

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
APRIL 19, 2022

The Benton County Board of Commissioners met in regular session on April 19, 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 add the discussion of the One Watershed One Plan as the fourth topic under Land Services Director Roxanne Achman at 9:05 AM. Motion by Johnson and seconded by Gapinski to approve the amended agenda. Motion carried unanimously.

No one was present to speak at the Open Forum.

Motion by Popp and seconded by Johnson to approve Consent Agenda items 1 – 7: 1) approve the Regular Meeting Minutes of April 5, 2022 and authorize the Chair to sign; 2) approve the Committee of the Whole Meeting Minutes of March 8, 2022 and authorize the Chair to sign; 3) approve the Committee of the Whole Meeting Minutes of March 22, 2022 and authorize the Chair to sign; 4) accept and file the Management Team Meeting Minutes of January 13, 2022; 5) approve a resolution to re-confirm the 2012 County Commissioner Districts still valid after the 2020 US Census and authorize the Chair to sign; 6) accept and file a summary of the April 5, 2022 Department Head Performance Evaluations; 7) accept and file the Administrator's Monthly Financial Report. Motion carried unanimously.

Next on the agenda was Land Services Director Roxanne Achman to consider Ordinance #484 to rezone 56 acres from the "B-1" Business District to the "B-2" Business Enterprise District. Achman stated the applicant has requested to continue the public hearing to a later date. Applicant JuneMarie Friedrich of Reliastone, LLC requested to continue the public hearing to a later date to allow time to gather information to address the Planning Commission's concerns. Achman stated that per statute, the County Board must act within 60 days of submission of a completed re-zoning application. Achman asked Freidrich if she wished to waive the 60-day rule. Freidrich agreed.

The public hearing on the rezoning request opened at 9:05 AM. Greg Bruestle of 11825 16th Ave NE Rice, MN 56367 shared his concerns regarding the lack of acceleration and turn lanes and speeds on Highway 10. Bruestle also stated that the Planning Commission voted 8-0 to deny the request. Jim Hovde of 160 North Freedom Rd, Rice, MN 56367 shared his concerns regarding the access at 115th and 116th to Highway 10 and requested the County Board take into consideration the safety of the crossing traffic from Township roads onto Highway 10. Gordon Otto of 16th Ave NW Rice, MN 56367 added that he is not in favor of the speeds in the area; and fertilizer plants and recycling going in the area. Achman stated that the only email or letter or other communications received was that from Watab Township Supervisor Julie Johnson. Achman read the following email that was received into the record:

Hello Benton County Board & Staff,

I would like to give you an update from the Watab (Township) Board as to what we discussed at our last meeting on Tuesday, April 12th, 2022 concerning the rezoning request of Reliastone. My email did not get sent properly so it missed the Planning and Zoning meeting.

The board voted to approve the request to rezone to B2 with no conditions.

In our road discussion portion of the meeting, we discussed the condition of 105th Street NW and 115th Avenue NW (both Watab Township roads). Watab Township "shares" this road with Langola Township. However, Watab maintains the entire portion of 105th Street NW west of Little Rock Lake, Langola maintains 105th east of the lake.

Watab Township has many businesses/residential neighborhoods located within the Highway 10 corridor and their only access is Highway 10. While it can be difficult to get off and onto the Highway on Fridays from 3-6pm, all other times they are able to navigate traffic successfully. Issues of trucks and trailers onto and off of Highway 10 is not a concern of ours. A list of these businesses include:

Saldana Concrete, heavy trucks, conveyors, pump trucks

Saldana Excavating, Heavy trucks and trailers

K Johnson Construction, Trucks Trailers & a conveyor.

Oak Hill Golf Course residences

Westside of 85th Street NW residences

Poirier Trucking

Performance Foods, Rice MN

RDO Equipment, Heavy equipment, trucks and trailers

Unique Movers, trucks and trailers

Zwilling Tree Service, Trucks and trailers

As to the concerns of 105th & 115th Avenue NW, both of these roads are in poor condition and are part of our ongoing discussion for rebuilding. 105th particularly had a bad winter and is in disrepair. When the township rebuilds roads, we are building them to a 9 ton specification.

After I had discussions with Jeff and Tom Friedrich last week I sent an email to MNDOT (St. Cloud) and asked for their guidance for their exit and entrance off of Highway 10. I also asked if it was possible to change the angle of the 105th entrance to a 45 degree angle from its current approximate 35 degree angle for greater safety access. I am waiting for their response and will send it to you when I receive it.

I hope you will consider tabling the vote on the rezoning at the board meeting and ask that the board send it back to Planning and Zoning to allow the Friedrich's the chance to address that board's concerns.

I was unable to attend last week and would have rearranged my schedule had it been known that traffic was such a concern for this large commercial parcel and a part of the zoning process.

Sincerely,

Julie Johnson

Watab Township Supervisor

320-248-5245

Achman stated that the Department has not received any other comments or concerns from any State agencies, cities or townships on this agenda item. Also, there was no official action required by the affected Township. Popp stated that Julie Johnson's letter was not heard by the Planning Commission. Achman stated we can send this request back to the Planning Commission to be reconsidered. Popp, Gapinski and Heinen stated that they do not want to go against a decision by the Planning Commission, however, the email from Julie Johnson would be new information to be considered by the Planning Commission. Johnson added that the Planning Commission would appreciate seeing the email from Julie Johnson, and by doing this, the County Board is not overruling the Planning Commission by sending it back. Johnson stated the Planning Commission was only looking at the rezoning request at the time it was denied, and they did not have the additional information provided by Julie Johnson. Motion by Johnson and seconded by Heinen to table this topic and to send it back to the Planning Commission's next meeting on May 26, 2022, to then continue the public hearing to the June 7, 2022 Regular Board Meeting. Motion carried unanimously.

Next, Achman requested the County Board to consider a resolution amending, terminating, and dissolving the St. Cloud Area Joint Planning District (JPD). Achman stated staff from Stearns County and the City of St. Cloud recently had discussions about the St. Cloud Area Joint Planning District that was established by the 1997 State of Minnesota Community-based Planning Act. Achman added that Matt Glaesman, the Community Development Director with the City of St. Cloud provided a summary and the history of the St. Cloud Area Joint Planning District Board (JPDB). Achman added that based on email conversations between participating jurisdictions, it is the desire of most jurisdictions to terminate and dissolve the JPDB due to there no longer being a need for such a body. The JPDB last met around 2015. Achman added that there remains approximately \$11,000 of funds in the JPDB account. The funds will be refunded equally to each jurisdiction (\$1,240 each). Motion by Popp and seconded by Johnson to approve the resolution amending, terminating, and dissolving the St. Cloud Area Joint Planning District. Motion carried unanimously.

Next, Achman provided an update on the Eagle View Commons Loan Program, the clean-up efforts on the King's Inn site, and the Local Board of Appeals & Equalization for informational purposes only. There was no action taken; no motion was made.

Next, Achman and Assistant County Attorney Michelle Meyer queried how the County Board wished to move forward with the Mississippi River-Sartell One Watershed One Plan agreement. Meyer stated that a Joint Powers Agreement would be the best option, and another option would be to have the Benton Soil and Water Conservation District (SWCD) be the fiscal agent via a Memorandum of Understanding (MOU). Benton SWCD District Manager Gerry Maciej stated the Benton SWCD Board favors a Joint Powers Agreement, which they would administer on the County's behalf. Maciej added this view stays in line with advice from the County Attorney's Office. This topic was for informational purposes, no action was taken; no motion was made.

Next, Sheriff Troy Heck Requested the County Board approve the proclamation declaring May 1st to May 7th 2022 as National Correctional Officer's week. This designation honors the men and women of our nation's jails and prisons who do the difficult and dangerous job of ensuring that those arrested for and convicted of criminal offenses are safely housed during their incarceration. Correctional Officers in Benton County, and all over this country, do a difficult job that requires them to be ready to deal with violent, mentally ill, and dangerous inmates. Their job is truly not for the faint of heart and we are fortunate to have a talented and dedicated group of professionals doing this job in Benton County. Motion by Gapinski and seconded by Schlangen to approve the proclamation for National Correctional Officer's Week in Benton County from May 1st to May 7th, 2022. Motion carried unanimously.

Next, Auditor-Treasurer Nadean Inman requested the Board's approval to use the VEGA-3 election equipment grant along with \$59,500 of county funds to purchase new accessible voting equipment (Omni Ballot Tablets) to ensure continued compliance with federal and state laws. This was continued from the April 5, 2022 Regular Board Meeting. Inman stated that on December 14th, the County Board signed a resolution giving permission to the Auditor-Treasurer's office to apply for the VEGA-3 election equipment grant. As stated in the April 5th Board Meeting, the Minnesota Secretary of State's office awarded Benton County with a VEGA-3 grant award of \$37,180.38 for the purchase of Omni Ballot Tablets to replace the aging AutoMark assistive voting devices. As with previous VEGA grants, the county is required to provide 50% matching funds. This grant money must be used by the end of April or returned to the State. Assistive Voting Devices are required by both state and federal law to be at polling places for all federal and state elections as well as township elections in towns with more than 500 registered voters (currently 10 out of 12 towns). Inman added that they did not know this grant was coming, so this would have been difficult to know what to budget for. Gapinski stated that he is in favor of using this grant, but we need to figure out where the other funds are coming from. There was a suggestion to have a conversation in the future with the cities and townships on cost sharing of the election equipment going forward. Motion by Popp and seconded by Gapinski to approve to use the VEGA-3 election equipment grant along with \$59,500 of county funds to be taken out of the County's reserves to purchase the new accessible voting equipment (Omni Ballot Tablets). Motion carried unanimously.

The Regular County Board meeting was recessed at 10:15 AM to conduct a Human Services Board Meeting.

The Regular Board meeting reconvened at 10:16 AM.

Next, Headley requested the County Board to consider a resolution establishing an allocation plan for the County's American Rescue Plan Act Funds but noted additional discussion will be needed before a final, detailed plan can be adopted. Headley stated that Benton County will receive a grant totaling \$7,942,209 from the federal government under the American Rescue Plan Act of 2021. Headley reviewed obligations of ARPA funds that have already occurred, primarily for broadband purposes. Johnson suggested that after a meeting with broadband providers on April 26th, the County will have a better idea of how much we should allocate towards broadband. Headley added the proposals from broadband providers suggest a range of County contributions from \$5 million up to \$8 million. Popp

stated he is not comfortable spending \$5 million on broadband. There was a consensus among the County Board to set a Committee of the Whole meeting to discuss the allocation of the ARPA funds after the findings of the broadband meeting on April 26th.

Regular Board Meeting recessed at 10:26 AM to conduct a Ditch Authority Meeting.

Regular Board Meeting reconvened at 11:33 AM.

There were no additional comments by Commissioners under Comments by Commissioners (general comments by Board Members on Topics not requiring County Board action).

Motion by Johnson and seconded by Gapinski to set the future Committee of the Whole (COW) Meetings: Thursday, April 28, 2022 discussion of ARPA Funds, Sauk Rapids Government Center, Sauk Rapids, MN 56379 at approximately 9:00 AM or upon conclusion of the Benton Economic Partnership Quarterly Meeting. Motion carried unanimously.

Motion by Johnson and seconded by Heinen to conduct two consecutive closed meetings of the County Board: 1) the first under MN Statutes §13D.05, Subdivision 3, to develop or consider offers or counteroffers for the purchase or sale of real or personal property. Headley stated that before holding a closed meeting under this paragraph, the public body must identify on the record the particular real or personal property that is the subject of the closed meeting, which would be for parcels number 13.00302 and 13.00731 (known as the old High School property); 2) the second closed meeting of the County Board under MN Statutes §13D.05, Subdivision 3 (b), as permitted by the attorney- client privilege to discuss a legal dispute over a Human Services client's residency with Carver County and the payment of placement costs. The proposed language was agreeable to the motion-maker and the second. Motion carried unanimously.

Motion by Popp and seconded by Johnson to adjourn the closed session at 12:15 PM. Motion carried unanimously.

ATTEST:

Steven J. Heinen, Chair
Benton County Board of Commissioners

Montgomery Headley
Benton County Administrator