

BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
JANUARY 20, 2026

The Benton County Board of Commissioners met in regular session on January 20, 2026, 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 Pam Benoit, Jared Gapinski, Steve Heinen, Scott Johnson, and Ed Popp present.

County Administrator Montgomery Headley requested to amend the agenda by adding the consideration of a collective bargaining agreement with Operating Engineers Local 49, representing Property Management employees, for the period of January 1, 2026 through December 31, 2027. Gapinski requested to have a discussion regarding Lobbying services as the last item under County Administrator at 9:25 AM. Motion by Johnson and seconded by Popp to approve the amended agenda. Motion carried unanimously.

Benton County resident Frank Legatt was present to speak under Open Forum and questioned Benton County's use of the Local Option Sales Tax, road conditions compared to Morrison County's, and how roads are funded. Interim County Engineer, and former Morrison County Engineer Steve Backowski explained that Benton has a large local road system not eligible for state aid, leading to adoption of the Local Option Sales Tax, with no current property tax levy for road construction, unlike Morrison County. Legatt raised additional concerns about Local Option Sales Tax funded project signage, ditch assessments and use of ditch funds, commissioner compensation, Airport Authority, and broader criticism of county development decisions, including perceived lack of economic growth in Foley.

Motion by Gapinski and seconded by Popp to approve Consent Agenda items 1 – 8: 1) approve the Regular Board Meeting Minutes of January 6, 2026 and authorize the Chair to sign; 2) approve the Collective Bargaining Agreement with AFSCME Council 65, representing Human Services and Public Health employees, for the period of January 1, 2026 through December 31, 2027 and authorize the Chair to sign; 3) approve the Memorandum of Agreement with AFSCME Council 65, representing Human Services and Public Health employees, to implement the 2024-2026 Class and Comp Maintenance Program recommendations, year 2 and authorize the Chair to sign; 4) adopt the resolution for the establishment of Benton County Absentee and UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) for 2026 and authorize the Chair to sign; 5) approve the renewal of the Tri-Cap contract and authorize the Chair to sign; 6) approve the Special Road Use Permit for Foley Fun Days and Authorize the Chair to sign; 7) accept and file the Veteran Service Officer (VSO) Quarterly Report; 8) approve the Collective Bargaining Agreement with Operating Engineers Local 49, representing Property Management employees, for the period of January 1, 2026 to December 31, 2026 and authorize the Chair to sign. Motion carried unanimously.

Next, Interim County Engineer Steve Backowski requested County Board consideration to authorize WSB for Preliminary and Final Design Services Amendment #1 for the CSAH 29 Improvement projects, which will construct 2.5 miles of new highway to complete a key transportation link, support development, advance the regional ring road, and improve access to the St. Cloud Regional Airport. Although much

prior work was completed years ago, updated environmental requirements, a new environmental assessment, alignment changes to avoid wetlands, and additional noise analysis drove the need for added design work. The amendment adds \$256,820, bringing total design costs to just under \$800,000, funded through a combination of remaining CIP funds, local option sales tax funding, and Highway fund dollars. Motion by Gapinski and seconded by Popp to approve the WSB Preliminary and Final Design Services Amendment #1 for the CSAH 29 Improvement project. Motion carried unanimously.

Next, Sheriff Troy Heck provided an update regarding relationship between Benton County Sheriff and ICE. Immigration enforcement activities undertaken by the Immigration and Customs Enforcement (ICE) agency has been a featured topic in local and national media. The officer-involved shooting incident on January 7<sup>th</sup> has brought a renewed and intensified focus on these activities. Heck shared that the relationship between ICE and local law enforcement agencies is complex and has become a contentious issue in certain places in Minnesota. In response to these concerns, Heck emphasized that the Sheriff's Office does not conduct immigration enforcement, which is a federal responsibility handled by ICE, but does cooperate by sharing information when individuals in the county jail have ICE detainers. Heck explained that ICE detainers are generally civil, not criminal, and the county does not hold individuals solely on those detainers; ICE is notified upon release so they may take action if they choose. Heck also outlined law enforcement's role during protests, stressing protection of First Amendment rights while making clear that interfering with law enforcement is a crime and will result in arrests. This item was for informational purposes only.

Next, Alex Luman of Minnesota Power provided a Regal Solar update. This item was for informational purposes only.

Next, Pete Filippi of Contegritiy Group provided an update on the Government Center. This item was for informational purposes only.

Next, Headley asked the County Board to consider a recommendation of the Government Center Building Committee for a Furniture, Fixtures and Equipment (FFE) Vendor. The Government Center Committee visited the two finalist FFE vendor showrooms on January 5<sup>th</sup> and obtained cost estimates on "standard" cubicle and office arrangements. Based on those visits, vendor references, furniture options, pricing and other factors, the Committee recommends Fluid as the Government Center project FFE vendor. All vendors interviewed are state contract vendors, which means that choosing any one of those vendors satisfies the statutory requirement for competitive bidding. Motion by Gapinski and seconded by Johnson to select Fluid as the FFE vendor for the Government Center project. Motion carried unanimously.

Next, Headley asked for County Board consideration of the Open Forum Policy. The Open Forum policy was originally adopted on August 15, 2006. The Open Forum segment of the County Board agenda provides time for individuals to address topics of concern with the County Board. As stated in the policy, individuals may raise concerns and share information with the County Board, but no action will be taken at that time. The policy also establishes a standard of conduct and a time limit for speakers in the Open Forum. During the County Board goal-setting work session on January 12<sup>th</sup>, it was the consensus of the

County Board to change the time limit to 3 minutes per speaker. Motion by Popp and seconded by Johnson to adopt the new Resolution setting forth a County Policy on Open Forum. Motion carried unanimously.

Next, Headley requested County Board consideration regarding County representation on the Benton Economic Partnership (BEP) Board of Directors. At the goal-setting work session on January 12<sup>th</sup>, the County Board discussed its representation on the BEP Board of Directors. The BEP charter provides the County with one seat on the BEP Board of Directors. The County Board agreed that the County's representative to the BEP Board would rotate with whichever County Board member is also the County Board Chair. It was also a consensus that the County Board Vice-Chair would serve as the alternate to the BEP Board. Motion by Johnson and seconded by Benoit to designate the County Board Chair as the County's representative to the BEP Board, with the County Board Vice-Chair as the BEP Board alternate. Motion carried unanimously.

Next, Gapinski asked County Board members if they wished to move forward with \$24,000 in funding for APO's federal lobbying efforts to ensure continued advocacy, particularly with a federal grant application due at the end of February. The broader goal is to pool resources with other Central Minnesota jurisdictions under a single lobbyist to strengthen regional competitiveness for federal funding. There was a consensus of the County Board to proceed and have Headley coordinate with APO and congressional offices, with plans for regular updates to the County Board, and to fund the additional cost by using board contingency funds.

Next, Land Services Director Roxanne Achman requested County Board consideration of the Board of Adjustment per diem rate. The Board of Adjustment per diem rate is currently \$70 per meeting, plus mileage, and \$10 per site visit, plus mileage. The meeting rate was increased from \$60 to \$70 set in 2022. Site visits were increased from \$5 to \$10 in 2009. The County Board recently adopted a per diem of \$70 but added a new \$100 per diem for meetings or a series of meetings exceeding four hours (same day). It was noted that the \$100 per diem is not in addition to the basic \$70 per diem. After discussion, Johnson motioned to have the Board of Adjustment per diem rate mirror the per diem rate for other Boards and Commissions, by retaining the current \$70 per diem rate, and adding a new \$100 per diem for meetings or a series of meetings exceeding four hours (same day). Seconded by Benoit. Motion carried unanimously.

Next, Achman provided updates on the following: Planning & Zoning updates which included an update on 2025 permits, current projects and Cannabis; Assessor updates which included an update on Tyler, Assessing Agreement, and Land Sales; and the Recorder update which included an update on Judicial safety. This item was for informational purposes only.

The County Board recessed at 10:27 AM to conduct a Ditch Authority Meeting.

The County Board reconvened at 10:42 AM.

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

Under Comments by Commissioners, Gapinski requested Headley to provide an update and comparison of the Comp Time and Overtime used in 2024 vs. 2025.

Johnson/Popp to set the Committee of the Whole Meetings: Wednesday, March 4, 2026 through Thursday, March 5, 2026 the Association of Minnesota Counties Legislative Conference and County Day at the Capitol at the InterContinental Hotel, 11 East Kellogg Boulevard E, St. Paul, MN 55101 8:00 AM; Monday, March 16, 2026, Monday July 20, 2026 and Monday, October 5, 2026 Public Health/Human Services Meetings, Human Services Third Floor Conference Room, Foley, 8:30 AM; Tuesday, March 17, 2026 Employee Years of Service Recognition Ceremony 7:00 AM Sheriff's Office, 7:30 AM Highway Department; 8:00 AM Human Services Third Floor Conference Room, and 8:30 AM Benton County Board Room. Motion carried unanimously.

The County Board recessed at 10:54 AM.

The County Board reconvened at 11:00 AM.

Headley announced that the County Board will conduct a closed session of the County Board under MN Statutes §13D.05, Subdivision 3 to evaluate the performance of individuals subject to County Board authority. Under MN Statutes §13D.05, Subdivision 3, a public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing the meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. All closed meetings, except those permitted by the attorney-client privilege, must be electronically recorded and the recording preserved for at least 3 years after the meeting date. The purpose of today's closed session is to review performance evaluations for appointed Department Head (Human Services Director, Information Technology Director, Land Services Director, Public Health Director and County Administrator). Motion by Johnson and seconded by Gapinski to conduct a closed session of the County Board under MN Statutes §13D.05, Subdivision 3 to evaluate the performance of individuals subject to County Board authority at 11:01 AM. Motion carried unanimously. Heinen announced that today's closed session covers the performance evaluations for appointed Department Heads which include the Human Services Director, Information Technology Director, Land Services Director, Public Health Director and County Administrator.

Motion by Johnson and seconded by Gapinski to come out of closed session and reconvene the Regular Board Meeting at 12:13 PM

Chair Heinen adjourned the Regular Board Meeting at 12:13 PM.

ATTEST:

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Steven J. Heinen, Board Chair  
Benton County Board of Commissioners

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Montgomery Headley  
Benton County Administrator