

BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
MARCH 15, 2022

The Benton County Board of Commissioners met in regular session on March 15, 2022, 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 Beth Schlangen, Scott Johnson, Steve Heinen, Jared Gapinski and Ed Popp present.

Johnson had requested amend the Regular Agenda to recess the Regular Board Meeting at 10:51 AM for the Ditch Authority Meeting. Motion by Johnson and seconded by Popp to approve the amended agenda. Motion carried unanimously.

No one was present to speak at the Open Forum.

Motion by Popp and seconded by Johnson to approve Consent Agenda items 1 – 5: 1) approve the Regular Meeting Minutes of March 1, 2022 and authorize the Chair to sign; 2) adopt the revised Vision, Mission and Strategic Priorities; 3) abolish the Temporary Deputy Sheriff Position; 4) approve a resolution adopting the Benton County Solid Waste Management Plan and authorize the Chair to sign; 5) accept a dedication of up to \$1,500 SCORE funds to support the sale of compost bins through the Recycling Association of Minnesota. Motion carried unanimously.

Next, the County Board recognized the employees that were nominated and selected for the 4<sup>th</sup> Quarter Employee Recognition. It is Benton County Policy to recognize workers that go above and beyond in their daily work. There are four categories of awards: Customer Support; Innovation and Efficiency; Employee Safety/Injury Reduction; and Inspirational Leader. The Public Health COVID-19 Response Staff, which included Brianne Zulawski, Gina Loterbauer, Jennifer Lezer, Julie Willman, Mariah Klein, Cloanne Wegman, Kayla Roelofs and Samantha Hageman were nominated by Community Health Services Administrator Jaclyn Litfin and selected in the category of “Customer Service”; Social Worker Dustin Johnson was nominated by Social Workers Chelsea Johnson and Victoria Blonigen and selected in the category of “Inspirational Leader”; the ISS-Financial Unit which included Holly Grimm, Becky Lesniak, Michael Willemsen, Katie Hanson, Alicia Thell and Sarah Carruth-Parker were nominated by Eligibility Specialist Ashley Canfield and selected in the category of “Customer Service”; and Building and Grounds Assistant Correy Tomford was nominated by Property Management Director Jeff Dingmann and selected in the category of “Customer Service”.

Next, Great River Regional Library’s (GRRL) Executive Director Karen Pundsack along with GRRL’s Foley and Clearwater Library Manager Shelly Kuelbs presented the 2021 Activities and Annual Report to the County Board. This item was for informational purposes only. No action was taken; no motion was made.

Next, Deputy Auditor Heather Bondhus asked the County Board to consider the sale of tax-forfeited parcel 09.00600.00 to adjacent landowners by sealed bid and set the minimum bid price. Bondhus

stated that parcel 09.00600.00 is a tax-forfeited property in Minden Township. It was formerly a cartway that had been vacated and it later became tax forfeited as the previous owner did not pay the property taxes on the land. It is a narrow strip of land that is 16.5 feet across and contains a total of .5 acres. The 2022 Estimated Market value is \$2,500 and our local Assessor's Office has assessed the value at \$2,000. Minnesota Statute §282.01, Subdivision 7a states land located in a town which cannot be improved because of noncompliance with local ordinances regarding minimum area, shape, frontage, or access may be sold by the county auditor if the auditor determines that a nonpublic sale will encourage the approval of sale of the land and promote its return to the tax rolls. Bondhus stated that the Auditor-Treasurer's office is requesting to offer parcel 09.00600.00 at a private sale to adjacent landowners. The parcel would be sold to the highest bidder by sealed bid and would be subject to the same terms as any other tax-forfeited properties sold by the county. If the parcel meets the requirements to be combined for tax purposes pursuant to Minnesota Statute §272.46, the purchaser will be required to provide a completed Request to Combine form to the Auditor-Treasurer's office and the parcel would be combined to the purchaser's existing parcel after the 2022 property taxes are paid in full. Each bidder may only submit one bid. As dictated by Minnesota Statute §282.01, all adjacent landowners will be provided 30 days written notice of the sale. Johnson queried why the Auditor-Treasurer's Office chose to do a sealed bid vs. an auction. Bondhus replied that the sealed bid process could potentially avoid tax forfeiture in the future. Johnson stated that he would prefer that this parcel "goes to auction" because there is enough interest from landowners that are adjacent to this property. Popp agreed with Johnson and suggested that if we do go to auction, to only auction the land to adjacent landowners. Bondhus stated that Minnesota Statute would allow the tax forfeited property to go to auction, and quoted Statute §282.01 Subdivision a., which states "the county auditor may restrict the sale to owner of lands adjoining the land to be sold. The county auditor shall conduct the sale by sealed bid or may select another means of sale". Bondhus then stated the land shall be sold to the highest bidder and may be sold for less than its appraised value. All owners of land adjoining the land to be sold shall be given a written notice of 30 days prior to the sale. Motion by Gapinski and seconded by Popp to set the bid price at \$2000 for parcel 09.00600.00. Popp stated that he felt that the minimum bid price of \$2,000 was "way too high" if we are going to go to auction, and he would rather have a lower minimum bid price to have the parcel sell and let the auction "take care of itself". Gapinski made an amendment to his motion to set the minimum bid price at \$750. Johnson seconded the amended motion. Motion carried unanimously. Next, motion by Johnson and seconded by Gapinski to approve the sale by live auction of parcel 09.00600.00 to the six properties that are adjacent to the property, with the date and time of the auction to be on Wednesday, April 27, 2022 at 10:00 AM. Motion carried unanimously.

Next, on the agenda was to conduct a Public Hearing regarding the 2022 Solid Waste Facility Licenses for Waste Management. Land Services Director Roxanne Achman had Wetland and Solid Waste Program Lead Sierra Cotter present the report on the 2022 Solid Waste Facility Licenses for Waste Management, Republic Services (Minden Transfer Station), Henkemeyer Landfill inc., Sandhill Organics dba Tri-County Organics LLC, and Tom Kraemer Inc. dba East Side Transfer and Recycling. Cotter stated the Benton County Solid Waste Ordinance No. 471 requires annual renewal of solid waste management facility licenses including a public hearing before the County Board of Commissioners. The following solid waste management facilities were issued licenses in 2021 and are applying again in 2022. Cotter stated that all

the facilities are in good standing with MPCA; and the facilities had on-site inspections by the Benton County Solid Waste staff and appeared to be in compliance with MPCA and Benton County requirements. Heinen opened the public hearing at 9:41 AM. No one from the public was present to speak at the public hearing. The public hearing closed at 9:42 AM. Cotter stated there were no emails, letters or other communications to be read into the record. The Department did not receive any comments or concerns from State agencies, cities or townships. Also, there was no official action required by an affected township. Motion by Gapinski and seconded by Johnson to set the surety bond and insurance as a part of the 2022 Solid Waste Management Facility Licenses. Motion carried unanimously. Then, Johnson motioned to sign the 2022 Solid Waste Facility Licenses for Waste Management, Republic Services (Minden Transfer Station), Henkemeyer Landfill Inc., Sandhill Organics dba Tri-County Organics LLC, and Tom Kraemer Inc. dba East Side Transfer and Recycling. Seconded by Gapinski. Motion carried unanimously.

The Regular County Board meeting was recessed at 9:43 AM to conduct a Human Services Board Meeting.

The Regular Board meeting reconvened at 9:58 AM.

Next on the agenda was the discussion on County Commissioner Re-Districting. This topic was discussed at the March 8<sup>th</sup> County Board goal-setting work session. It was the consensus of the County Board to have a formal discussion of potential re-districting at the March 15<sup>th</sup> County Board Meeting. After ample discussion, it was decided that there wouldn't be a good way to adjust the districts without causing all the Commissioners to run for re-election. There was a consensus among the County Board to leave all five districts "as is" and to not make any changes to the districts. Headley will bring a resolution to the last Regular Board Meeting in April solidifying that there will be no changes to the districts in 2022.

Next, County Engineer Chris Byrd had the County Board consider a request from Benton County resident Jeff Hanson to appeal the County Highway Access Policy. Mr. Hanson appeared before the Board at the April 6, 2021 and the September 9, 2021 Board meetings. Mr. Hanson is appealing the denial of a second driveway onto his parcel at 8660 1<sup>st</sup> Ave NE Rice (along CR 78). At the last meeting the Board gave direction to Mr. Hanson to complete a full wetland delineation and to complete the permit process for a de minimis exemption of wetland replacement. Mr. Hanson has completed that work. He has a completed site plan that shows the proposed driveway and the County Road 78 Access. Gapinski stated "Mr. Hanson did everything we asked him to do". Motion by Popp and seconded by Johnson to have the Board Chair sign the permit as acceptance to Mr. Hanson's Driveway Access appeal. Motion carried unanimously. Heinen then asked Byrd if they were looking at changing the policy on driveway access or moving it to be an ordinance. Byrd replied and said they are working into creating an ordinance however, Byrd doesn't feel that an ordinance would have helped this issue. Motion carried unanimously.

Next, Byrd requested the County Board to consider an amendment to the Professional Services Agreement with SEH for fiber construction project. After beginning design work for the fiber project between Foley and St. Cloud, it has become apparent that we need to acquire permits from the DNR to

place fiber cable under a couple streams. This work was not included in the original scope of work in the contract. Additionally, to complete the construction plans a "Level 1" wetland review needs to be completed to determine if we will have any temporary wetland impacts along the alignment of the project. This work includes reviewing National Wetland Inventory maps, drafting, and submitting permit applications to Wetland Conservation Act LGU (Benton County). This work was not included in the original scope of work in the contract. Motion by Gapinski and seconded by Johnson to approve the Contract Amendment to the Professional Services Agreement with SEH for fiber construction project. Motion carried unanimously.

Popp then suggested to Byrd to have an upcoming discussion on driveways and to look at how it's affecting driveway approaches, possibly at a future Committee of the Whole. Johnson and Gapinski would be in favor of this as well. Byrd replied by saying this would warrant for discussion at a future Committee of the Whole.

There were no additional comments by Commissioners under Comments by Commissioners (general comments by Board Members on Topics not requiring County Board action).

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

Motion by Johnson and seconded by Gapinski to set the future Committee of the Whole Meetings: Tuesday, April 5, 2022, Luncheon with Benton Soil and Water Conservation District at Jack & Jim's in Duelm, MN at 11:30 AM; Thursday, April 7, 2022 GSCD All-Investor meeting and Spring Recognition Event at the Clearing, located at 195 River Avenue South, Sauk Rapids, MN 56379, 4:00 PM; Monday, April 18, 2022 Public Works Topics: 1) Discussions on Local Option Sales Tax, 2) 5-Year Road Plan, 3) Driveway Policy, Benton County Boardroom, Foley, 9:00 AM; Monday, April 18, 2022 site visit at the Bend in the River Park on Forestry Management Plan, NE River Rd, Rice, MN 56367, 4:00 PM; Tuesday, May 24, 2022 HSEM Training for Elected Officials on emergency management responsibilities, County Boardroom, Foley, 9:00 AM; 2022 Employee Forums on Tuesday, April 5, 2022, Tuesday, August 2, 2022, and Tuesday, November 1, 2022 at the Benton County Boardroom, Foley, 8:00 AM. Motion carried unanimously.

Motion by Johnson and seconded by Popp to recess the meeting at to conduct the Ditch Authority Meeting at 10:51 AM. Motion carried unanimously.

Regular Board Meeting reconvened at 11:56 AM.

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 an individual subject to County Board authority; Chair Heinen announced that today's closed session covers performance evaluations for the Land Services Director and the Human Services Director. Motion carried unanimously.

Regular Board Meeting reconvened at 12:35 PM.

Regular Board Meeting adjourned at 12:36 PM.

ATTEST:

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Steven J. Heinen, Chair  
Benton County Board of Commissioners

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Montgomery Headley  
Benton County Administrator