

BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
MAY 17, 2016

The Benton County Board of Commissioners met in regular session on May 17, 2016 in the Benton County Board Room in Foley, MN with Commissioners Jim McMahon, Jake Bauerly, Ed Popp, Spencer Buerkle and Warren Peschl 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 items—award construction contracts for Project 005-2016BO (seasonal patching) and Project 005-608-008 (reclaim/paving project on CSAH 8); closed meeting to consider strategy for labor negotiations.

No one was present to speak under Open Forum.

McMahon/Peschl unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of May 3, 2016 as written; 2) accept and file Committee of the Whole Minutes of May 5, 2016 as written; 3) reappoint George Fiedler as the County Veteran Services Officer to a four-year term from June 6, 2016-June 5, 2020; 4) adopt Resolution 2016-#13, accepting donation from the Local Chapter of Disabled American Veterans to be used for gas and food for needy veterans, and authorize the Chair to sign; 5) accept and file VSO Quarterly Report for the period January 1, 2016 through April 1, 2016; 6) accept and file Benton County's Notice of Pay Equity Compliance; 7) authorize the Benefits Advisory Committee to move forward on Request for Proposals for Health Insurance Plan for year 2017 and possibly beyond; 8) adopt Resolution 2016-#14, approving Application to Conduct Off-Site Gambling—*Duelm Area Lions Club*—to hold a raffle at *The Other Bar* on June 4, 2016; 9) award construction contract to *Knife River Corporation* for Project 005-2016BO (seasonal patching) and authorize the Chair to sign; and 10) award construction contract to *Knife River Corporation* for Project 005-608-008 (reclaim/paving project on CSAH 8 through the East St. Cloud Industrial Park) and authorize the Chair to sign.

Chris Byrd, County Engineer, explained that, at the last Board meeting, it was discussed and suggested that cities within Benton County should not be required to pay the permit fee for the Special Road Use Permit. He proposed the following language be added to the "Policy for Use of Highway Right of Way for Special Events"—*An applicant may be exempt from the permit fee, if the applicant is a political subdivision and the political subdivision is sponsoring, promoting, and/or condoning the event and the event is contained wholly within their municipal limits.* McMahon suggested replacing the words "contained wholly" with the words "primarily, predominantly or principally" *...within their municipal limits.* McMahon/Popp unanimous to amend the Policy with the change as noted.

Byrd stated that Benton County Public Works has received an application to close county roads within the City of Foley for their annual Foley Fun Days; this is a long standing event with little to no past safety issues. Byrd noted that the Police Chief and Fire Chief have reviewed the application; the only comment provided came from the Fire Chief requesting that alleys remain open for emergency access—this was made a condition of the permit. Byrd also noted that Foley Public Works will be responsible for traffic control and clean up, the same as it has always been. Peschl/Bauerly unanimous to approve the Special Road Use Permit for *Foley Fun Days* as discussed, waiving the permit fee, and authorize the Chair to sign.

The next item was to award the construction contract for the "3 Up the Hill" project. Byrd provided an overview of the project location/purpose, preferred concept, layout, lighting, and estimated costs/funding. He stated that the lowest responsible bidder was *Landwehr Construction* of St. Cloud. Byrd

provided figures on the Benton County/City of Sauk Rapids cost splits based on the low bid—County, \$4,736,804.16; City, \$1,047,952.10. He stated a construction start date of May 31, 2016 with the project “substantially complete” by mid-November 2016; the bituminous wear course would be completed in October 2016 or May 2017, with final work/landscaping April-July 2017. Byrd pointed out that \$474,000 of local reserves had been identified originally to “close” the funding gap; in consideration of the low bid, it may not be necessary to use any local reserves to pay for this project (will use Federal Funding/State Aid). He stated plans to hold an open house for the public in the next few weeks whereby the contractor can answer questions about the project; a Facebook page for this specific project is being created. Byrd noted that although there may be some short-term, overnight closures, the road will be open to traffic for the most part. McMahan/Bauerly unanimous to award a construction contract to *Landwehr Construction* for Project 005-603-029 (reconstruction/expansion project on CSAH 3 in Sauk Rapids), contingent upon approval from MNDOT.

Byrd explained that, due to staff vacancies, Benton County Public Works does not have enough inspectors to handle the workload; specifically, the County will need someone to perform traffic signal inspections and construction survey field work for Benton County’s portion of the CSAH 3 project (the City of Sauk Rapids will handle their portion of the project). Byrd stated that WSB has provided an amendment to their design contract to include professional services for design review/revisions, construction surveys, and traffic/lighting inspection; the contract is written as a “cost not to exceed” contract. Bauerly suggested that contractor staking services be included in the construction contract in the future to gain more competitive bidding. McMahan inquired of any available salary savings to offset these costs (money saved due to staff vacancies). Bauerly inquired of the need to fill the Engineering Technician vacancy this year if a contract for services with WSB were approved. McMahan inquired of the possibility of “piggybacking” with the city’s inspectors (SEH) on this project. Byrd stated that he will explore the Board members’ suggestions and report back to the Board.

The Regular County Board meeting was recessed at 9:29 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:42 AM.

Joe Janish, Department of Development Director, reported on modifications he had made to Ordinance #457 (amending the Benton County Development Code Ordinance to allow for Alternative Local Septic Systems, clarifications, and additional septic regulations) as previously discussed with the Board: 1) removed the language requiring property owners to hire a wetland delineator in order to install an alternative septic system—it is proposed that staff would make a determination if a wetland delineation by an outside entity would be needed or not, following an on-site visit to the property (the County Attorney’s Office had cautioned against staff conducting official wetland delineations on behalf of property owners in the county); Janish stated the need to send two staff members to additional wetland training—there will be costs associated with this additional training—he does have some concerns with staff making these types of determinations as there is a “little bit of an unknown” to these alternative septic systems which may cause some delay on behalf of the individuals who are looking to build homes; 2) added language to state that the alternative septic sites can be utilized for the creation of a lot; these alternative systems can be used when only one Type I site is found or when no Type I sites are found; 3) added language to state that lots created prior to January 23, 1996 shall be considered sewerable provided two septic sites can be found and verified with a minimum of six inches of separation (this could also require additional staff time); 4) added language to state that the property owner shall sign a county-approved document to be recorded, noting that the septic system is an Alternative Local Septic System—the property owner shall be responsible for the recording fees of said document; and 5) added

language to clarify how adding bedrooms may, or may not, have an impact on the existing septic system. McMahon pointed out that the Planning Commission's recommendation was to include the requirement for hiring a wetland delineator. Janish noted that the Planning Commission desired to allow some type of option for those properties that can't meet the 12 inches of separation and, thus, are unbuildable; however, they wanted to approach this option "cautiously" so as to avoid any future issues. McMahon pointed out that the County Board relies on the Planning Commission for guidance and their recommendation should be "heavily weighted". He acknowledged that the alternative septic system may cost more, but it's an option the home owner didn't have before; further, deleting the wetland delineation requirement increases the county's liability risk potential. McMahon stated he could not support the ordinance without including that language. Buerkle indicated his agreement, stating that including the delineation language "removes all doubt"; this is something the Planning Commission recommended. Popp stated his support for the proposed ordinance, commenting that "not every alternative system needs a delineation...why do we want to pass that cost on...I think we should give staff that authority...we don't need to force the home owner to do it..." Bauerly pointed out that a designer is not going to design a septic system in a wetland. Peschl stated his agreement. McMahon noted that an alternative septic system site is already an uncertain site in that these properties can't meet the 12 inches of separation; there is a good possibility that wetlands exist. Following brief discussion, Popp/Peschl to approve Ordinance #457 as submitted, and authorize the Chair to sign. Motion carried with Bauerly, Peschl and Popp voting aye and Buerkle and McMahon voting nay.

Due to the length of Ordinance #457, Janish requested that the Board consider a summary publication of the changes in Benton County's official newspapers; the cost for publication would be greatly reduced with approval of this request. Peschl/McMahon unanimous to approve a summary publication of Ordinance #457, and authorize the Chair to sign. McMahon suggested that the LEAN Committee take a look at other county publications to see if there are other opportunities for summarization.

Department of Development Director's Report: 1) May 18<sup>th</sup>—BWSR will provide audit results of the Benton County Comprehensive Local Water Management Plan; 2) Amnesty Day scheduled for June 18<sup>th</sup> from 7:00 AM-2:00 PM at Sauk Rapids High School; SCORE funding opportunities are available for communities/townships to conduct their own amnesty events; 3) New BWSR requirement—Department of Development staff must track their time (in 15-minute intervals) related to NRGB funding; and 4) May 26<sup>th</sup>—the proposed solar ordinance will be presented to the Planning Commission—public hearing (will come to the County Board on the second meeting in June).

Kurt Seestrom, representing *Geronimo Energy*, was present to address the Board concerning a subscriber agreement to a "community solar garden" which could potentially save Benton County \$21,000 in energy costs the first year based on current usage (half a million dollars over the life of the program). He stated that Geronimo Energy is a Minnesota-based firm that started in southern Minnesota with wind turbines; their community solar garden program is state legislature approved and overseen by the Public Utilities Commission, working in conjunction with Xcel Energy. Seestrom noted that their current subscribers cross both industry and geographic locations that include non-profits, colleges, high schools, corporations and government agencies (not available for residential); benefits include no investment, building or maintenance costs on the part of the county, along with the proposed savings. He explained that solar gardens are a centralized, shared solar project connected to the energy grid with multiple subscribers—Benton County would be a subscriber to one or multiple gardens already in process and a 25-year commitment is required; each subscriber receives a credit on their monthly Xcel Energy electric bill (1 cent per kilowatt regardless of where energy prices or usage go). Seestrom pointed out that the rules allow Benton County to be aligned to a community solar garden "one county over" (the gardens are not owned by the county—the discounting of 1 cent comes

from Xcel Energy). Per request of Chair Buerkle, Seestrom provided a brief overview of the difference between a solar garden and a solar farm and how they may affect land use planning. Popp inquired of the time frame for subscribing. Seestrom encouraged action by the county “relatively soon” in order to make a determination on how many gardens to build in Phase I (2016 calendar year).

Board members reviewed the draft 2017 budget calendar and budget development guidelines; the guidelines envision a budget process very similar to the past. Headley noted that the recently-adopted Benton County Vision/Mission Statements have been added to the guidelines; the guidelines also repeat the theme that Benton County taxes remain among the top ten county taxes in the state (even though the county’s property tax levy has been either held to no increase, or reduced, in six out of the past seven years) and departments are urged to exercise restraint as they develop their budget requests. Headley will bring the final budget calendar/budget development guidelines to the June 7<sup>th</sup> Board meeting for formal adoption.

Headley informed the Board of his out-of-office plans for the month of June.

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

Commissioner Concerns: 1) Peschl referenced the earlier presentation by Kurt Seestrom of Geronimo Energy, inviting Benton County to become a subscriber to a community solar garden. Administrator noted that the League of MN Cities has prepared a model subscriber agreement which Benton County could potentially use; he will bring forth the model agreement to the County Board and County Attorney’s Office for review and consideration. 2) Popp reported on several calls he received, expressing concern with the Board’s action to allow the use of park dedication funds to refurbish the St. John’s Area School playground in Foley. Popp stated that the township officials would like to have been informed ahead of time and provided the opportunity to provide input. 3) Buerkle informed the group that Tri-County Solid Waste applied for a grant of a quarter-million dollars to encourage proper management/recycling of agricultural plastic/plastic boat wrap.

Popp/Peschl unanimous to set Committees of the Whole: June 2, Economic Development Workgroup; June 13, AMC District 5 Meeting; and June 15, Discuss Policy to Designate County Property Tobacco-Free/Discuss Acceptance of Credit Cards/Associated Fees. Headley informed the Board that the October 17, 2016 AMC District 5 meeting is scheduled to be hosted by Benton County.

Peschl/Bauerly unanimous to conduct a closed meeting of the County Board (at 11:03 AM) pursuant to MN Statutes §13D.03, Subdivision 1, to consider strategy for labor negotiations.

The Regular County Board Meeting returned to open session at 11:39 AM.

McMahon/Popp unanimous to adjourn at 11:40 AM.

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Spencer C. Buerkle, Chair  
Benton County Board of Commissioners

ATTEST:

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Montgomery Headley  
Benton County Administrator

