

PUBLIC NOTICE

**BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES – January 5, 2016**

The Benton County Board of Commissioners met in regular session on January 5, 2016 in the Benton County Board Room in Foley, MN with Commissioners Warren Peschl, Ed Popp, Jim McMahon, Jake Bauerly and Spencer Buerkle present. Call to order by Administrator Monty Headley was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Peschl nominated Buerkle for 2016 Chair of the Board. Nominations were closed and a unanimous ballot cast for Buerkle for Board Chair for 2016. Chair Buerkle called for nominations for 2016 Board Vice-Chair. McMahon nominated Peschl for 2016 Vice-Chair of the Board. Nominations were closed and a unanimous ballot cast for Peschl for Board Vice-Chair for 2016.

Peschl/Bauerly unanimous to approve the amended agenda: add item—discuss request to hold a 5K run at Bend in the River Park in April.

No one was present to speak under Open Forum. Popp/McMahon unanimous to set 2016 County Board meeting dates and times as presented (“first and third” Tuesday of each month at 9:00 AM—unless otherwise noted), with the exception of the first Board meeting in December (the listing reflects a change of date to Wednesday, December 7th due to a conflict with the 2016 AMC Annual Conference and also reflects a change of time to 7:00 PM to combine with the Truth in Taxation meeting.)

McMahon/Bauerly unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of December 15, 2015 as written; 2) accept and file Committee of the Whole Minutes of December 17, 2015; 3) approve Application for Exempt Permit for MN Dark House Association-Central Chapter to conduct a raffle on February 5, 2016 at Henry’s Catering & Banquet Center, Foley; 4) approve Application for Exempt Permit for Mille Lacs-Benton Chapter Pheasants Forever to conduct a raffle on March 12, 2016 at Henry’s Catering & Banquet Center, Foley; 5) approve appointment of Mark Brenny to the Solid Waste Advisory Committee and Art Buhs to the Planning Commission, both for a three-year term through December 2018; 6) approve Purchase Money Security Agreement for S.C.O.R.E. Grant—Kevin Johnson, Tri-County Organics—for 100 32-gallon organic recycling carts, and authorize the Chair to sign; and 7) approve 2016-2018 Memorandum of Agreement between Benton County and the University of MN for providing Extension programs locally and employing County Extension staff, and authorize the Chair to sign.

Karri Thorsten, Auditor-Treasurer, reported that two sealed newspaper bids were received (Benton County News and Star Publications/Sauk Rapids Herald) for publication of the official proceedings of the County Board and other publications as required by law. It was noted that some communications need only be published in one newspaper, while others require publication in both; some years back, the County Board made the decision to publish all notices in both papers (up to this point, the Sauk Rapids Herald has not been billing the county for publication of the Board minutes). In review of the bids, a question arose on the bid of Star Publications; Thorsten will contact the newspaper and report back to the Board later in the meeting.

Peschl/Popp unanimous to re-designate the Auditor-Treasurer the authority to designate depository banks.

Bauerly/McMahon unanimous to adopt Resolution 2016-#1, designating depository banks for Benton County, and authorize the Chair to sign.

Chris Byrd, County Engineer, explained that the City of Foley would like to submit an application to the Transportation Alternatives Program (TAP) to receive funds to build sidewalks/trails along TH 23 within the City; these are Federal funds and, since Foley is under 5,000 in population, the County must be the “Sponsoring Agency” (\$647,805 total project cost--\$381,062 grant request/\$266,743 local match required). Byrd noted that the proposed resolution supports the City assuming full responsibility for all construction and maintenance costs associated with this project. Bob Barbian, Foley City Administrator, stated that the City is working with the Foley School District to assist with the local match as it serves their interest as well. Peschl/McMahon unanimous to adopt Resolution 2016-#2, a Resolution Approving Sponsorship of Transportation Alternatives Project on Behalf of the City of Foley, and authorize the Chair

to sign. Byrd reported that CSAH 3 in Sauk Rapids from 2nd Avenue to just west of TH 10 is proposed to be reconstructed in 2016; to complete the necessary construction, additional right-of-way is needed. He stated that Benton County Road Right of Way Plat No. 10 clearly depicts and describes the limits of permanent right-of-way and parcel boundaries within the project limits. McMahon/Popp unanimous to approve Benton County Road Right of Way Plat No. 10 (CSAH 3 in Sauk Rapids), and authorize the Chair to sign.

Byrd explained that Benton County is in the process of planning for the improvement and reconstruction of a portion of County Road 3 from 2nd Avenue to just west of TH 10 in Sauk Rapids. He noted that Benton County has been unable to successfully negotiate the acquisition of several of the parcels; the County has statutory authority to acquire right of way by the Eminent Domain process. McMahon/Peschl unanimous to adopt Resolution 2016-#3, authorizing appropriate signatures for proceeding with eminent domain proceedings for the purchase of right of way for project 005-603-023, and authorize the Chair to sign (a joint resolution with the City of Sauk Rapids). Byrd noted that the County will continue to negotiate with these landowners up until the Commissioners’ hearing.

Byrd informed the Board that design work is moving ahead on the CSAH 20 (4th Street) reconstruction project in the City of Foley; due to the narrow corridor, the City is considering applying for a variance to a “variance committee” to deviate from state aid design standards for parking lane width (from 20’ to 18’ length of the diagonal parking stall) to allow them to widen the sidewalk. Byrd pointed out that, when deviating from state standards, MnDOT will require a resolution that indemnifies the state from any claims arising from the project; if this project moves forward, staff recommends that the County’s agreement with the City incorporate language that the City would hold the County harmless as well. Byrd clarified that he is not asking for Board approval today; the next meeting of the variance committee is March 24th—the City would submit their variance request by March 1st if the County Board is supportive of this design change.

Under Engineer’s Report, Byrd reported on the difficulties the County is experiencing in filling the current Engineering Technician vacancy.

The Regular County Board meeting was recessed at 9:41 AM to conduct a Human Services Board meeting.

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

Administrator Headley explained that, at the direction of the County Board, he obtained the services of an outside expert to review the proposed remodeling plan for the Auditor-Treasurer’s Office; the review was conducted by Dan Tideman, GLT Architects of St. Cloud. Mr. Tideman stated his belief that the proposed plan will result in a significant improvement for the Auditor-Treasurer’s Office that will enhance service and convenience to county residents and create a safer, more efficient work space.

He stated one possible option to consider—if a low-profile, accessible floor system were utilized over a portion of the open office area, electrical power, as well as voice and data lines, could be distributed under the flooring system to all workstation locations. Discussion ensued on whether or not to include stand-up workstations in the remodeling plan. Headley stated that adding sit-stand workstations for all Auditor-Treasurer employees adds approximately \$10,000 to the cost of the project (\$85,000 estimated total cost). He said that recent discussions have led to the conclusion that there may be other alternatives to sit/stand workstations and urged making good choices based on some analysis before we acquire sit-stand workstations. Buerkle stated no issue with the remodeling project itself, but stated his hope that this doesn’t set a precedent for approving requests outside of the capital improvement plan/budget process. Bauerly/McMahon unanimous to move forward with the project (leaving the decisions as to the sit/stand workstations/raised floor up to staff).

Peschl/Popp unanimous to set the 2016 per diem rate for Boards and Commissions (i.e. Planning Commission, Board of Adjustment, Solid Waste Advisory Committee, Extension Committee) at \$55.00 per meeting (same level as 2015).

At this time, Thorsten shared the information she received from the Sauk Rapids Herald regarding their newspaper bid. She

indicated that both the Herald and the Benton County News publish the Board minutes and delinquent tax notices, sharing the cost (Benton County News bills the County and pays the Sauk Rapids Herald half). Bauerly/McMahon unanimous to continue the designation of the Benton County News and Sauk Rapids Herald as official newspapers for 2016 publications.

Administrator’s Report: 1) Board consensus to move forward with the Administrator’s proposed letter to townships regarding economic development organization membership; 2) Updating the Region 7W CEDS (Comprehensive Economic Development Strategies)—this study was initially prepared by the former Partnership on behalf of the four 7W counties (Wright, Sherburne, Stearns, Benton) in order for the region to qualify for Federal grants; East Central Regional Development Commission in Mora subsequently took over the responsibility for the CEDS updates and desires to pass on that responsibility; the Workforce Center in Monticello has agreed to be the “new home” for the CEDS; a workgroup of the four counties received a quote of \$90,000 to prepare a new CEDS study (1/2 of the cost can be covered by a grant, the four counties are being asked to cover the other half—based on population, Benton County’s cost would be \$4,600); Board members will be invited to a future meeting to discuss a) is Benton County willing to help fund the CEDS study?, and b) is Benton County willing to provide longer term support for the ability to apply for, and get, grants? Headley confirmed that the CEDS is required in order for the region to receive Federal EDA grants. 3) Communication with USDA regarding the County revolving loan program (USDA is insisting that Benton County address very soon the “deficit” in our loan fund which makes our loan fund out of compliance with federal regulations—current loan repayments to USDA vastly exceed the interest the county is earning on outstanding loans (in order to “break even”, the county would need to generate an additional \$32,000 in interest income annually which equates to needing new loans totaling about \$600,000); the Economic Development Loan Committee will be meeting tomorrow to discuss possible options, including county payoff of the USDA loans in full; Buerkle inquired of the possibility of getting future USDA loans if both loans were repaid (Headley will research); 4) Process for County Board discussion of 2016 priorities and goals (a Committee of the Whole will be scheduled); and 5) Set a Committee of the Whole to discuss wellness program with Health Partners; 6) Request to hold a 5K run on the trails in Bend in the River Park on April 30th (anticipate 20-30 volunteers/200 runners; Board consensus to support, noting a concern with the limited parking; staff will meet with the requestor to discuss logistics, i.e. possibly shuttle from another site).

Peschl/Popp unanimous to adopt the 2016 slate of Boards and Commissions appointments as discussed and indicated (no changes from 2015).

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

Under Commissioner Concerns, Popp reported that he continues to receive calls from residents urging Board support of the request of Palmer Wireless to use the County-owned tower at Mayhew Lake to provide internet service to customers who lost their service through Clearwire. Headley stated he will follow up with the County Engineer in this regard.

Under Commissioner Concerns, Bauerly referenced the concerns of the newly-formed Northern Benton County/Southern Morrison County Irrigators’ Association with regard to the upcoming DNR meeting about sustainable use of groundwater in the Little Rock Creek area of Benton and Morrison Counties.

Peschl/Bauerly unanimous to set Committees of the Whole: January 12, DNR Informational Meeting—Sustainable Use of Groundwater in the Little Rock Creek Area of Benton and Morrison Counties; January 20, MICA Annual Meeting/Dinner; February 3, Economic Development Workgroup; February 5, Discuss Wellness Program with Health Partners; February 9, Goal Setting/Priorities Discussion; February 11, Drainage and Wetland Conference.

McMahon/Popp unanimous to adjourn at 10:50 AM.
Spencer C. Buerkle, Chair
Benton County Board of Commissioners

ATTEST:
Montgomery Headley
Benton County Administrator

**CERTIFICATE OF ASSUMED NAME
Minnesota Statutes Chapter 333**

(1) The exact name under which the business is or will be conducted is: Viking Adjusting Service
(2) The address of the principal place of business is: 21779 County Road 7, St. Cloud, MN 56301, USA
(3) The name and registered street address of the entity conducting business under the above Assumed Name is: Donald Meyer, LLC, 21779 County Road 7, St. Cloud, MN 56301.
(4) I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

Donald Meyer
01/20/2016
R-4-2B

**INDEPENDENT SCHOOL DISTRICT 47
Sauk Rapids-Rice Schools
1833 Osauka Road NE
Sauk Rapids, MN 56379
REQUEST FOR PROPOSALS
NOTICE TO SERVICE PROVIDERS**

Sealed Proposals will be received by Independent School District 47 at its District Offices, 1833 Osauka Road NE, Sauk Rapids, MN 56379 until 10:00 a.m. (CST) Wednesday, March 2, 2016, at which time all proposals will be opened and read publicly. Proposals are being requested on the purchase of transportation services.

A mandatory informational meeting will be held at the District Offices, 1833 Osauka Road NE, Sauk Rapids, MN 56379, at 10:00 PM. on Thursday, February 18th, 2016, at which time prospective service providers may inform themselves of the District’s specific transportation needs. Service Providers may also examine maps, schedules, current route lists and other information made available by the District.

Proposals must be submitted on proposal forms “Exhibit A” furnished by the District and be in accordance with the specifications. The School District reserves the right to waive technicalities or irregularities; to accept or reject any portion of a quotation, when quotations are by items and to accept or reject any or all quotations; and to make arrangements in the best interest of the School District. All proposals are to be addressed to Kim Eisenschenk, Business Manager, Independent School District 47, 1833 Osauka Road NE, Sauk Rapids, MN, 56379 and be properly identified with the inscription: TRANSPORTATION SERVICES PROPOSAL.

Specifications will be available at Independent School District 47, District Offices, 1833 Osauka Road NE, Sauk Rapids, MN 56379 on January 26, 2016. A copy may also be provided electronically by e-mail request to Rich Enga, Transportation Coordinator, at e-mail address: rich.enga@isd47.org. Questions regarding the specifications must be addressed to Rich Enga, Transportation Coordinator, via e-mail at rich.enga@isd47.org. Questions concerning this quotation must be made in writing and response to such questions will be made in writing. All proposals, once delivered to the District, must remain effective until 60 days after the opening.

R-4-2B

**CERTIFICATE OF ASSUMED NAME AMENDMENT
Minnesota Statutes Chapter 333**

(1) The exact name under which the business is or will be conducted is: Tessa June Photography.
(2) The address of the principal place of business is: 4020 Clearwater Road. Apt. 204, St. Cloud, MN 56301
(3) List the name and complete street address of all persons conducting business under the above Assumed Name, OR if an entity, provide the legal corporate, LLC, or Limited Partnership name and registered office address: Tessa June Lange, 4020 Clearwater Road. Apt. 204, St. Cloud, MN 56301
(4) This certificate is an amendment of Certificate of Assumed Name File Number: 728299600022. Originally filed on 1/22/2014, under the name N/A.
(5) I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

Tessa June Lange
11/24/2015
R-4-2P

**Minden Township
Annual Audit Meeting**

Notice is hereby given that Minden Township Board will meet at the Minden Town Hall on Tuesday, February 9, 2016 at 7 p.m. for the Annual Audit followed by the regular Monthly Meeting at 8 p.m.

Glenice Mehrwerth, Clerk
R-4-2B

**CERTIFICATE OF ASSUMED NAME AMENDMENT
Minnesota Statutes Chapter 333**

(1) The exact name under which the business is or will be conducted is: Renters Warehouse St. Cloud.
(2) The address of the principal place of business is: 26 32nd Avenue South, St. Cloud, MN 56301.
(3) List the name and complete street address of all persons conducting business under the above Assumed Name, OR if an entity, provide the legal corporate, LLC, or Limited Partnership name and registered office address: Sunrizon Development LLC, 20 32nd Avenue South, St. Cloud, MN 56301.
(4) This certificate is an amendment of Certificate of Assumed Name File Number: 705559700025. Originally filed on 10/08/2013, under the name N/A.
(5) I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

Barry A. Kukowski,
President
12/03/2015
R-4-2P

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Benton County Planning Commission will conduct public hearings on February 11th, 2016 the Commissioner’s Room, Benton County Government Center, Foley, and beginning at 7:00 p.m. The Planning Commission will hear the following:

1. 7:00 p.m. Brett Ogg requesting a conditional use permit to use an alternative flood elevation method in the Agricultural District. Pursuant to Sections 5.2, 5.3 and 5.4 of Ordinance #196, Flood Plain Management Ordinance and Section 11.6 of Ordinance 185, Benton County Development Code. The affected property is described as follows: part of the SE1/4 SE1/4, Section 30, Mayhew Lake Township

2. 7:10 p.m. Public hearing to consider Ordinance #457 to amend the Benton County Development Code (Ordinance #185) as follows: Amend Section 9.6 to allow for Local Alternative Septic System Requirements and clerical corrections, clarification related to septic system regulations and additional restrictions to septic systems.

ANYONE wishing to be heard with reference to the above will be heard at this meeting.

R-4-1B