

BENTON COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
SEPTEMBER 26, 2022

The Benton County Board of Commissioners met in special session on September 26, 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.

There was no one present from the public to speak under Open Forum.

Popp requested to pull Consent Agenda item #5 for further discussion. Motion by Johnson and seconded by Gapinski to approve Consent Agenda items 1 – 4 and 6: 1) approve the Regular Meeting Minutes of September 6, 2022 and authorize the Chair to sign; 2) approve the Committee of the Whole Meeting Minutes of September 7, 2022 and authorize the Chair to sign; 3) approve the addendum to the agreement with the University of Minnesota Extension for Extension Contracted Positions and authorize the Chair to sign; 4) approve an application for a 1 – 4 Day Temporary On-Sale Liquor License to St. Cloud HOG (Harley Owned Group); 6) accept and file the Veteran Services Officer’s Quarterly Report. Motion carried unanimously.

Next, Popp had requested clarification on Consent Agenda item #5 regarding the amendment to County Jail Food Service Contract with Summit Food Service, LLC. Sheriff Troy Heck stated that the proposed amendment to this food service contract will provide for pricing on our food service from December 1st, 2022 through November 30, 2023. In the 2023 budget request, the line item for inmate food and beverages was increased by 4.6%. Heck stated we have a year-to-year contract with Summit and that this increase is not “over and above” any amount in the original agreement. Motion by Popp and seconded by Johnson to approve Consent Agenda item #5 to approve the amendment to County Jail Food Service Contract with Summit Food Service, LLC and authorize the Chair to sign. Motion carried unanimously.

Next, Community Health Administrator Jaclyn Litfin, along with Community Health Specialist Mariah Klein requested to conduct a Public Hearing regarding the proposed revisions to the Benton County Retail Tobacco Licensing Ordinance. The changes would affect retailers licensed by the County only. It would not apply to Foley, Sauk Rapids, St. Cloud or Sartell. These Cities issue their own tobacco licenses under City ordinances. The proposed changes include:

- updated definitions to meet standard state and federal definitions (section 300, subds. 1-23)
- capping the number of licenses issued to tobacco shops at zero (section 400, subd. 14)
- seizing of false identification (ID) (section 700, subd. 2B)
- restricting the sale of flavored tobacco products, including mint/menthol products (section 700, subd. 3)
- increased administrative penalties for violation (section 1200, subd. 1)

Litfin stated that Minnesota is experiencing a youth tobacco use epidemic, and requested that after today's public hearing, the County Board approve the Tobacco Ordinance with the County Board's recommendations. Litfin stated that through the Statewide Health Improvement Partnership (SHIP) grant, Benton County Public Health staff are working in collaboration with local partners, including schools, law enforcement, health care, various county departments, and youth on commercial tobacco prevention and control initiatives; one of them being to strengthen local commercial tobacco policies. Litfin stated that they had received 101 youth support post cards and 50 adult support post cards.

The public hearing opened at 9:12 AM for the Tobacco Ordinance. Present to speak and to share support of the ordinance were Brad Bergstrom, Superintendent of Sauk Rapids-Rice Public Schools; Jennifer Kenning, Student Assistance Coordinator at Sauk Rapids-Rice Public Schools; Paul Neubauer, Superintendent of Foley Public Schools; Dr. Kim Tjaden, Community Health Medical Director at CentraCare; Dani Protivinsky, Director of CentraCare Community Wellness; Sheila Wheeler, parent and Teacher at Foley Public Schools; Joe Mellgren, parent and Dean of Students at Foley Public Schools; Marley Wheeler, Student/Senior at Foley High School; and Brittany Mellgren, Student/Senior at Foley High School. The public hearing closed at 9:45 AM.

When asked about any emails, letters or other communications to be read into the record, Klein referenced the 25 letters of support that were included in today's Special Meeting Board Packet, along with 101 youth post cards and 50 adult post cards showing support of passing the Tobacco Ordinance. Litfin stated they had not received any comments or concerns from State agencies, cities or townships. No official action was required by an affected Township. Gapinski asked if there was any opposition regarding the proposed changes to the tobacco ordinance and Klein stated that she had only received questions about the ordinance, and not any opposition. Motion by Johnson to adopt the proposed revisions to the Benton County Retail Tobacco License Ordinance. Seconded by Gapinski. Motion carried unanimously.

Next, Land Services Director Roxanne Achman requested to conduct a public hearing to consider Ordinance #485 amending Benton County Development Code Ordinance #477. A recent inquiry from the public caused staff to further investigate the structure setbacks within the Shoreland District. Based on that research, staff is recommending amending the structure setbacks within the Shoreland District. Achman stated that as required by statute, the DNR has reviewed the proposed changes and has granted conditional approval subject to the County Board's approval and proper public notice. The public hearing for Ordinance #485 opened at 9:55 AM. No one was present in-person or virtually for the public hearing. The public hearing closed at 9:56 AM. Achman stated there were no emails, letters or other communications to be read into the record. The department has not received any comments or concerns from any State agencies, cities or townships. No official action was required by an affected Township. Motion by Johnson and seconded by Gapinski to approve Ordinance #485 amending Benton County Development Code Ordinance #477. Motion carried unanimously.

Next, Achman requested to conduct a public hearing on Minor final plat entitled "Hops Legacy" submitted by Allen J. Bauerly. Achman stated Mr. Bauerly is requesting to final plat 4 lots within Gilmanton Township off CSAH 13/Little Rock Rd NE and 95th St NE. The plat splits a parcel into four lots.

The plat was reviewed and approved by Gilmanton Township on September 6, 2022. The Planning Commission held a public hearing on the preliminary plat on September 8, 2022, at which time it was approved. Mr. Allen J. Bauerly of 2100 65th Avenue NE Sauk Rapids, MN 56379 was present to answer any questions the County Board may have regarding this request. The public hearing on Minor final plat entitled "Hops Legacy" opened at 9:58 AM. No one was present in-person or virtually to speak at the hearing. The public hearing closed at 9:59 AM. Achman stated there were no emails, letters or other communications to be read into the record. The Department has not received any comments or concerns from any State agencies, cities or townships. Achman reiterated that Gilmanton township, and the Planning Commission reviewed this request and are both in support. Johnson added that the Planning Commission was in favor of "Hops Legacy". Motion by Johnson and seconded by Popp to approve the Minor final plat entitled "Hops Legacy" submitted by Allen J. Bauerly. Motion carried unanimously.

Next, Achman requested approval of the Memorandum of Understanding (MOU) for the Mississippi St. Cloud Watershed water management planning process. Achman stated in July 2022, the Board adopted a version of this agreement that included the Clearwater River Watershed District. While that agreement was valid for all of the parties that executed it, BWSR rejected it. The current version removes all references to the Clearwater River Watershed District. There were no more material changes. Motion by Gapinski and seconded by Heinen to approve the MOU for the Mississippi St. Cloud Watershed water management planning process and to appoint Johnson to the Mississippi St. Cloud Watershed Committee. Motion carried unanimously.

The Special County Board meeting was recessed at 10:04 AM to conduct a Human Services Board Meeting.

The Special Board meeting reconvened at 10:04 AM.

Next on the Agenda was the 2021 Audit Exit Meeting from Clifton Larson Allen LLP. Motion by Popp and seconded by Johnson to table this item until the October 4, 2022 Regular Board Meeting. Motion carried unanimously.

Next, County Administrator Montgomery Headley requested the County Board adopt a proposed 2023 property tax levy and County budget. Headley requested the County Board consider a Resolution setting the proposed 2023 levy at \$22,585,122. Headley noted the major factors in the proposed 2023 budget and levy and asked that these factors be included in the record as follows:

1. The proposed 2023 levy increases 5.47%, or \$1,172,178 from 2023, to a total property tax levy of \$22,585,122 ("gross" percentage increase partially offset by expected 1.14% growth from new construction)
2. With this proposed change for 2023, the 10-year average levy change for Benton County is a 3.6% increase
3. The proposed levy increase falls below the 19.5% expected growth in the County's payable 2023 net tax capacity, which translates into a reduced County tax rate in 2023; the estimated 2023

County tax rate will fall from 54.7% to 28.28% of tax capacity (down from a peak of 77.74% in 2013)

4. Based on median house value of \$235,000 and expected 17% market value growth in 2023, a homeowner's County property taxes would increase \$70 in 2023, or \$5.83 per month
5. The proposed 2023 operating budget totals \$62,362,459, an increase of \$13,085,508, or a 26.6% increase from 2022; \$5.4 million of the increase is due to a larger 2023 road construction program; also, transfers increase \$5.4 million from the local road fund to support 2023 road projects
6. The proposed levy increase is comprised of the following major elements:

a. Employee compensation and benefits	\$960,545
b. End use of one-time ARPA funds for revenue losses	671,903
c. Expected increases in Human Services federal/state revenue	(433,215)
d. Reduced debt service levy (2017A bonds repaid)	(364,454)
e. Fully fund major equipment replacement plan in Highway	155,000
f. Increased fuel costs	130,000
g. All other operating and revenue account adjustments (net)	<u>52,399</u>
Total Levy Change for 2023	\$1,172,178
7. The proposed budget included the following "Policy Issues" from County Board action:
 - a. A Staff Appraiser position to allow the County to perform more property valuation work internally (and reduce its reliance on contracted local assessors)
 - b. Increasing the Highway crack filler budget by \$15,000 so that the Highway Department can do more road maintenance
 - c. Funds a "peer support" team in the Sheriff's Office to provide law enforcement personnel with mental health services
8. Employee compensation and benefits comprise the largest single item in the 2023 levy increase; the proposed 2023 budget funds general wage adjustments and step increases. Also, the proposed 2023 budget includes a 15% increase in employee health insurance premiums
9. The 2022 budget used \$671,903 in American Rescue Plan Act funds (COVID relief) to replace revenue losses related to the COVID pandemic; for Benton County, those losses occurred primarily in jail boarding and transportation funding; levy funds must now cover these one-time funds
10. The County's General Revenue fund balance at the end of 2021 stood at 6.8 months of expenditure coverage, versus a goal standard of 5 months expenditure coverage; the Human Services fund balance equaled 6.1 months of expenditure coverage at December 2021; with good reserve levels, the proposed 2023 budget uses \$700,000 from these tow funds to help bring the levy increase down.

Motion by Popp and seconded by Gapinski to approve a Resolution setting the proposed 2023 levy at \$22,585,122. Motion carried unanimously.

Next, in addition to setting the proposed 2023 levy, Headley requested a motion from the County Board to approve a Resolution establishing the proposed 2023 Benton County budget as presented. Motion by

Gapinski and seconded by Heinen to approve a Resolution establishing the 2023 Benton County budget as presented. Motion carried unanimously.

Next, Headley requested the County Board to announce the date and time of the Truth in Taxation Public Meeting. Motion by Popp and seconded by Heinen to conduct a Truth in Taxation Public Meeting on Thursday, December 8, 2022 at 6:00 PM in the County Boardroom. Motion carried unanimously.

Next, Headley requested the County Board to consider a grant agreement with the City of Sauk Rapids to provide American Rescue Plan Act (ARPA) funds to support residential development. The agreement would provide up to \$350,000 from the County's allocation of American Rescue Plan Act funds to the City of Sauk Rapids to help support the installation of water and sewer infrastructure for new residential lots in the City. The County and City would each provide \$7,500 per lot to a developer for the installation of water and sewer infrastructure to new residential lots. With this subsidy, the developer agrees to sell these residential lots for not more than \$49,900. Motion by Heinen and seconded by Gapinski to approve the grant agreement with the City of Sauk Rapids to provide ARPA funds to support residential development. Motion carried unanimously.

Next, Headley stated that the City of Sauk Rapids has requested reimbursement for its legal fees to review and revise the ARPA agreement with the County (for residential water/sewer subsidies). The amount being requested by law firm Rinke Noonan is \$7,024. Johnson suggested to wait until we get through this project because we will be in a better position at the end of our ARPA allocation period to address all cities who have approached Benton County with similar requests. Johnson motioned to table the discussion of the City of Sauk Rapids' request for reimbursement of its legal fees to review and revise the ARPA agreement with the County indefinitely. Seconded by Popp. Motion carried unanimously.

Last, Headley stated that during its 2022 "goal-setting" meeting, the County Board agreed to schedule a joint meeting with the Benton Economic Partnership (BEP) Executive Board. The BEP Executive Director suggests this meeting occur after the BEP Board's October 27, 2022 meeting. Headley requested topics of discussion from the County Board for the joint meeting. There was a consensus by the County Board that the topics of discussion would be: 1) City of Sauk Rapids Agreement; 2) Broadband update; 3) the D.C. Fly-In event and the economic impact on the 29 Corridor; 4) business recruitment; 5) loan program.

Next, Board members reported on recent meetings they attended on behalf of Benton County.

Under Comments by Commissioners, Heinen had received phone calls regarding signs blocking views on the road. The signs were not all political signs, some were signs with advertisements on them. Then, Gapinski stated he spoke with Commissioner Clark from Stearns County and was able to take the last spot on the NACo Broadband Committee.

There were no future Committee of the Whole Meetings to announce into the record.

The Regular Board Meeting was adjourned at 10:57 AM.

Steven J. Heinen, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator