

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
FEBRUARY 1, 2022

The Benton County Board of Commissioners met in regular session on February 1, 2022, in the Benton County Board Room in Foley, MN. Call to order by Chair Steve Heinen was at 9:00 AM followed by the Pledge of Allegiance to the flag. A roll call showed Commissioners Beth Schlangen, Scott Johnson, Steve Heinen, Jared Gapinski and Ed Popp present.

County Administrator Montgomery Headley requested to amend the Regular Agenda to remove the award of a construction project for tied projects SAP 005-599-027 and 005-599-028 under County Engineer Christopher Byrd at 9:30 AM, and to add an update on County Assessor recruitment and potentially hiring an Executive Search Firm as the last item under County Administrator at 9:05 AM. Motion by Johnson and seconded by Gapinski to approve the amended agenda. Motion carried unanimously.

Gerry Bauerly of Sauk Rapids, MN, Shelly and Scott Kopel of Sauk Rapids, MN, and Warren Peschl of Foley, MN were present to speak under Open Forum. Bauerly requested the County Board to consider paving County Road 50. Bauerly stated that County Road 50 was supposed to be paved in 1969, however that never came to be and said this had appeared on a recent 5 Year Plan but has since been removed. Shelly Kopel also requested the County Board to consider paving County Road 50 and added that by paving this road, it could help with economic development in that area. Peschl requested the County Board consider a total reconstruction on County Road 62. Heinen informed all that were present that there will be a future Committee of the Whole meeting regarding the 5 Year Road Plan.

Johnson requested to “pull” Consent Agenda item # 7 for further discussion. Motion by Johnson and seconded by Gapinski to approve the remaining Consent Agenda items 1 – 6: 1) approve the Regular Meeting Minutes of January 18, 2022 and authorize the Chair to sign; 2) approve the Special Meeting Minutes of January 11, 2022 and authorize the Chair to sign; 3) accept and file the Management Team Meeting Minutes of November 18; 4) appoint members to the Benton County Broadband Committee; 5) approve the S.C.O.R.E. City of Rice Purchase Money Security Agreement for PlayMart Hedgehog-Mini, weight 1496 lbs., Exhibit A- playground equipment and authorize the Chair to sign; 6) approve the 2022 Solid Waste Haulers License Round I and authorize the Chair to sign. Motion carried unanimously.

Johnson wanted to discuss Consent Agenda item # 7 regarding the acceptance and final payment for tied projects CP 005-055-010 and 00-079-002. Johnson noted the contract changes were \$13,426.00 and the total overrun is \$6,968.67 (net costs). Byrd stated that we only pay for what we use, and the contractor had exceeded the minimum specs and received an incentive payment for doing that. Motion by Johnson and seconded by Gapinski to approve Consent Agenda item #7) acceptance and final payment to Knife River for tied projects CP 005-055-010 & 005-079-002. Motion carried unanimously.

Next, Gapinski wanted to bring forth the issue of the residency of the Auditor-Treasurer, which was brought forward to the County Board by some residents in Benton County. Gapinski requested to

address this at the next Regular Board Meeting towards the end of the meeting on February 15, 2022. Gapinski noted that they were advised by outside legal counsel that this issue could not be discussed in closed session. Heinen added that the County Board is aware of this issue that was brought forth to them. There was a consensus by the County Board to have this discussion at the end of the next Regular Board Meeting on Tuesday, February 15, 2022.

Next, Headley asked the County Board to consider a contract amendment with Finley Engineering for additional broadband services. The proposal was reviewed by the County's Broadband Committee, which recommends approval of the contract amendment. Under this proposal, Finley Engineering will assist the County in obtaining proposals from broadband providers for projects to improve or extend broadband service to unserved and underserved areas of the County. Finley will help evaluate proposals and negotiate grant agreements with providers. Motion by Johnson and seconded by Popp to approve the contract amendment with Finley Engineering, Inc. to provide additional broadband consulting services to the Broadband Committee. Motion carried unanimously.

Next, Headley wanted to get feedback from the County Board on how to conduct the evaluations of Appointed Department Heads: Human Services Director, County Engineer, Land Services Director and County Administrator. There was a consensus by the County Board to send out surveys to the employees that are under the department head through Survey Monkey, and to meet with each Department Head to discuss the results of the surveys and for the County Board to provide their own feedback during a Closed Session, and to present a summary of the feedback that was discussed during the Closed Sessions at the following Regular Board Meeting for approval and to be filed into the department head's employee file.

Then, Headley provided an update on the County Assessor recruitment and the possibility of hiring an Executive Search Firm. Headley stated that there are four candidates we would like to interview, and if the interviews prove to be unsuccessful, to utilize the services of an Executive Search Firm to recruit for a County Assessor as a "Plan B". We have obtained quotes from two search firms: David Drown and Associates (DDA) for \$22,000 and they offer a two-year guarantee; and Baker Tilly (formerly Springsted) for \$24,000 and offers a one-year guarantee. There was a consensus by the county Board to use DDA for recruitment services if our interviews prove to be unsuccessful, and to discuss this at the February 15, 2022 Regular Board Meeting to see if we will need to use DDA as our Executive Search Firm for recruitment of a County Assessor.

Next, Auditor-Treasurer Nadean Inman requested permission by the County Board to submit the 2022 Help America Vote Act (HAVA) Grant Application to the Minnesota Secretary of State's Office. During its 2021 First Special Session, the Minnesota Legislature, via Chapter 12, Article 1, Sec. 41, directed the distribution of \$3 million from federal Help America Vote Act (HAVA) appropriations as grants to political subdivisions. Per statute, these funds must be used to improve accessibility to implement security improvements for elections systems for, and/or fund other activities to improve the security of federal elections. Regularly scheduled state elections in Minnesota are also federal elections. The HAVA Grants program does not require counties to match any amount of funding to be eligible to receive a grant award amount. The maximum HAVA Grant Distribution amount for Benton County is \$28,994.09. The

planned uses of the grant funds are for cybersecurity improvements and election security. Motion by Johnson and seconded by Gapinski to approve the resolution granting permission for the Auditor-Treasurer's Office to apply for the 2022 HAVA Grant. Motion carried unanimously.

Next, Land Services Director Roxanne Achman requested to establish a date and time for the County Board of Appeal & Equalization or Special Board of Appeal & Equalization and to set the per diem rate for the 2022 Assessment Year. Achman suggested the date of June 13, 2022 from 6:30 PM to 7:30 PM. Achman stated that she has been in contact with all the appointees and has confirmed that they are all willing to serve on the Board. The confirmed appointees include Rob Jacobs, Realtor; Joe Scapanski, Realtor; Susanne Barkalow, Appraiser; Jason Tangen, Realtor; and Bill Eichler, Appraiser. Motion by Popp and seconded by Johnson to set the date of June 13, 2022 starting at 6:30 PM and to set the per diem rate of \$150.00 for the Board of Appeal and Equalization. Motion carried unanimously.

Next, Achman requested approval of the 2022 Aquatic Invasive Species (AIS) Grant Applications Round I. The Little Rock Lake Association has requested \$105,000 for the purchase of a weed harvester, transport trailer, dump trailer and the first year's operations and maintenance costs. The Little Rock Lake Association will provide a 10% match with cash and in-kind labor. The purpose of the weed harvester is to provide clarity in the lake to allow native vegetation the ability to establish. Achman noted that the Little Rock Lake Association will be supplying \$11,000 which would supply the 10% match. Achman also stated that this was discussed extensively at two separate AIS Committee Meetings where they recommended approval of the grant request. Motion by Popp and seconded by Johnson to approve the AIS grant request for \$105,000 as recommended by the AIS Task Force. Motion carried unanimously.

The Regular County Board meeting was recessed at 9:46 AM to conduct a Human Services Board Meeting.

The Regular Board meeting reconvened at 9:57 AM.

Next, County Engineer Chris Byrd provided the County Board an update on County-Wide bridges after the 2021 inspection cycle where Byrd requested the County Board to consider a Resolution prioritizing bridge replacement. This resolution will be used to seek grant monies to share the costs of replacements. To arrive at the suggested prioritization and suggested year, Byrd used a tool called the Bridge Replacement and Improvement Management Report (BRIM). Byrd stated that 10% of the bridges in Benton County are structurally deficient and the following bridges are in need of repair: Bridge L2410, 3rd Avenue in Foley; Bridge 05518 on County Road (CR) 51; Bridge 05505 over CSAH 13; 05507 over CSAH 12; Bridge 05520 over CR 40; and Bridge 05505 over CSAH 22. Byrd stated that some of the bridges are not scheduled to receive the monies until 2025. Both Johnson and Popp requested that Byrd speaks to the School Districts to make them aware of the weight restrictions on the bridges that are on the deficiency list. Motion by Johnson and seconded by Gapinski to adopt the Resolution that prioritizes bridge replacement. Motion carried unanimously.

Next, Byrd provided a presentation on recent bridge/box culvert replacements. This topic was for informational purposes. No motion was made; no action was required.

Next, Byrd requested the County Board approve the Professional Services Agreement with SEH for fiber construction project. Over the last couple of months, staff have been negotiating a professional services agreement to provide engineering services related to installing fiber between St. Cloud and Foley. Services provided under this agreement include topographic survey, coordination meetings, and preparation of a construction plan. Additional services include construction observation and punch-list (final) inspection. SEH was chosen after receiving quotes from at least two consultants. The anticipated construction end date will be December 31, 2022. Gapinski added there was an additional cost that was not considered in the original bid. Byrd stated the extra costs are due to the placement of the fiber in the right-of-way, and we need to meet the MNDOT QCQA requirements for plan approval and we must pass MNDOT's requirements for this project. Gapinski stated that these extra dollars will be "money well spent". Motion by Gapinski and seconded by Johnson to approve the Professional and Technical Services Contract with SEH. Motion carried unanimously.

Last, Sheriff Troy Heck requested the County Board approve a contract with Advanced Correctional Health (ACH), Inc. for jail medical services. Heck stated the Sheriff's Office has negotiated a contract with ACH for the provisioning of jail medical services through the end of 2022. This contract is materially similar to the contract with our previous jail medical provider with two notable exceptions. First, the cost of the contract, \$246,908.08. is \$3,158 more than our contracted amount of the previous medical provider for 2022. However, this contract provides our jail with 48 hours of nursing care per week as opposed to the 40 hours of nursing care per week provided by our previous jail medical provider. This additional nursing coverage will reduce the number of medication passes the jail staff are required to provide and accomplish the goal of gaining weekend nursing coverage to better ensure the medical needs of inmates are being met. Heck added that the additional 8 hours of nursing coverage will be divided between two shifts over the weekend: four hours on Saturday and four hours on Sunday. Heck stated that the 2022 jail budget will have sufficient funding to cover this additional \$3,158. Second, this contract is based upon an average daily population (ADP) in our jail of 55 inmates. The contract has within it terms requiring, on a quarterly basis, either ACH to provide Benton County with a credit when our ADP falls below 55 or Benton County to pay additional compensation when our ADP rises above 55. Our current ADP remains between 35 and 45 on a consistent basis. Motion by Popp and seconded by Gapinski to approve the contract with Advanced Correctional Health, Inc. for jail medical services. Motion carried unanimously.

Under Commissioner Concerns, Commissioner Gapinski requested Board consensus to include in the February 15, 2022 County Board meeting packets public documents related to the residency of the Auditor Treasurer. It was the consensus of the County Board to include public documents.

Next, County Board members reported on Commissioner updates and recent meetings they attended on behalf of the County.

Motion by Popp and seconded by Johnson to set the future Committee of the Whole Meetings: Monday, February 7, 2022 discussion on future jail operations and Local Option Sales Tax, County Boardroom, 10:00 AM; Thursday, February 10, 2022 Career Solutions – Annual Workforce Development Highlights, virtual and in-person at the St. Cloud Technical College, 1542 Northway Drive, St. Cloud, 3:00 PM;

Tuesday, February 15, 2022 discussion on Human Resources position, County Boardroom, Foley, 10:30 AM or upon conclusion of Regular Board Meeting; Human Services Committees of the Whole meetings on Monday, March 7, 2022; Monday, June 6, 2022; Monday, September 12, 2022; Monday, December 12, 2022, Benton County Human Services Third Floor Conference Room, Foley, 9:00 AM. Motion carried unanimously.

The Regular Board Meeting adjourned at 11:16 AM.

ATTEST:

Steven J. Heinen, Chair
Benton County Board of Commissioners

Montgomery Headley
Benton County
Administrator