton County and Qwest Corp dba Century Link, and authorize the Chair to sign; further, to approve a new Utility Easement Agreement with Qwest Corp dba Century Link, and authorize the Chair to sign.

Byrd provided history relating to the Engineering Technician position in the Highway Department from the timeline of pre-2011 to present, noting that the department currently has two Engineering Technician positions (of which one position is vacant) to fulfill the engineering functions of the department. Byrd provided statistics on recent recruitments, noting that the department has been unable to recruit, and keep, a quality applicant. He stated his belief that, due to market conditions, the position should be upgraded in order to attract quality applicants and keep talent within the department. Byrd noted the need for certified technicians to do inspections on Federal Aid/State Aid projects; if no technicians are available in-house, the county will be forced to hire a consultant. He stated his proposal to create a “Senior Engineering Technician” position that has higher minimum qualifications and more preferred experience, while retaining the current Engineering Technician job description with minor changes; it is hoped that this effort would broaden the applicant pool and create a mechanism for advancement within the county. Byrd noted that, if approved, the next step would be submittal of these position descriptions to GMG for review of appropriate pay grade classification. In the discussion that followed, Bauerly stated his agreement that the labor market for these types of positions has changed. Popp asked how the existing staff position would be affected. Motion by McMahon to approve submittal of the Senior Engineering Technician and revised Engineering Technician

position to GMG for review of appropriate pay grade classification. Second by Popp for further discussion. In the discussion that followed, it was noted that the motion does not include approval of the Senior Engineering Technician position; rather, to bring back the results of the classification study for further discussion and possible action. Board consensus that, in the interim, staff should continue recruitment for an Engineering Technician. Motion carried unanimously.

Byrd referenced the existing “Benton County Division of Cost Policy” which, basically, outlines what the County will pay on construction projects when partnering with a City or Township; the current policy was last revised and adopted in 2002. He stated that it may be worth reviewing this policy for possible changes—for example, there is no mention of roundabouts in the policy. In the discussion that followed, Byrd stated that he sees this policy as appropriate for a baseline to start negotiations—this could, ultimately, lead to a project-specific agreement that contains detailed cost participation for each entity. Board consensus to review this policy in further detail at a future Committee of the Whole.

Popp inquired of the status of the request of *Palmer Wireless* to use the County-owned tower at Mayhew Lake to provide internet service to customers who lost their service through *Clearwire*. Byrd stated that a draft agreement with *Palmer Wireless* is currently under review; an inspection of the tower is being completed to verify that the tower has the structural capacity to add equipment.

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

Peschl/Bauerly unanimous to set Committees of the Whole: February 12, Open House to celebrate new location of Extension Regional Office in St. Cloud.

McMahon/Popp unanimous to adjourn at 11:07 AM.

Spencer C. Buerkle, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator