

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JUNE 21, 2022

The Benton County Board of Commissioners met in regular session on June 21, 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.

Motion by Popp and seconded by Johnson to approve the agenda as written. Motion carried unanimously.

There were two members of the public present to speak at the Open Forum. The first one was Mr. Ken Schwinghammer of 700 HWY 10 N, St. Cloud, MN 56304 who wanted to bring attention to the County Board regarding a property dispute between himself and his renter. Mr. Schwinghammer stated that the renter has approximately 5,000 tires on the back half of his property that the renter is not supposed to be using and has been to court on this matter and the tires have not been removed. Land Services Director Roxanne Achman stated this is a city matter and not with the County. Heinen and Gapinski asked Achman to assist Mr. Schwinghammer with resources on this matter.

The second member from the public was Spencer Buerkle of 611 7th Street North, Sauk Rapids, MN 56379 who had a few comments on elections and how it affects the Commissioners. Mr. Buerkle stated the Commissioners do not have a big role in the election process itself, and that was left up to the Auditor-Treasurer's Office. Mr. Buerkle noted that this year is a unique situation where there are two employees from the Auditor-Treasurer's office that are running for elected positions that will also be counting ballots. Mr. Buerkle stated this should be handled with utmost care, and it is good business to have a better understanding of the voting process.

Johnson requested to Pull Consent Agenda item # 7. Motion by Gapinski and seconded by Johnson to approve Consent Agenda items 1 - 6 and 8 - 11: 1) approve the Regular Meeting Minutes of June 7, 2022 and authorize the Chair to sign; 2) approve the Committee of the Whole Meeting Minutes of May 31, 2022 and authorize the Chair to sign; 3) approve the Committee of the Whole Meeting Minutes of June 6, 2022 and authorize the Chair to sign; 4) accept and file the Management Team Meeting Minutes of April 14, 2022; 5) approve a Resolution approving an application to the Greater MN Parks and Trails Commission for Legacy Grant funding and pledge local matching funds and authorize the Chair to sign; 6) approve the application for Minnesota Lawful Gambling to conduct Off-Site Gambling with Resolution for St. Lawrence Parish and authorize the Chair to sign; 7) approve an application for County Combination On-Sale, Off Sale & Sunday Liquor License for Two Rivers Campgrounds, Granite City Motor Park, Molitor's Quarry Grill & Bar, and Northern Oaks Events, LLC and authorize the Chair to sign; 8) approve the Multifunction Printer Copier Lease Renewal with Marco and authorize the Chair to sign; 9) approve the AIS Little Rock Lake Association Purchase Money Security Agreement for an Eco-Harvester and Transport Trailer and authorize the Chair to sign; 10) approve the donation of \$1,310 from the Drug

Awareness Resistance Education Fund of Central Minnesota Community Foundation and authorize the Chair to sign. Motion carried unanimously.

Johnson requested clarification on Consent Agenda item 7 regarding the application for Local Option Disaster Abatements and Credits for Taxes Payable Year 2022 and Local Option Disaster Credit Tax Year 2023 for parcel 03.00479.00. Deputy Auditor Heather Bondhus stated that Ms. Rose Marie Oswald submitted the application due to an accidental fire on February 27, 2022 and the house was deemed uninhabitable. On the application, Ms. Oswald noted that the house will not be rebuilt however a three-season porch will remain. County Assessor Brian Folden stated that the property was viewed, and Folden determined that the land value pre and post damage was \$42,800, but the improvements before the damage were valued at \$86,500 and after the damage were \$9,400. Total reduction in value is \$77,100 which is 89.1% of the home's value (improvements) pre-fire. The home was uninhabitable after the fire occurred in February (10 out of 12 months of the year). Motion by Johnson and seconded by Gapinski to approve Consent Agenda 7 for the Application for Local Option Disaster Abatements and Credits for Taxes Payable Year 2022 and Local Option Disaster Credit for Tax Year 2023 for parcel 03.00479.00. Motion carried unanimously.

Next on the Agenda was the recognition of the Benton County Jail Staff as our 1st Quarter Employee Recognition Winners. It is Benton County Policy to recognize workers that go above and beyond in their daily work. There are four categories of awards: Customer Service; Innovation and Efficiency; Employee Safety/Injury Reduction; and Inspirational Leader. The Benton County Jail Staff were nominated by Sheriff Troy Heck and selected in the category of "Customer Service". Heck stated that in the face of unprecedented change, staff shortages, and a crisis of both physical and mental health our jail staff have done their job with excellence. Jail Administrator Sharlene Novak was present to receive the award on behalf of Benton County's Jail Staff.

Next, County Engineer Chris Byrd presented the Veteran's Memorial Roadway Signage. As an agreement between the Foley American Legion and the Benton County Highway Department, CSAH 4 between Foley and Mille Lacs County line has been designated as Veterans Memorial Road. There will be two signs placed on this road indicating this designation. The Foley American Legion is paying for the signs and Maintenance will install them. Duane Walter, Joe Kaproth and Gary Gruba on behalf of the Foley American Legion were present to accept the signs on behalf of the Legion.

Next, Byrd provided an Engineer's Update. This was for informational purposes only. No action was taken; no motion was made.

Next, Heck presented the Jail Inspection Report. Heck stated that on May 17, 2022 the Minnesota Department of Corrections (DOC) inspected the Benton County Jail for compliance with DOC rules. The Benton County Jail earned compliance ratings of 98% and 100% on mandatory and essential requirements, respectively. The inspector commented that our facility operates at a high level of compliance and that our substantial programming efforts were maintained during the pandemic. No action was taken; no motion was made.

Next, Motion by Johnson and seconded by Popp to set the Committees of the Whole: Tuesday, June 28, 2022 Open House at the St. Cloud Waste Water Treatment Facility at 525 60th St S, St. Cloud, MN 56301 at 1:00 PM; Tuesday, July 12, 2022 5-Year Road Plan update, Insurance Policy, and County Ditch update by Byrd at 8:00 AM in the County Boardroom, and the Tobacco Ordinance Policy Discussion with Human Services' Public Health at 10:00 AM in the County Boardroom; Tuesday, July 19, 2022 County Board Recognition of Employee Years of Service Milestones beginning at the Sheriff's Office at 7:00 AM, Public Works Building at 7:30 AM, Human Services 3rd Floor Conference Room at 8:00 AM, and the County Boardroom at 8:30 AM. Motion carried unanimously.

The Regular County Board meeting was recessed at 9:39 AM to conduct a Human Services Board Meeting.

The Regular Board meeting reconvened at 9:49 AM.

Next, Land Services Director Roxanne Achman requested the County Board consider a continuation of a six-year contract with Pictometry for aerial photography. Pictometry has been utilized in the County since 2006 and has proven to be a useful tool for several departments throughout the County. These photos have become integral in doing daily activities in Planning & Zoning, Assessing and Public Works. The Sheriff's Office and Auditor-Treasurer's Office utilize the photos as well. The most current aerial photo was taken in 2020. The previous contract was \$119,304.00. This contract is \$106,920.00. The decrease in cost is due to the advances in technology. A 10% reduction was applied to all contributing fund accounts. The proposed contract is for two flights (2023 and 2026) over the next 6 years. Funding will be used from the same accounts as the previous contract (Planning & Zoning, Highway, Recorder, IT and Sheriff). The majority of funding is obtained from restricted funds. Motion by Gapinski and seconded by Johnson to approve the continuation of a six-year contract with Pictometry for aerial photography. Motion carried unanimously.

Next, Achman requested approval of the Memorandum of Understanding (MOU) for the Mississippi St. Cloud Watershed water management planning process. In 2015, the state initiated the transition from water management planning on a county scale to water planning on a watershed scale. Benton County is a required party of the 1W1P for this watershed. The purpose of this agreement is to collectively develop and adopt, as local government units, a coordinated watershed management plan for implementation per the provisions of the Plan. Parties signing this agreement will be collectively referred to as the Mississippi River St. Cloud Watershed Collaborative. This agreement will only cover the planning process and adoption of the plan. Once a plan is developed and adopted by the parties, then the next phase for implementation will be handled by a separate agreement. Senior Assistant County Attorney Michelle Meyer stated that we are waiting for a few small clarifications on the MOU. Motion by Johnson and seconded by Heinen to table this discussion until the next Regular Board Meeting on Tuesday, July 5, 2022. Motion carried unanimously.

Next, Achman informed the County Board of the Joint Powers Agreement for the implementation of the Rum River Comprehensive Water Management Plan. In 2015, the state initiated the transition from water management planning on a county scale to water planning on a watershed scale. The Rum River is

the first watershed plan that Benton County has been involved in. Benton County is not a required party of the Rum River 1W1P, however, the County has chosen to participate and have representation in the process and plan. The JPA creates a Board, Joint Powers Entity (JPE), and sets the framework for implementation of the Rum River Comprehensive Water Management Plan. The JPE and the Rum River Comprehensive Water Management Plan can be adopted simultaneously, however, the JPE should not be adopted until the Plan is adopted. The Benton Soil and Water Conservation District is set to review and act upon the JPA and Plan at their regularly scheduled meeting on June 22nd. Staff plan to bring the JPA and Plan to the County Board for action in July. Motion by Heinen and seconded by Johnson to table the JPA for the implementation of the Rum River Comprehensive Water Management Plan to the July 5, 2022 Regular Board Meeting. Motion carried unanimously.

Next, Human Resources Director Johanna Mattson requested the County Board to consider a transition to a new provider for the County's VEBA, HSA, and Flexible Spending Accounts. Further, the County's current plan administrator for our VEBA, HSA, and Flexible Spending accounts was acquired by a company (HealthEquity) that will not administer VEBA plans. This requires the County to find a new plan administrator. It seems efficient to also move our HSA and Flexible Spending accounts to a new provider. Our broker (Marsh McLennan Agency) recommends we switch to WEX. Marsh informs us that many public employers in Minnesota that have VEBA plans are now switching to WEX. For today's action, Mattson is requesting the County Board to approve a letter informing Further we are moving our VEBA trust account to a new trust provider. And second, Mattson is requesting the County Board approve a Resolution saying we are terminating our current VEBA trustee agreement. Other agreements will be forthcoming so that we can meet the September 1, 2022 deadline transition. Motion by Gapinski and seconded by Popp to approve a letter to Further to move our VEBA trust to Employee Benefits Trust/Minnesota Service Cooperatives VEBA Plan. Motion carried unanimously. Motion by Gapinski and seconded by Schlangen to approve a Resolution to terminate the current VEBA trust agreement with Further and Matrix Trust Company. Motion carried unanimously.

Motion by Heinen and seconded by Johnson to recess the Regular Board Meeting at 10:12 AM to conduct a closed meeting of the County Board under MN Statutes §13D.05, Subdivision 3(b), as permitted by the attorney-client privilege to discuss litigation involving a former employee alleging a violation of the federal Family Medical Leave Act (FMLA).

Regular Board Meeting reconvened at 10:23 AM.

Under Comments by Commissioners, Heinen commented on the professionalism of the County Board, and to wear name tags when attending various events and meetings; Johnson sought out other Board member attendance at the next Soil and Water Conservation District meeting.

Motion by Heinen and seconded by Gapinski to recess the Regular Board Meeting at 10:45 AM to conduct the Ditch Authority Meeting. Motion carried unanimously.

Regular Board Meeting reconvened at 10:53 AM.

Motion by Johnson and seconded by Gapinski to recess the Regular Board Meeting at 10:54 to conduct a closed meeting of the County Board under MN Statutes §13D.05, Subdivision 3(b), as permitted by the attorney-client privilege to discuss litigation with the case of Benton County Board v. Nadean Inman, Auditor Treasurer with outside counsel.

Regular Board Meeting reconvened at 11:32 AM.

Motion by Gapinski and seconded by Johnson to adjourn the Regular Board meeting at 11:33 AM.

ATTEST:

Steven J. Heinen, Chair
Benton County Board of Commissioners

Montgomery Headley
Benton County Administrator