

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MAY 17, 2022

The Benton County Board of Commissioners met in regular session on May 17, 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 add the enactment of emergency water surface restrictions on Little Rock Lake as the second item under Sheriff Troy Heck at 9:05 AM; to consider a Resolution declaring a State of Emergency in Benton County due to flood damage from the week of May 9, 2022 by Emergency Management Director James McDermott to be discussed between Heck and Public Works Director Chris Byrd's Regular Agenda items; to add the discussion of County Road 62 by Commissioner Johnson as the last item under Byrd at 9:10 AM; and the discussion of email communication by Heinen as the third item under County Administrator at 9:35 AM. Motion carried unanimously.

No one was present to speak under Open Forum.

Motion by Popp and seconded by Gapinski to approve the Consent Agenda items 1 - 12: 1) approve the Regular Meeting Minutes of May 3, 2022 and authorize the Chair to sign; 2) approve the Committee of the Whole Meeting Minutes of April 28, 2022 and authorize the Chair to sign; 3) approve an agreement for indirect cost allocation studies with Maximus Consulting Services and authorize the Chair to sign; 4) approve a Resolution to transfer funding to the Economic Development Revolving Loan Funds and authorize the Chair to sign; 5) approve a Resolution to increase the County Board Contingency Account and authorize the Chair to sign; 6) approve an application for Exempt Permit, with Resolution for Clear Lake Lions to hold a raffle at Jack & Jim's Convention Center and authorize the Chair to sign; 7) approve an application for a 1 – 4 day temporary On-Sale Liquor License to St. Lawrence Catholic Church and authorize the Chair to sign; approve an application for County Combination On-Sale, and Off Sale & Sunday Sale Liquor Licenses for Rumors Bar & Grill and Henry's Catering and authorize the Chair to sign; 9) approve three-year contracts for local assessing services for Maywood, Glendorado, and St. George Townships between Benton County and the local assessor and authorize the Chair to sign; 10) approve the assessing contracts with the following jurisdictions: the City of Foley and Townships of Glendorado, Sauk Rapids and Graham and authorize the Chair to sign; 11) approve the Special Road Use Permit for Gilman Days and authorize the Chair to sign; 12) Accept and file the Veterans Service Officer's Quarterly Report. Motion carried unanimously.

Next, Sheriff Troy Heck gave a presentation of the Sheriff's Office Annual Report for informational purposes only. No action was taken; no motion was required.

Next, Heck requested an enactment of emergency surface water restrictions due to recent heavy rains, which have resulted in very high-water levels on Little Rock Lake. These high-water levels have

generated concerns for shoreline erosion and damage to resident's docks, lifts, and other water structures. Minnesota Rule 6110.3700 Subp. 9 authorizes counties to enact temporary special controls on surface water during local emergencies. These special controls may be in place for up to 30 days. Heck stated the Benton County Sheriff's Office has posted no wake signs at public landings seeking voluntary compliance from boaters. An emergency surface water control would provide our office with an enforcement mechanism for those who failed to comply. Heck is requesting the County Board to enact a no-wake zone within 150 feet of shore over the entire surface of Little Rock Lake until May 31, 2022. Motion by Popp and seconded by Gapinski to enact a no-wake zone within 150 feet of shore over the entire surface of Little Rock Lake through May 31, 2022. Motion carried unanimously.

Next, Emergency Management Director James McDermott requested the County Board to consider a Resolution declaring a State of Emergency in Benton County due to flood damage from the week of May 9, 2022. McDermott requested the County Board reach out to the local Townships to encourage them to report the damages from the recent storm. McDermott stated that Benton County would need \$84,000 in damages from the storm to qualify for state funding, and twice that amount to qualify for funding from FEMA. McDermott stated he will be reporting the costs of damages to Benton County either Thursday or Friday this week. Motion by Johnson and seconded by Heinen to approve the Resolution declaring a State of Emergency in Benton County due to flood damage from the week of May 9, 2022. Motion carried unanimously.

Next, Byrd requested the County Board to approve a construction contract for a 2022 gravel crushing project. Byrd stated that this year we anticipated the total price of the contract to be less than \$175,000 which is the threshold we must use for a sealed bid process. Byrd stated that they were informed that the lowest bidder last year, sold their company and is no longer in business. Byrd stated that we received only 1 quote from Hard Rock Screening of Little Falls, MN. The lone quote we received was for \$3.60 per cubic yard for a total price of \$72,000 for 20,000 cubic yards of crushed gravel. Last year's bid from Hard Rock Screening was \$2.56 per cubic yard which would be a 40% increase for this year. Motion by Gapinski and seconded by Johnson to award a construction contract with Hard Rock Screening for 2022 gravel crushing project and to crush up to 25% over the 20,000 cubic yards with the discretion of the County Engineer. Motion carried unanimously.

Next, Byrd requested the County Board adopt a resolution to award a construction contract for CP 005-2022BO for seasonal bituminous overlays. Motion by Popp and seconded by Johnson to award a construction contract to the lowest responsible bidder for CP 005-2022BO for seasonal bituminous overlays and to use funds from the Road and Ditch Maintenance funds. Motion carried unanimously.

Motion by Gapinski and seconded by Johnson to recess the Regular County Board meeting at 9:58 AM to conduct two closed sessions. The first session, under MN Statute §13D.05, Subdivision 3(b) as permitted by the attorney client privilege for the purpose to discuss litigation regarding the appeal of a decision of the St. Cloud Zoning Board of Appeals to grant a variance to a homeless shelter in East St. Cloud known as Dallas Place. The second closed session under MN Statute §13D.05, Subdivision 3(b) as permitted by the attorney client privilege for the purpose of discussing litigation involving a former employee alleging a violation of the federal Family Medical Leave Act. Motion carried unanimously.

The Regular Board meeting reconvened at 10:38 AM.

Next, Byrd requested the County Board to consider a Master Partnership Contract between MNDOT and Benton County. Byrd explained this agreement allows us to provide services to each other. The most common service we receive from MNDOT is Bituminous Plant Inspection. This is a highly technical and specialized inspection of the contractor-owned plants that produce bituminous material for our various construction projects. It is cost-effective for us to utilize MNDOT for this service because in the St. Cloud Metro area, the same plant will be producing material for County projects and MNDOT projects. The MNDOT technician can certify for both projects at the same time. This is a renewal of an identical contract approved in 2017. Motion by Popp and seconded by Johnson to approve resolution and the Master Partnership Contract with MNDOT. Motion carried unanimously.

Next, Byrd requested the County Board consider a County Surveyor Contract with Wittstock Consultants, Inc. for County surveyor services. The County mutually ended the previous contract with Sambatek for County surveying services. The County would like to move forward with a contract with Jay Wittstock of Wittstock Consultants. This contract is materially identical to the previous contract with Sambatek. Motion by Johnson and seconded by Gapinski to approve the County Surveyor Contract with Wittstock Consultants, Inc. Motion carried unanimously.

Next, Byrd requested the County Board consider a Professional Services Agreement with SEH for design of fiber construction project. Byrd stated the Board is aware that MNDOT would like to install conduit for future installation of fiber as part of the Benton County project. There are additional design costs to add those features into the construction project, and the additional work associated with the wetland notification requirements due to additional features. SEH is asking for a contract amendment for these additional tasks. The total amount requested is \$8,000. Byrd stated that \$6,500 would be reimbursed by MNDOT because of their obligation to the project and Benton County would be responsible for the remaining \$1,500. Motion by Gapinski and seconded by Johnson to approve the Professional Services Agreement with SEH for the design of fiber construction project. Motion carried unanimously.

Next, Byrd provided information to the County Board regarding the notice of receiving Federal Transportation Alternatives grant. This item was for informational purposes only. No action was taken; no motion was made.

Next, Byrd provided information to the County Board regarding the notice of receiving Federal BROS funding to replace 2 bridges on County Roads (bridge 05505 and bridge 05518). This item was for informational purposes only. No action was taken; no motion was made.

Next, Johnson asked Board Members to consider the future of County Road (CR 62) pending future construction in the area. This was for informational purposes. No action was taken; no motion was made.

The Regular County Board meeting was recessed at 11:09 AM to conduct a Human Services Board Meeting.

The Regular Board meeting reconvened at 11:10 AM.

Next, Property Management Director Jeff Dingmann requested the County Board consider an Online Park Campground Reservation System. One system that is being considered is from RT Vision. One advantage of RT Vision is the County already obtains software from it (including Highway Cost Accounting and Timesheets). Also, RT Vision works with Forte, our current credit card vendor. At present, campground users must pay in cash or check and are not able to reserve campsites in advance, which requires County staff to handle cash and checks weekly. The new system will allow users to reserve and pay for Lakeview Center and shelters online, and it will give park users the reservation system they expect and the ability to pay by credit card. Staff would no longer need to handle cash and check deposits, nor manage facility rentals over the phone. Motion by Gapinski and seconded by Johnson to bring a contract with RT Vision for a campground reservation system back to the County Board for approval, and to use ARPA funds to cover the cost of the campground reservation system. Motion carried unanimously.

Next, County Administrator Montgomery Headley requested the County Board review the draft budget development guidelines and budget development for 2023. Headley requested the County Board keep the week of August 8th through the 12th open for budget presentations from department heads, as well as September 26, 2022 to adopt the proposed budget for 2023. Headley will bring this back for final adoption the first meeting in June. This item was for informational purposes, no action was taken; no motion was made.

Next, Heinen wanted to discuss emails that are being sent to the County Board. It was concluded that departments should not send “substantive” emails to County Board members seeking decisions, reactions, or any other type of responses; a topic should never be addressed exclusively via email; emails that are purely informational are fine; and to always use the “bcc” address line when addressing the County Board. This item was for informational purposes only; no action was taken; no motion was made.

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

There were no Comments by Commissioners at this time.

Gapinski/Johnson to set Committees of the Whole: Tuesday, May 31, 2022, CarCo Project Meeting at Watab Township Hall, 660 75th St NW Sauk Rapids, MN 56379, 1:00 PM. Motion carried unanimously.

Motion by Johnson and seconded by Popp to adjourn the Regular Board Meeting at 12:13 PM. Motion carried unanimously.

ATTEST:

Steven J. Heinen, Chair
Benton County Board of Commissioners

Montgomery Headley
Benton County Administrator