

BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
JUNE 7, 2016

The Benton County Board of Commissioners met in regular session on June 7, 2016 in the Benton County Board Room in Foley, MN with Commissioners Jake Bauerly, Ed Popp, Spencer Buerkle, Warren Peschl and Jim McMahon present. 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—discuss commitment of funds to St. John's Area School playground project.

Helga Bauerly (1935 Primrose Road NE, Sauk Rapids) and Christine Friedrichs (St. John's Area School, 215 – 7<sup>th</sup> Avenue, Foley) were present under Open Forum. Bauerly stated that they have made two funding requests of Benton County for the St. John's Area School playground project—one for park dedication funds and one for SCORE Grant funds; to date, over \$59,000 has been raised (not including any Benton County funding). Bauerly stated her understanding that there is a question as to whether or not park dedication funds collected in Gilmanton Township (\$10,000) can be applied to their project, noting that many children in the township will benefit, including current students as well as community children. She also stated her understanding that the Solid Waste Advisory Committee is recommending approval of a SCORE Grant for the playground project (\$13,542.75). Bauerly noted that there are many things they can do beyond the playground equipment should any of the Gilmanton Township park dedication funds be allocated to the project, i.e. benches, picnic tables, landscape materials, ball diamond repair. She thanked Board members for their support of this project.

Popp/Bauerly unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of May 17, 2016 as written; 2) adopt 2017 Budget Calendar and Budget Development Guidelines as presented; 3) adopt Resolution 2016-#15, allowing *Central MN Housing Partnership* to continue as the administrative body for implementation of the Rental Rehabilitation Deferred Loan Program in Benton County, and authorize the Chair to sign; 4) approve Application for Permit to Host Special Event on July 9, 2016 as requested by Jason Janssen dba *Goodfella's Bar & Grill*; 5) approve Application for Exempt Permit for *District #742 Local Education & Activities Foundation* to hold a raffle on July 26, 2016 at Territory Golf Club; 6) approve 3.2 Beer License for *St. Lawrence Church*—July 4, 2016; 7) approve Liquor License Renewals for the year of July 1, 2016 to June 30, 2017: *Coyote Moon Grill & Lounge; Goodfella's Bar & Grill; Henry's Catering; Jack & Jim's; Molitor's Quarry Grill & Bar; Oak Hill Golf Club; Pines Edge Liquor; Rollie's; Rum Shack; Rumors Bar & Grill; and Wapicada Golf Course*, and authorize the Chair to sign; 8) approve 2016 SCORE Grant Applications Round II as recommended by the Solid Waste Advisory Committee; 9) approve 2016 after-the-fact Solid Waste Hauler License for *Vanderpoel Disposal*, and authorize the Chair to sign; 10) approve 2016 State of MN County Boat and Water Safety Grant Agreement—January 1, 2016 through June 30, 2017, and authorize the Chair to sign; 11) adopt Resolution 2016-#16, approving Joint Powers Agreement with the MN Bureau of Criminal Apprehension/approve Court Data Services Subscriber Amendment, and authorize the Chair to sign; 12) approve Amendments 2 and 3 to Law Enforcement Technology Group (LETG) Contract, and authorize the Chair to sign; 13) accept Grant Award from *Benton Telecommunications Foundation* for Police Activities League Program; 14) adopt Resolution 2016-#17, accepting donation from the Drug Awareness Resistance Education Fund of *Central Minnesota Community Foundation*, and authorize the Chair to sign; and 15) authorize signatures on construction contract to *Landwehr Construction* for Project 005-603-029—reconstruction and expansion project of CSAH 3 in Sauk Rapids.

The next item on the agenda was to discuss the commitment of park dedication funds to the St. John's Area School playground project. Peschl reported on the discussion which took place at the Gilmanton Town Board meeting which he, along with Administrator Headley, attended; the Town Board is concerned that they weren't approached for their agreement to commit these park dedication funds to the St. John's Area School playground project since the incorporated City of Foley is "outside" of Gilmanton Township and, thus, would require Gilmanton Town Board consent. Peschl stated his understanding that the school/fundraising group will need to approach Gilmanton Township and request the release of the funds. Michelle Meyer, Assistant County Attorney, recommended that there be a joint discussion between the Gilmanton Town Board, the Parks Director (Headley), as well as the applicant, since that discussion, apparently, did not occur prior to the County Board's consideration of distributing those funds. She explained that statute requires that "the county must use at least 75% of the funds collected...in the township or city where the collection of funds occurs...however, the township board or city council may agree to allow the county to use these funds outside of the township or city..." Meyer stated the need to obtain agreement from Gilmanton Township to expend these park dedication funds in Foley. Upon questioning by Peschl, Meyer confirmed that the fundraising group could seek funding from any township; in addition, the Parks Director can also seek funds from other townships. Popp referred to the presence of a county park board years ago, stating his belief that, if the Park Board was functioning, there would be more opportunities for funding from other townships and give applicants a "larger base" to draw from. He felt that a Park Board, comprised of county citizens/volunteers, could provide guidance and recommendations. Meyer confirmed that there is a provision for a Park Board, who could provide recommendations to the County Board on these types of items. Bauerly pointed out that "the problem is that no one knew that even though Foley is, technically, in Gilmanton Township, it's "legally" not in it". McMahan/Peschl unanimous to "put a hold" on releasing any park dedication funds to St. John's School until communication with the Gilmanton Town Board occurs.

Chris Byrd, County Engineer, explained that Benton County is the recipient of a Local Road Improvement Grant in the amount of \$500,000; it was agreed to share \$166,667 of this grant with the City of Sauk Rapids. Byrd noted that the Board approved this agreement at the April 12<sup>th</sup> Board meeting; however, after processing that agreement, MnDOT informed Benton County that the wrong template was used—MnDOT has since sent a new template (which has a "Jobs Reporting" requirement) which was incorporated into the bidding specs so the project is in compliance. Bauerly/Popp unanimous to adopt Resolution 2016-#18, Resolution for Agreement to Local Road Improvement Grant Program Grant Terms and Conditions, and authorize the Chair to sign.

Byrd reported that Benton County Public Works has received an application from the City of Gilman to close CSAH 5 in front of the Gilman Municipal Liquor Store for a car show on June 18<sup>th</sup> from 9:00 AM to 3:00 PM; per previous County Board action, the permit fee for a municipality is waived. McMahan suggested that, in the future, any municipality requests for closure of a county road due to a festival/parade, of which the Board has approved in the past, be placed on the consent agenda. McMahan/Peschl unanimous to approve a Special Road Use Permit for the City of Gilman for June 18<sup>th</sup> and authorize the Chair to sign.

Byrd informed the Board that the bids for project 005-620-003 were opened on May 24<sup>th</sup>; this is the reconstruction of CSAH 20 (4<sup>th</sup> Avenue) in Foley. He noted that the City of Foley will consider the bids on June 7<sup>th</sup> and approve the bids upon receiving word that the Benton County Board approves the bids. Byrd stated the recommendation to award a construction contract to Kuechle Underground of Kimball—

Engineer's Estimate is \$898,566 and Kuechle's bid was \$902,872; Benton County's responsibility for this project is \$692,000, with funding to come from the State Aid Municipal Construction allotment. Peschl/McMahon unanimous to award a construction contract to Kuechle Underground of Kimball for project 005-620-004, contingent upon approval from MnDOT (will start the project after Foley Fun Days).

Byrd explained that, due to staffing vacancies, the Public Works Department does not have enough inspectors to handle the workload; assistance is needed to complete surveying tasks, material testing, and inspections. He stated his preference to contract with WSB & Associates for these additional services as they did the design engineering work on this project. Byrd pointed out that he is aware of several items needing re-design on the project due to some new information received regarding the adjacent "Perkins in the Pines" property (it appears this site is going to be redeveloped and there is a desire to have that entrance reopened; also eliminating the planned retaining wall). Byrd stated that the proposed contract amendment with WSB & Associates is written as a "cost not to exceed" contract; the county will be in control of services and when those services would be needed. He noted that this was not budgeted for 2016 as it was believed that the Public Works Department would have staff available; however, due to project savings from the bid being significantly lower than estimate, the costs may be able to be covered with State Aid. Bauerly/Popp unanimous to approve the contract amendment with WSB & Associates (to include services for design review/revisions, construction surveys, traffic/lighting inspection, and miscellaneous assistance as needed), and authorize the Chair to sign.

Engineer's Report: 1) CSAH 3 in Sauk Rapids currently closed (for one week) to allow the contractor to do city utility connections; project progressing nicely; 2) Governor did not sign the tax bill; there is no transportation bill this year; Byrd stated, from his perspective as Benton County Engineer, that "local roads are one of the biggest losers in this session"; there was no additional funding for the CSAH distribution—also, there is no bridge bonding bill either (Benton County has previously been able to rely on State Bridge Bonding to replace local bridges on a county road); Byrd commented "we will continue doing what we can here in our department with what we have...that doesn't mean that everything that needs to be done will get done".

The Regular County Board meeting was recessed at 9:27 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:34 AM.

Peggy Koscielniak, Fiscal Services Supervisor, explained that, in 2014, Congress consolidated eight Federal regulations regarding grants/grant management into one guide called the Uniform Grant Guidance (UGG); businesses were to start operating under these guidelines as of January 1, 2016. She noted that, at this time, Benton County does not have procurement policies or grant/risk management policies in place to meet this requirement; it is requested that the Board approve operating under the old guidelines until December 31, 2016. Bauerly/McMahon unanimous to extend the use of current procurement policies as defined in OMB A-133 through December 31, 2016.

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

Under Commissioner Concerns, Peschl stated the intent of the Department of Development Director to bring up the topic of park dedication funds during the upcoming budget discussions.

Peschl/Popp unanimous to set Committees of the Whole: July 7, Economic Development Workgroup.

Popp/Bauerly unanimous to adjourn at 9:52 AM.

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Spencer C. Buerkle, Chair  
Benton County Board of Commissioners

ATTEST:

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Montgomery Headley  
Benton County Administrator