



BOARD MINUTES

BOARD OF WRIGHT COUNTY COMMISSIONERS

APRIL 5, 2022

DATE APPROVED: APRIL 19, 2022

Christine Husom	District 1
Darek Vetsch	District 2
Mark Daleiden	District 3
Mary Wetter	District 4
Michael Kaczmarek	District 5

The Wright County Board met in regular session at 9:00 A.M. with Husom, Vetsch, Daleiden, Wetter, and Kaczmarek present.

COUNTY BOARD MINUTES 03-29-2022

Commissioner Mark Daleiden moved to approve the County Board minutes from Tuesday, March 29, 2022. The motion was seconded by Commissioner Darek Vetsch and carried 5-0.

AGENDA

Daleiden moved to approve the Agenda as presented. The motion was seconded by Commissioner Mike Kaczmarek and carried 5-0.

CONSENT AGENDA

Daleiden moved to approve the Consent Agenda as presented. The motion was seconded by Commissioner Mary Wetter and carried 5-0.

A. ADMINISTRATION – FINANCE

1. Acknowledge Warrants Issued Between March 23, 2022 And March 29, 2022 (See Below, Item IX. Warrants Issued)
2. Motion To Approve The Reimbursement Of The American Rescue Plan (ARP) Funds As Follows:
County ARP Funds:
Approval Of County Reimbursement Of \$361.85 From 01-099- 493.6910 Transfer Out Into 01-100-493.5910 Transfer In As Follows:
\$361.85 For Administrative Expenses - Staff Costs
Approval Of Use Of ARP Funds From 01-099-493-8416.6814
\$500.00 2.10 Aid To Nonprofits - 4-H
3. Approve Tobacco License From April 19, 2022 To December 31, 2022 For The Following:
 - A. Northern Tier Retail, LLC DBA Speedway #7016 (Albertville)
 - B. Northern Tier Retail, LLC DBA Speedway #4479 (Monticello)
 - C. Northern Tier Retail, LLC DBA Speedway #4267 (St. Michael)
 - D. Northern Tier Retail, LLC DBA Speedway #4554 (St. Michael)

TIMED AGENDA ITEMS

STEVE JOBE, SURVEYOR

Approve Resolution Proclaiming April 11-15, 2022 As National Work Zone Awareness Week In Wright County

Surveyor Steve Jobe stated the resolution supports the public awareness campaign for all work zones including county highways, parks, trails, and other county facilities. Jobe stated he will work with Communications Specialist John Holler to spread the message through the website and social media.

Commissioner Christine Husom stated speed was the leading cause of fatal crashes in 2021 and encouraged people to slow down, especially when in work zones.

Vetsch moved to approve the resolution proclaiming April 11-15, 2022 as National Work Zone Awareness Week in Wright County. The motion was seconded by Daleiden and carried 5-0, on a roll call vote.

PAT O'MALLEY, SHERIFF'S OFFICE

Authorize Signatures On A Jail Medical Services Contract With CentraCare

Captain Pat O'Malley stated in January, the Sheriff's Office requested board approval to proceed with developing a contract with CentraCare to provide jail medical services. The original proposal was based on an Average Daily Population (ADP) of 130 inmates. The population has increased since and the contract being presented is based on an ADP of 150 inmates. There may be a need to increase or decrease medical staff hours if there is a significant increase or decrease in the ADP. There will also be a routine re-assessment of the needs of the population. Risk Manager Tim Dahl and Chief of Civil Division Attorney Greg Kryzer have both reviewed the proposed contract.

O'Malley presented a comparison of current medical services provided by Mend Correctional and the CentraCare proposal. The contract will cost approximately \$57 per hour. The average length of stay is 14 days. However, approximately 75 percent of the inmates in the jail are there for more than 14 days. Of that 75 percent of the population, approximately 50 percent are on medications or have re-occurring medical issues. The CentraCare contract allows opportunities for continuing care. Over time, the contract will save money due to the decreased liability.

Husom stated the current contract with Mend Correctional provides six hours of medical provider coverage and the proposed contract with CentraCare will provide 20 hours per week of medical provider coverage. Husom questioned the reasoning for the increased hours. O'Malley responded many times the medical providers are not at the jail long enough to see the large number of inmates. File reviews are being done instead rather than face-to-face appointments. O'Malley stated six hours per week is not enough. If the proposed 20 hours is too much, the hours will be cut back. Daleiden questioned if the county will be reimbursed for inmates being housed from other areas. O'Malley stated it is part of the boarding fee.

Vetsch stated the coordinated care piece of the contract will help rehabilitate inmates. O'Malley stated he believes there are people within the jail that want to make changes. Over time, there will be reduced contacts with the patrol division and Health & Human Services. Daleiden stated the increased mental health services alone will be a huge benefit.

Daleiden moved to authorize signatures on a jail medical services contract with CentraCare. The motion was seconded by Kaczmarek and carried 5-0.

ITEMS FOR CONSIDERATION

ADMINISTRATION

Topics For Discussion At The County Board Workshop On Tuesday, April 12

County Administrator Lee Kelly stated the following topics will be on the County Board Workshop agenda: Schedule Meetings as Needed, Great River Regional Library's 2021 Activities, Compost and Recycling Facility Assessment Update, Aggregate Tax Update, and Fairground Roofs.

Daleiden requested the addition of an Update on the New Government Center Facility.

COMMITTEE MINUTES

BROADBAND COMMITTEE (3/28/2022)

Daleiden moved to approve the Broadband Committee meeting minutes. The motion was seconded by Vetsch and carried 5-0.

I. Franchise Agreements

Alissa Harrington, an attorney for Flaherty & Hood, provided an explanation of the process used in the creation of franchise agreements with local jurisdictions and Internet Service Providers (ISPs) and why franchise agreements matter in terms of cable providers. Harrington provided her professional background, which included working for the Minnesota House of Representatives for five years as a conduit between the Legislature and ISPs and her current role working with counties and cities with Flaherty & Hood.

Harrington said almost all communication involves broadband/internet accessibility since most communication is done via computers and smart phones. It has been a challenge since the outset of digital communication to get access to rural communities and underserved populations. She said there is a significant amount of money available at both the state and federal level to assist in getting broadband accessibility to unserved and underserved areas and the levels to which ISPs are regulated at the federal, state and local levels. Harrington said one of the primary issues about regulations is that the law tends to lag behind technological growth and there is a gap between them that can be a hurdle for new technology.

Communications Specialist John Holler asked Harrington if the federal and state grant programs that have been the topic of discussion for years and heightened with the adoption of the American Rescue Plan (ARP) and the Build Back Better legislation are actually pots of money that can currently be accessed. Harrington said that federal program dollars are not yet accessible because updates needed to be made to the Federal Telecommunications Act to address the issues specific to the new funding programs. The Minnesota Office of Broadband does not have a current Request for Proposal (RFP) out for the Border-to-Border program, but expects one soon. The scoring criteria for grants have been put out, but are awaiting approval from the Federal Treasury before opening the grant application window. Commissioner Mark Daleiden said a hearing was scheduled at the State Legislature Wednesday, March 30 to discuss two separate broadband-related bills which could have an impact on how the county moves forward with its own projects.

Harrington said the process for grant programs is complicated. Telecommunications are regulated at the federal level by the Federal Communications Commission (FCC). The United States Department of Agriculture (USDA) provides funding for some of the programs, especially those in rural areas. In addition to federal rules, the FCC allow states to have some regulation of cable and broadband. In Minnesota, the Public Utilities Commission (PUC) that provides information on the franchises and Department of Employment and Economic Development (DEED) that runs the Border-to-Border program and provides the funding source. In all there are four different government organizations that regulate cable and broadband in Minnesota, which complicates getting broadband programs off the ground and operational.

Harrington said that franchise agreements in Minnesota are in place for cable systems. What isn't included in these franchise agreements are internet provisions for broadband. Municipalities enter into franchise agreements with cable providers and there are a series of rules that come with them. No municipality can issue additional franchise agreements to a provider that is more favorable or less burdensome than existing franchise agreements. Most townships in Wright County don't have franchise agreements in place. Commissioner Darek Vetsch asked if, in situations where there are more than one ISP or cable provider in a municipality, must their franchise agreements be linear. Harrington reiterated that franchise agreement for cable providers must not be more favorable or less burdensome, making the franchise agreements similar to one another. She added the importance of the cable franchise agreements is because many cable companies also serve as ISPs. Harrington said that cable franchise agreements can have an impact on the ability for broadband to be introduced to certain areas because of the restrictions they can create.

Information Technology Director Matthew Fomby asked Harrington if cable as we know it will essentially cease to exist. He said that many ISPs are no longer offering cable, but rather streaming services through the internet. Harrington responded that the law in these matters tends to lag well behind the technology. Fomby said the county should come up with a single "cookie-cutter" franchise agreement moving forward. Vetsch added that the county could make agreeing to a template franchise agreement a requirement to seek funding from the county's ARP funds. Fomby said the logical path to take would be to create a generic franchise agreement, get all the cities and townships together and explain to them that we need to bypass the over-regulation and move forward with one uniform franchise agreement.

Vetsch asked if Harrington had a template franchise agreement in place. She responded that she has begun one, but it still a work in progress that she hopes to complete soon. Vetsch suggested if there was going to be a meeting to explain the franchise agreements, it shouldn't be at a quarterly township meeting where several other topics are being discussed. Instead, it should be a meeting specific to the discussion of franchise agreements where everyone would get the same

message at the same time. Vetsch estimated that scheduling a meeting or late-May or June would be the preferred option to conduct an informational meeting. Vetsch added that, by May or June, there will be the opportunity to discuss grants that are already in place and how the current round of project funding is faring. Vetsch added that when the Broadband Committee next meets in late-April, the committee will select a date to conduct an evening meeting with cities and townships and, by that committee meeting, Harrington will have a franchise agreement template document for the committee to review.

RECOMMENDATION: Informational only.

II. County-Owned Infrastructure Recommendations

Project Administrator Elizabeth Karels said there were no recommendations to make at this point. Karels said that she and Business Analyst Zack Breyen met with Finley Engineering to discuss a concept design. Vetsch said the initial usage would be low, which was a known concern in Phase 2 of the process and that running into hurdles for implementation shouldn't come as a shock to anyone because they were anticipated. Karels said a problem has been conflicting information that has been put out. She has been told by one source that ARP funds can be used as matching funds for Border-to-Border grants but hasn't been able to get that confirmed. Vetsch said the best option may be to put moving forward on hold for 60 to 90 days until after the Border-to-Border grant program opens to see how the landscape will change once those funds become available. He added that he would be leaning toward creating a Request For Information (RFI) process because it would be the best way to leverage all funding sources. He would like to hold off until June at the earliest to start the RFI process, but, in the interim, staff would have the opportunity to gather information to have ready to present to ISPs when the time is right. Vetsch said his concern is that, if the first and second rounds of grant proposals were put out simultaneously, some might back out of the first round of proposals because they might feel that they would be penalized in the second round if they committed early to the grant proposal process.

Karels said an issue in getting widespread ARP financial support from townships has been a change in what the funds can be used for. Recent changes to the rules of ARP have allowed cities and townships much more latitude in how the funds are spent and many will use the funds for their own projects or buying down township debt than contributing to broadband improvements in their jurisdictions. Daleiden said the county shouldn't expect to get much if any contributions from townships except those in desperate need of upgrading their broadband capability that view it as a top priority.

Vetsch said that he has a concern about the RFI process because the committee might receive six or seven requests without the funding to complete all of them and the decision would have to be made about choosing winners and losers. Karels said the landscape could change very soon when the Border-to-Border program opens. Vetsch said it would be beneficial to hold off until the Border-to-Border grants open to see what projects get funded and use Wright County ARP funds to bridge the gaps. Vetsch said he is concerned that ISPs will "cherry-pick" projects that will be most beneficial to the bottom line of the ISPs while not addressing those rural areas in the most need of funding because it isn't profitable to run a fiber line for one or two homes down a rural road. He also feared that there could be competition among neighboring counties if one is giving ISPs significantly more money than another. Daleiden said that cities and townships will need to be on board with the county's franchise agreement to be successful.

Holler said initially he was under the impression that, with state and federal grant programs available, the county could leverage the \$10 million in ARP funds earmarked for broadband investment to \$15 million or more with the ability to access other grant programs and use county ARP money as matching funds. Karels said the rules for matching funds with other grant programs are unclear and she has heard it both ways whether it be allowable – with some saying using both local and state ARP funds for a broadband project would constitute "double dipping." Vetsch said that the recent changes in regulations of ARP funds have made it more likely that using matching funds for state grants will be allowed, but there are still unknowns as to whether that belief will become the rule. Holler said that experience dealing with CARES Act funding was frustrating because the guidance was constantly changing as to what was and wasn't an allowable use for those funds. He asked if there have been similar policy changes associated with ARP fund uses. Karels

said the guidance for ARP funding has been largely finalized but there are still some gray areas with the Border-to-Border grants because its requirements haven't been finalized.

Fomby said county staff has done analysis of the potential projects/programs the county has looked to explore and the problem encountered has been the cost isn't practical to lay fiber lines that will only serve a handful of homes at a very high cost. Fomby said if funds could be used for fixed wireless technology, it will make it much easier and more cost effective for ISPs to utilize the lines in the ground and the best use of these funds should be help those people in need of having an upgrade to their broadband capability in areas currently unserved or underserved. He added that he is convinced that ISPs will go where the money is.

Vetsch asked if the county should explore going for RFIs with fixed wireless because it would bring the most return on investment and reach the most people. Fomby said that eventually almost all communication is going to be wireless, but fiber will still be required. Holler asked to what level the county is at the mercy of ISPs for getting tangible success done. Fomby agreed, saying that dropping fiber will increase the likelihood of ISPs getting involved and the Dig Once policy will also increase the potential for ISPs to utilize the fiber lines put in place by the county because it will be more cost-effective to their financial bottom line.

Vetsch said the Dig Once policy will be of significant benefit for projects like CSAH 39 between Monticello and Hasty because much of Monticello Township and Silver Creek Township are very underserved. Daleiden said that CSAH 39 will be a good test for cooperation with ISPs because existing lines that are privately owned will likely have to be replaced and asked why they couldn't use the same line the county would put in place. Karels said other counties that have tried what Wright County is proposing, have had mixed results and the data has showed some remote rural areas likely won't be able to be significantly upgraded.

Vetsch said there are portions of the county whose only access to the internet is through their phones – and even that is spotty. The goal should be to address those areas of greatest need as opposed to more populated areas that will likely be able to attract ISPs because of their population growth that will make expanding into those areas more profitable for the ISPs. Vetsch asked if the county should send out two RFIs – one for in-ground fiber service and another for fixed wireless to see what response each would generate and which would provide the most value for what would be accomplished in terms of upload and download speed, which is critical to what the county is seeking to accomplish and what is required under ARP regulations. Vetsch said he would leave it up to staff to determine the closing date for receiving RFIs, but would like to see it somewhere between July 1 and July 31.

Vetsch suggested having the next meeting Broadband Committee at 10 a.m. Monday, April 25 to review the franchise agreement documents Harrington will have produced so the committee can do its due diligence, as well as having a framework developed as to the process vetting the RFIs.

RECOMMENDATION: Set the next Broadband Committee meeting for 10 a.m. Monday, April 25.

ADVISORY COMMITTEE / ADVISORY BOARD UPDATES

Central MN Emergency Services Board (ESB). Kaczmarek stated law enforcement and fire department radios will need to be encrypted. Agencies must protect individuals' private information on radios by talking on certain channels. Some radios have the technology, while others do not. If the radios are not compatible, new radios will need to be purchased which will be very costly. There will be a meeting in May to discuss the issue further.

Minnesota Rural Counties (MRC). Kaczmarek stated there is a proposed transportation bill that will give up to 40 percent of sales tax on auto part sales to metro transit. The concern is the money from purchases of those that do not utilize transit will be benefiting transit users. Legislative interests, emergency management grants, and county-based purchasing were discussed. There is a proposed natural resource bill analyzing how the solid waste tax is dispersed. Approximately \$100 million is collected in solid waste tax annually and there is discussion on how more of the money can be given to counties. If the bill passes, the counties will receive an additional \$18 million.

Bertram Chain of Lakes Advisory Board. Daleiden attended the meeting on Friday, April 1. Campgrounds were 80 percent reserved on the weekends throughout the summer. The Minnesota Youth Soccer Association (MYSA) Tournament is being hosted at Bertram Park. The City of Monticello is working to expand the field due to the high usage. An Americans with Disabilities Act (ADA) accessible trail will be installed. Future building needs for recreational and non-profit organizations are being discussed.

Minnesota Department of Human Services. Husom stated a letter was received from Jodi Harpstead commending staff for perfect performance in meeting the Department of Human Services financial reporting requirements for the calendar year 2021. All key quarterly financial reports for programs in which the county participates were submitted to the financial operations division on or before deadlines and in perfect order. The effort requires submission of 32 major reports covering the four quarters of 2021. Husom thanked staff for their hard work.

Legal Services. Vetsch and Husom met with Rupp, Anderson, Squires & Waldspurger on Friday, April 1 to discuss services offered.

Energy Transition Advisory Committee. Vetsch stated the meeting was postponed and will be rescheduled at the end of April.

Transportation Bill. Vetsch stated if the bill is adopted, there would be a requirement for Driver and Vehicle Services (DVS) to offer full-time behind the wheel testing to counties with a population of more than 130,000.

Ditch 33. Vetsch attended the Ditch 33 meeting. The group is excited to move forward to repair the system.

One Watershed, One Plan Policy Committee (Mississippi – Saint Cloud). Wetter attended the meeting. A Memorandum of Agreement (MOA) was drafted and sent to lawyers for review. The lawyers are divided between having a MOA or having a Joint Powers Agreement (JPA). One of the issues with the MOA, is the liability would lie with the group responsible for the finances. A JPA would spread the liability over each entity. Wetter stated it is unknown what the group will choose at this time.

University of Minnesota Extension. Wetter met with the group to select the Farm Family of the Year which will be announced at the end of April.

Move to the New Government Center. Kelly stated all departments have moved and are operational at the new location. The facilities team continues to work through issues. The technology has been received for the new board room and will be installed soon.

Administration Department. Interviews have been scheduled for vacant Administration positions. Interviews for the Parks & Recreation Director position have been scheduled for Thursday, April 7.

The meeting adjourned at 9:55 a.m.

County Board Minutes submitted by Elizabeth Clow, Business Analyst.