

BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
MARCH 16, 2021

The Benton County Board of Commissioners met in regular session on March 2, 2021 in the Benton County Board Room in Foley, MN with Commissioners Scott Johnson, Ed Popp, Jared Gapinski and Steve Heinen present. Commissioner Beth Schlangen joined virtually at 9:41 am. Call to order by Chair Popp was at 9:00 AM followed by the Pledge of Allegiance to the flag.

County Administrator, Monty Headley requested to include Auditor-Treasurer Nadean Inman's DMV item with Commissioner Johnson's DMV item under Commissioner Concerns. Motion by Gapinski and second by Johnson to approve the amended agenda. Motion carried unanimously.

Present to speak under Open Forum: Michael Lewandowski of Foley, MN expressed his concerns with the Mutual Aid Agreement with the City of Minneapolis. Jerome Nelson, Roger Erdmann of Ostego, MN, Stephanie Varner of Arizona, Michelle Sivens of Eagan, MN, and Joe Pines of Hong Kong, all expressed concerns about the adoption of the Benton County Boundary Commission Plat No. 1.

Heinen/Gapinski unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of March 2, 2021; 2) accept and file a summary of the March 2, 2021 Department Head Performance Evaluations; 3) amend the Boards and Commissions Appointments to include city liaisons; 4) approve contract with Allied Waste Services of North America, LLC, d/b/a Allied Services for 2021-2024; 5) approve application for County combination On-Sale, Off-Sale and Sunday Liquor License; 6) approve municipal maintenance agreement with the City of Foley and authorize Chair to sign 7) approve municipal maintenance agreement with the City of Sauk Rapids and authorize Chair to sign; 8) approve municipal maintenance agreement with the City of Sartell and authorize Chair to sign.

Department of Development Director Roxanne Achman conducted a Public Hearing to consider the adoption of proposed assessment of \$66, 925.63 for Benton County Boundary Commission Plat No.1 in Watab Township. Each parcel, including the township right-of-way, is proposed to be assessed \$2,909.81. The assessment may be paid over a term of 10 years at a rate of 2 percent per year from the date of the adoption of the assessment resolution. Additional payment details are outlined within the resolution. It was determined that the actual dispute was between legal descriptions of the properties versus what was believed to be the property line as occupied. During the Public Hearing, Jerome Nelson, Roger Erdmann, Stephanie Varner, Michelle Sivens and Joe Pines expressed concerns about the adoption of the Benton County Boundary Commission Plat No. 1. Public Hearing was closed at 9:38 am. Achman stated that Rita Kines sent a letter and Michelle Simeon provided an email to Achman. Auditor Treasurer did not receive any written notifications. Attorney Michelle Meyer gave a brief history of the process that happened to get to where we are today in deciding to adopt the assessment. Motion by Johnson to adopt assessment of \$66,925.63 for Benton County Boundary Commission Plat No. 1 and was second by Heinen. Motion carried with 4 to 1, Johnson, Popp, Gapinski and Heinen voting "aye" and Schlangen voting "nay" and authorized Chair to sign.

Achman conducted another Public Hearing regarding the Minor final plat entitled “The Cove 4<sup>th</sup> Addition” submitted by Jim Brownson, Development Marketing Services. The plat combines 10 lots into 5 lots. This plat is part of a larger project to combine other lots throughout The Cove development. Public Hearing opened at 9:58 am. No one was present or online to speak at the Public Hearing. Public Hearing closed at 9:59 AM. No letters or other communications were received by the Department of Development. Watab Township is in favor of the lot combinations. Watab Township vacated drainage and utility easements between them, they took action to approve the preliminary plat and they will be signing the final plat. Gapinski motioned to approve the final plat entitled “The Cove 4<sup>th</sup> Addition” and authorized Chair to sign. Second by Johnson. Motion carried unanimously.

Mark McNamara from Department of Development held a Public Hearing for the 2021 Solid Waste Facility Licenses for Waste Management. The following solid waste facilities were issued licenses in 2020, and are again applying in 2021: Waste Management, Republic Services (Minden Transfer Station), Henkemeyer Landfill Inc., Tri-County Organics LLC, and Tom Kraemer Inc. d/b/a East Side Transfer and Recycling. The proposed license terms and conditions were given to the Benton County Board. All the listed facilities are in good standing with MPCA. Public Hearing began at 10:04 AM. No one was present or online to speak at the Public Hearing. Public Hearing closed at 10:05 AM. There were no emails or letters sent. The Department does not have any concerns from State Agencies, Cities or Townships. No official action was required by an affected Township. The Department of Development staff request 2 motions for today’s meeting, one to set the bonding insurance and the second one would direct the Chair to sign. Johnson motioned to approve the 2021 Solid Waste Management Facility Licenses as presented. Second by Gapinski. Motion carried unanimously. Johnson motioned to set the bonding insurance and approve the Chair to sign. Second by Gapinski. Motion carried unanimously.

Recess Regular Board meeting to conduct Human Services Board meeting at 10:09 AM.

Regular Board meeting reconvened at 10:15 AM.

County Administrator Monty Headley invited Benton Economic Partnership Director Amanda Othoudt to conduct a Public Hearing on a proposed tax abatement for Performance Food Group, Inc. in Rice, MN. A public hearing is required since the amount of abatement requested exceeds the threshold for a “business subsidy” under Minnesota law. The developers total tax abatement request is \$600,000, with approximately \$200,000 being requested from the city and up to \$400,000 from the county over a period of up to 15 years. The abatement request is only on the new taxable value. Opened Public Hearing at 10:15 AM for Performance Food Groups. No one was present or online for the Public Hearing. Public Hearing was closed at 10:31 AM. No communications were sent. Motion made to consider the Resolution to approve the economic development tax abatement for Performance Foods by Gapinski and for the Chair to sign. Second by Johnson. Motion carried unanimously.

Karen Pundsack, the Executive Director and Shelly Kuelbs, the Library Services Coordinator for Foley and Clearwater of the Great River Regional Library gave an update on to the County Board on the Library’s 2020 activities and an overview of what they did over the past year.

Sheriff Troy Heck readdressed the tabled topic from the last Regular Board Meeting on Tuesday, March 2, 2021 to approve the Mutual Aid Agreement with the City of Minneapolis. The County Board requested this be tabled so they would have more time to consider the details of this request. The County Board questioned if other counties would be sending their officers to help. Heck contacted the Sheriffs in our 4 neighboring counties, the police chiefs of agencies within Benton County, and the police chiefs of the police agencies in the St. Cloud metropolitan area. Each of them told Heck that they would not be sending staff to assist with Operation Safety Net (OSN) on a proactive basis. Support for OSN is much more limited in Sheriff's Offices outside of the 7-county metro area. It was clarified that even without approval of the County Board, Heck could still send our officers if called upon under an "emergency" request. County Board was in consensus not to approve the Mutual Aid Agreement with the City of Minneapolis and no motion was made and there was no further action taken.

Regular Board Meeting recessed at 11:03 AM

Regular Board Meeting reconvened at 11:07 AM

Benton County Veteran Service Officer George Fiedler gave a brief presentation to the County Board to introduce himself to the new Board members and to give an overview of the services he offers to the Veterans in Benton County.

Land Services Director, Michael Harvey asked for approval from the County Board to approve the contracts with QPublic to add GIS layers to our Beacon Geographic Information Software and to approve program changes that enable highlighting yearly changes from CAMA. Motion by Gapinski to approve the contract with QPublic to add GIS layers to our Beacon Geographic Information Software and second by Johnson. Motion carried unanimously. Johnson motioned to approve contract with QPublic for program changes that enable highlighting yearly changes from CAMA. Gapinski second. Motion carried unanimously.

County Engineer Chris Byrd wanted to discuss purchasing maintenance equipment in 2021 with the Board. The Highway Department has been renting a pavement, crack sealant melter from Brock White. Byrd would like to purchase the machine that they have been renting outright. The cost to purchase is the balance of the purchase price minus what they have paid in rental thus far which is \$22,125. There is a consensus among the Board to sell the old machine and to purchase the new pavement, crack sealant melter and to confirm that we would get a \$4,000 credit. Byrd then asked the County Board to purchase a disc mower for \$16,500, as well as a mechanic/shop truck for \$30,140. The replacement of the mechanic's shop truck was budgeted for 2021 is coming in higher than budgeted. Byrd noted that there is some budget remaining from 2020 that the Highway Department would like to transfer to 2021. At the close of 2020, there was about \$78,000 remaining from Fund 13, Equipment Maintenance & Shop budget, that would cover the costs to purchase the crack sealant melter; a new disc; bar mower; and the additional costs associated with the replacement shop truck. There was a consensus among all members of the County Board to keep moving forward with purchasing these items.

Byrd next asked the County Board to adopt a Resolution to award a construction contract for the mill and overlay project on County Roads 46, 88, 89, 90 and the seasonal bituminous overlay. We received 5

bids and OMG Midwest, Inc., d/b/a MN Paving & Materials was the lowest responsible bidder with a total bid of \$1,259,228.17. This is 20.86% lower than our Engineer's estimate. Motion by Johnson to adopt a Resolution to award a construction contract for mill and overlay project to OMG Midwest. Second by Heinen. Motion carried unanimously.

Under Commissioner Concerns, Commissioner Johnson wanted to discuss whether DMV can allow walk-in customers and not require appointments. Nadean Inman, Auditor-Treasurer, informed the County Board that they are down to one person working in the DMV. They have hired two additional people in the meantime. What's holding things up is the extensive background check with DVS which takes about 60 days. Inman said they are booked out the next three weeks and is unsure when they would be able to take walk-in appointments. Inman said they are taking some walk-ins, if time permits, but the appointments take precedence. Inman could not commit to a time frame which she thought they could go back to taking walk-in appointments.

There were no other Commissioner concerns.

Board members reported on Commissioner updates and recent meetings they attended on behalf of the County.

Johnson/Heinen to set Committees of the Whole, Quarterly Business Review virtual meeting on Thursday, March 25<sup>th</sup> starting at 7:45 AM, Association of Townships Meeting, St. George Township Hall at 7:30 Pm on Thursday, April 8<sup>th</sup>, 2021, and Mississippi Watershed topic with Gerry Maciej from SWCD, Human Services Sentence to Serve program regarding "Revenue Maximization" position in the County Board Room on Tuesday, March 30, 2021 at 9:00 AM in the County Board Room. Motion by Heinen and second by Johnson to approve the future Committee of the Whole Meetings.

Motion by Gapinski and second by Johnson to conduct a closed meeting of the County Board (at 12:35 PM), pursuant to MN Statutes §13D.03, Subdivision 1, to evaluate the performance of an individual subject to County Board authority. It was noted for the record that today's closed session is being held to evaluate the performance of the Human Services Director and the Public Works Director/County Engineer. Heinen motioned to end the Closed Session at 1:38 PM. Second by Popp. Motion carried unanimously.

Regular County Board Meeting was reconvened at 1:38 pm.

Johnson/Gapinski to adjourn at 1:39 PM. Motion carried unanimously.

ATTEST:

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Edward D. Popp, Chair  
Benton County Board of Commissioners

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Montgomery Headley  
Benton County Administrator

