

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
NOVEMBER 1, 2016

The Benton County Board of Commissioners met in regular session on November 1, 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/McMahon unanimous to approve the amended agenda: add item—county contribution to the Benton Economic Partnership.

Craig Gondeck, Watab Township Board Chair, was present under Open Forum. He expressed appreciation to the County Board, the SCORE Committee, and Department of Development staff for the funding received by the township for “Watab Clean-Up Day” in September, noting that the event was a “huge success”. Gondeck also noted that, this year, Watab Township has sold building permits totaling \$7,225,000 in new value; he stated that events such as “Clean-up Day” contribute to “people wanting to move to Watab Township”.

Popp/Bauerly unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of October 18, 2016 as written; 2) adopt Resolution 2016-#36, accepting donation from *Scheels of St. Cloud* through the Greater St. Cloud Public Safety Foundation, on behalf of the Sheriff’s Office Police Activities League Program, and authorize the Chair to sign; 3) adopt Resolution 2016-#37, accepting donation from *SignMax of St. Cloud*, on behalf of the Sheriff’s Office K-9 Program, and authorize the Chair to sign; 4) approve 2017 License Renewal for On & Off Sale of 3.2 Malt Liquor—*Silver Corners*; 5) approve Application for Exempt Permit for *MN Dark House Association-Central Chapter* to hold a raffle at Henry’s Catering & Banquet Center, Foley, on February 3, 2017; and 6) reappoint Scott Johnson and Mitch Czech to the Planning Commission; reappoint Bill Rauch and Bill Kosloske to the Solid Waste Advisory Committee; and appoint Bruce Bonebright to the Board of Adjustment.

John Uphoff, the newly appointed Executive Director of the Benton Economic Partnership (BEP), appeared before the Board, reporting on his first month activities as well as the strategic planning process currently underway. Uphoff noted that the BEP workplan places a “heavy focus” on business retention and expansion; he also noted the addition of a satellite office of the Small Business Development Center in the City of Foley. Uphoff stated that the BEP will be the “point organization” for assisting in the development of the CEDS (Comprehensive Economic Development Strategies) process. He stated his intent to promote the assets of the Benton County community, not just from an internal growth perspective, but from a development perspective as well. Chair Buerkle welcomed John Uphoff, noting the importance of economic development to the community.

Monty Headley, County Administrator, stated that Benton County has not yet made their contribution to the BEP as committed per previous Board resolution (\$75,000 per year); \$11,000 of the \$75,000 budget for 2016 has been spent to date (i.e., website development and hosting, promotional videos for website). Headley inquired if the Board desired the 2016 BEP contribution to be the full \$75,000 or the \$75,000 minus expenses to date--Board consensus for \$75,000 minus expenses to date. Headley noted that the BEP will be receiving a \$10,000 grant from the Initiative Foundation once the formation of the 501(c)(3) is complete. He confirmed that a \$75,000 contribution to the BEP has again been budgeted in 2017.

Chris Byrd, County Engineer, explained that Watab Township will be drafting a letter to the County Board, asking that the Board adopt a resolution requesting that an engineering speed study be performed on a section of CSAH 13, from TH 10 east to Sucker Creek Road. He stated that the current speed on this County State Aid Highway is the statutory limit of 55 mph; any alteration of this speed limit must come as a result of an engineering speed study by the Commissioner of Transportation. Byrd noted no cost for the study; however, once MnDOT provides their recommendation, the county is obligated to follow that recommendation and post appropriately (post if other than the statutory limit of 55 mph). Motion by McMahon that the County Engineer draft a resolution for the Chair's signature, without waiting for the letter from the township, to save time. Second by Popp. Craig Gondeck (Watab Township Chair) pointed out that the justification for the request needs to be a part of the resolution; that justification language will be included in the township's letter to the County Board. Motion and second were withdrawn at this time. Byrd will bring this issue back to the Board once he is in receipt of the Watab Township letter.

Byrd informed the Board that the City of Foley is considering applying for a Federal Transportation Alternatives grant to assist with the costs to construct what is known as the "Foley Connection"; since Foley is a small city (under 5,000 population), the County must be the sponsoring agency and, if the grant application is successful, Benton County would also need to be the "fiscal agent" and receive the Federal funds on behalf of the City. Byrd indicated that a resolution, adopted by the County Board, would be needed when the application is due. Sarah Brunn, Foley City Administrator, explained that this project includes a trail component, pedestrian crossings across TH 23 within Foley, and two radar feedback signs; this is essentially the same project and the same application as submitted by the City last year. Brunn indicated that Foley Public Schools are "on board" (\$48,000 commitment) and the Foley Quality of Life Task Force is also in support of this application. She stated the total project cost is estimated at \$315,000; the Federal grant request is for \$182,000 (the City and School District will contribute to the match portion). Brunn will return to a future Board meeting to request the resolution of support.

Byrd explained that, after MnDOT completed the construction of new TH 23, the right-of-way of old TH 23 was turned back to Benton County; it is his opinion that this is excess right-of-way. He pointed out that the Board previously directed him to have a discussion with the City of Foley regarding possibly transferring ownership jurisdiction of this property (including Glen Street) to the City (there was some interest expressed by the City in acquiring this land for economic development purposes); discussion has lagged due to the turnover in the City Administrator position. Byrd noted that there is an individual interested in placing a business sign on a portion of this land to advertise his business—MnDOT's billboard policy states that the applicant must have approval from the landowner (currently Benton County) and the sign must not be placed on public right-of-way; therefore, in order to allow the business sign, the County would first need to adopt a resolution to vacate the excess right-of-way. McMahon inquired if vacation of the excess right-of-way would hinder any future plans for transferring ownership jurisdiction of the property to the City (Byrd stated his belief that it would not.) Bauerly commented that he could support vacation of the excess right-of-way, but would be opposed to placing the sign "right in the middle of the property". Popp inquired if the tax-forfeited parcel could be conveyed to the city in the same manner as the other parcels. Buerkle commented "if our intention is to someday have that all city property, I'm a little hesitant to go ahead and permit a use now that might not be in line with what the city wants..." Following brief discussion, Bauerly/Peschl unanimous to adopt Resolution 2016-#38, a Resolution to Vacate Excess Right-of-Way, and authorize the Chair to sign. With regard to the business sign request, Board consensus that the County Engineer work with the requestor (Dave

Novak) and contact the City for their input and approval. McMahon suggested that once the vacation of the right-of-way is complete, the permits be issued while “keeping the City in the loop”; Peschl stated his agreement. Dave Novak explained that he is the individual requesting to place a business sign on this property. He noted that the sign is “on wheels” and, should the property eventually transfer to the City, he would “be flexible” and work with the City. He indicated that he currently has an application into MnDOT for the sign. Byrd added that he will work with Dave Novak and the Department of Development staff to ensure that all county regulations are adhered to.

Byrd informed the Board that applications for Federal HSIP (Highway Safety Improvement Program) grants are due November 10th; Benton County has several projects identified in the county roadway safety plan, as well as the five-year road plan, that are eligible for this grant program: 1) CSAH 13 from CSAH 3 to TH 25 (add 2-foot paved shoulders, rumble stripe; advancing with CSAH dollars in 2017 and get repaid with Federal dollars in 2018; would become a Federal project—subject to Federal requirements); 2) CSAH 8 from East City Limits (St. Cloud) to CR 47 (pavement markings, rumble stripe; already receiving Federal dollars for the reclaim); and 3) CR 78 from CSAH 1 to the North County Line (shoulder widening, pavement markings, rumble stripe; would become a Federal project—subject to Federal requirements). Byrd noted a “trade-off” in that the county could get additional outside Federal funding for these roadway segments, but the funding comes with a few “strings” (disadvantaged business enterprise and prevailing wage requirements; additional administrative burden). He also noted that rumble stripes sometime cause consternation amongst residents due to noise, so he would want to ensure there is Board support for the projects. Board discussion ensued on whether or not the “trade-off” would be of any advantage to the county. Byrd added that, when Federal dollars are involved, the county must agree to maintain the roadway “for the life of the improvements”. Following the discussion, Board consensus to submit the CSAH 8 project only for Federal HSIP grant funding as this is already a Federal project.

The Regular County Board meeting was recessed at 9:56 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 10:01 AM.

Bob Cornelius, Human Services Director, informed the Board that two newer employees, who are not yet eligible for FMLA, are requesting unpaid medical leaves. Bauerly/Peschl unanimous to approve the unpaid medical leave requests, not to exceed six weeks.

Cornelius reported that two individuals stole some items from a Social Worker’s vehicle while the worker was on work time and meeting with a client at Sherwood Manor; the vandals also caused two small dents from hitting the vehicle. He requested Board consideration of reimbursing the employee for her \$250.00 deductible; the employee has filed a police report and pressed charges. McMahon suggested that Benton County be named for restitution in the criminal complaint. Bauerly/McMahon unanimous to approve reimbursement of the employee’s \$250.00 deductible.

Cornelius explained that, during July and August, one of his employees transported a ten-year old foster child from the child’s home in Foley to the child’s foster home in Rice; although transportation was able to be arranged for the child to get from Rice to Foley for therapy, there were challenges in arranging for the child to return to the foster home in Rice. Cornelius stated that the employee lives in Rice and was asked by a supervisor to transport the child to Rice and to record this as reimbursable mileage as she was performing a specific work task for the county and had a client in the car with her during the

transport. He noted that, due to county policy, the employee's reimbursement for these miles was denied. Cornelius requested that the Board approve an exception to the policy in this case and allow the employee to be reimbursed for these miles, noting that she assumed the liability for transporting the child and part of reimbursement pays for insurance to cover liability. He further stated that, although this transport was done with the idea of cost-effectiveness in mind, it was outside of the county's travel reimbursement policy (policy states you must deduct the commute home from the mileage); in the future, the county will likely hire someone else (at a much higher expense) to provide transportation and supervision. Peschl/Popp to approve an exception to the travel reimbursement policy and allow the employee to be reimbursed (\$150.00 less taxes). Buerkle pointed out that the employee is also receiving a wage for this transport; he commented "...once you start getting outside the policy, it creates a whole bunch of requests coming in at other times...I'd like to approve it, but I'm very skeptical of something like this..." McMahon commented "...it's just common sense...they are doing a service for the department...it is at the director's discretion..." Bauerly commented "...I don't think we should be micro-managing \$150.00..." Motion carried with Bauerly, Peschl, Popp and McMahon voting aye and Buerkle voting nay.

Jackie Traut, Accounting Supervisor, explained that ePayroll is an online payroll information inquiry that extracts information from the current payroll system and presents it to the web user (employee); by presenting this information online, the inefficient and timely process of printing paper paystubs can be eliminated. Traut stated that there is a one-time implementation fee and a monthly fee of \$250.00. Bauerly stated the need to make sure the site is "very secure". McMahon/Peschl unanimous to approve a contract addendum with *VisualGov* for a web-based ePayroll information system, and authorize the Chair to sign.

Monty Headley, County Administrator, stated that the County's negotiating committee conducted meetings with three law firms for the purpose of securing labor attorney services; this action was taken in response to the retirement of the County's long-serving labor attorney, Terry Foy, of Ratwik, Roszak and Maloney. Bauerly/Popp unanimous to approve a professional services agreement with Madden Galanter Hansen, LLP for the period of October 19, 2016 through August 31, 2019, as recommended by the County's negotiating committee, and authorize the Chair to sign.

Lee Katzmarek, Human Resources Director, reported that the Highway Department has experienced considerable difficulty over the past two years attracting and retaining qualified applicants for the position of Civil Engineering Technician; the Administrator's Office is requesting a temporary exception to the current compensation policy as an incentive to attract additional applicants. Peschl/Bauerly unanimous to allow the position of Civil Engineering Technician to be eligible for a step increase after six months of employment (if recommended by the department head) as an incentive to attract additional qualified applicants, with such incentive authorized through December 31, 2017.

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

Under Commissioner Concerns, Popp reported that residents continue to urge Board support 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*. He noted that Palmer Wireless has indicated that it would not be cost effective for them to pay for a structural assessment to verify that the tower can handle the additional devices that they would attach; the equipment they propose to add weighs less than 50 pounds. Byrd noted that there is a safety concern with a "bend" in the structure due to a past wind event; there is a desire for an "outside expert" to do a "mapping" of the tower to verify that it has

the structural capacity to add the equipment without any fatigue failure occurring. Byrd stated his willingness to discuss this issue with Palmer Wireless; he suggested that a lease agreement between Benton County and Palmer Wireless be developed should the Board support their request. Headley will contact the Benton Economic Partnership Executive Director to inquire of any potential grants/funding sources to pay for an assessment. Several Board members stated their belief that it is a “waste of money” to spend thousands of dollars for a structural assessment to add ten pounds of equipment. Byrd will do further research and return to the Board with this issue.

Peschl/McMahon unanimous to set Committees of the Whole: November 1, Continuous Improvement Training; November 9, MN Transportation Alliance Annual Meeting; and December 7, Urban Land Institute Technical Assistance Panel (Verso Site Development).

Popp/Bauerly unanimous to adjourn at 10:40 AM.

Spencer C. Buerkle, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator