

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
November 20, 2007

The Benton County Board of Commissioners met in regular session on November 20, 2007 in the Benton County Board Room in Foley, MN with Commissioners Dick Soyka, Joe Wollak, Duane Walter, Jim McMahon and Earl Bukowski present. Call to order by Chair Soyka was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Bukowski/McMahon unanimous to approve the agenda as written.

No one was present to speak under Open Forum.

McMahon/Wollak unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of November 6, 2007 as written; 2) approve the 2007 Audit Engagement Letter with *LarsonAllen* and authorize the Chair to sign; 3) adopt Resolution 2007-#29, accepting a donation of \$4,600 to *Bend in the River Regional Park* for building improvements, and authorize the Chair to sign; 4) adopt Resolution 2007-#30, approving Lease for Lawful Gambling Activity Renewal at the *Rum Shack Bar & Grill*, and authorize the Chair to sign; and 5) approve Final Contract Voucher for SAP 05-605-08 and SAP 05-605-11 (CSAH 5 from CSAH 7 to the East County Line) for *Knife River Corporation*.

Wollak/Bukowski unanimous to approve the 2008 County contribution levels for Single and Family Health Insurance as recommended by the Benefits Advisory Committee.

Bob Kozel, County Engineer, explained that the St. Cloud Area Planning Organization (APO) produces a prioritized list of projects eligible for Federal funding through technical and political competition each year, targeting the Federal Annual Appropriation funds available on an annual basis. He indicated that in order to demonstrate multi-jurisdictional support, the APO requests support by resolution from all member jurisdictions. Bukowski/McMahon to adopt Resolution 2007-#31, endorsing the St. Cloud Metropolitan Area prioritized project lists to be submitted to the United States Congress for Federal Fiscal Year 2009 appropriations funding consideration. Soyka stated his intent to vote “no” on the motion, pointing out that even though Benton County CSAH #29 is listed as #2 on the priority list, it was listed as #1 on last year’s list. He commented that “through the APO having more votes on the west side of the river than on the east side of the river, CSAH #29 slipped to #2”. Soyka further stated “we were #1 last year and we didn’t get funded—we should be #1 this year”. McMahon, Bukowski and Wollak added their comments that although the decision made by the APO Board was a disappointment to Benton County, there is a need to continue to work cooperatively with our area partners. Motion carried with Bukowski, McMahon, Wollak and Walter voting aye and Soyka voting nay.

Engineer’s Report: 1) bituminous work completed for the year; 2) highway crew completion of annual defensive driving program; 3) right-of-way acquisition on #5 and

#43 currently underway; and 4) preliminary design concepts on CSAH #3 between the existing Sauk Rapids Bridge and TH #10 in progress.

Administrator's Report: 1) Monthly Financial Report; and 2) Proposed City of Foley Street Improvement Assessments (Benton County's total assessment estimated at \$107,146.19; final number will be based upon the construction bids; work is expected to begin early spring of 2008 with the first payment due in 2009).

The Regular County Board Meeting was recessed at 9:29 AM to conduct a Human Services Board meeting.

The Regular County Board Meeting was reconvened at 9:53 AM.

Sandra Cox, owner of *Bumble Bee Express & Rolloff*, appeared before the Board to request that the Board waive the \$500 penalty fee (for one truck) as assigned by the Department of Development for doing business in Benton County in 2007 without a Solid Waste haulers license (per fee schedule). Nick Tomczik from the Department of Development explained that the collection and transportation of solid waste within the county requires a license per the county solid waste ordinance; the County Attorney's Office is of the opinion that demolition debris would be covered under the general definition of solid waste. He noted that all the paperwork is currently in place for issuance of the 2007 license. Sandra Cox, 5999 – 125th Avenue, Clear Lake, stated her understanding that the definition of "solid waste" does not include demolition/ construction debris. McMahon and Soyka referred to the vagueness of the solid waste ordinance as it specifically relates to construction debris; suggesting that, perhaps, the ordinance should be modified in this manner. Bukowski stated his belief that the applicant was aware of the need for this license as she purchased a license in Benton County last year and also holds current licenses in other counties. Cox clarified that she did intend to purchase the license and was not aware of the \$500 penalty for failure to obtain the license. She added that she will certainly pay the fine if the Board directs, however she would prefer to receive a "warning" at this time. Motion by Walter to void the penalty in this particular instance. Second by McMahon for discussion. Soyka again referred to the vagueness of the ordinance with regard to construction debris. Tomczik pointed out that although the ordinance doesn't specifically identify construction debris as solid waste, Benton County does license other haulers who haul demolition material and historically has considered this material under the solid waste definition. Noting that other counties in which *Bumble Bee* has obtained licenses specifically list demolition debris as solid waste, McMahon stated his belief that the applicant should have concluded the same for Benton County. Bukowski offered that due to the lateness in the year, and the fact that this is the first container to be placed by *Bumble Bee Express* in the current year, that the penalty be reduced in half (\$250). Following further discussion, the motion on the floor (to void the penalty) carried with Soyka, Wollak and Walter voting aye and Bukowski and McMahon voting nay.

McMahon/Wollak unanimous to approve a 2007 Solid Waste Haulers License for *Bumble Bee Express*, setting the general liability insurance amount at \$1 million, and authorize the Chair to sign.

A public hearing to consider the minor final plat entitled "*Able Acres*", a one-lot plat in Section 12 of Maywood Township, submitted by Richard and Rose Murray, was opened at 10:17 AM. Chelle Benson, Department of Development Director, pointed out that the site is intended for commercial use (a well drilling company) and park dedication is not required; the applicant will need to obtain a conditional use permit to operate the business. Speaking in support of the request was Richard Murray, 10100 – 185th Avenue NE, Foreston. Ben Thomas, Maywood Township Supervisor, 6370 – 185th Avenue NE, Foley, indicated that the township board has no objections. With no one else speaking in support or in opposition, the public hearing was closed at 10:23 AM. Bukowski/Walter unanimous to approve the minor final plat entitled "*Able Acres*" as unanimously recommended by the Planning Commission.

A public hearing to consider the minor final plat entitled "*Mayhew Acres*", a three-lot plat in Section 17 of Mayhew Lake Township, submitted by Mark and Carol Kaehler, was opened at 10:24 AM. Speaking in support of the request was Mark Kaehler, 2660 – 90th Street NE, Sauk Rapids, who stated his objective in maintaining the integrity of the neighborhood for farming. He indicated that the township board had no issues with the plat; further, that he was in agreement with the Parks Commission recommendation. With no one else speaking in support or in opposition, the public hearing was closed at 10:28 AM. Wollak/Bukowski unanimous to approve the minor final plat entitled "*Mayhew Acres*" as unanimously recommended by the Planning Commission and a \$600 contribution, in addition to a 30-foot wide trail easement along the frontage of the property, as recommended by the Parks Commission.

Nancy Hoffman, Economic Development Director, provided an update on economic development activities. Hoffman received Board consensus for county participation in a "Renewable Energy" study of the county (at no cost or obligation to the county).

Bill Mayland, Assistant Director of Development, reported that the Board previously approved allowing alcohol to be served in the Lakeview Center without a vendor's license (as long as it not sold), subject to a review at the end of the year; the policy was in effect for 2006 and renewed for 2007. He explained that the Parks Commission supports continuance of this policy, but felt there was no need to revisit the policy each year, unless an issue should arise. Mayland noted that staff is not aware of any incidents at the Lakeview Center related to the alcohol policy. McMahon/Bukowski to continue to permit alcohol in the Lakeview Center without a vendor's license and without annual review, unless issues should arise in the future. Motion carried with Bukowski, McMahon, Wollak and Soyka voting aye and Walter voting nay.

Department of Development Director's Report: 1) State Building Code Discussion (will occur on December 11th; Benson will invite Watab Township officials and Central MN Builders Association members); 2) Mastey Feedlot Violation (Staff, along with MPCA

officials, will be visiting the site to ensure that all pollution issues have been addressed); 3) Pirate's Cove (are looking to extend their Improvements Installation Agreement—for their sewage treatment plan; this item will be brought to the County Board at a future date) and 4) Technology Committee (will be bringing forth a *Pictometry* issue to the County Board—for 2009 budget).

McMahon/Wollak unanimous to approve a 3% General Salary Adjustment (“COLA”) for non-union employees, effective January 1, 2008.

Board members reported on recent meetings they attended on behalf of the county.

Walter/Wollak unanimous to pay the following bills: Revenue Fund abstract, \$59,068.68 and Human Services Fund abstract, \$12,031.28.

No Committees of the Whole were set at this time.

Wollak/Bukowski unanimous to adjourn at 11:02 AM.

Richard J. Soyka, Chair
Benton County Board of Commissioners

ATTEST:

Montgomery Headley
Benton County Administrator