

BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
JULY 19, 2022

The Benton County Board of Commissioners met in regular session on July 19, 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.

County Administrator Montgomery Headley requested to amend the agenda to add the Application for Consumption and Display Permit (Bottle Club) as the 5<sup>th</sup> item under the Consent Agenda (Auditor-Treasurer), and to add a closed meeting of the County Board under MN Statutes §13D.05, Subdivision 3(b), as permitted by the attorney-client privilege for the purpose of discussing the case of Benton County Board v. Nadean Inman, Auditor-Treasurer at 10:30 AM. Motion by Popp and seconded by Johnson to approve the amended agenda. Motion carried unanimously.

There were two members of the public present to speak at the Open Forum. The first was John Czech of 10246 170<sup>th</sup> Ave who shared his concerns with a crosswalk issue and the second was Mike Ratka of 11609 45<sup>th</sup> St who shared concerns regarding a driveway application.

Motion by Gapinski and seconded by Johnson to approve Consent Agenda items 1 - 5: 1) approve the Regular Meeting Minutes of July 5, 2022 and authorize the Chair to sign; 2) accept the donation from Rapids River Days Parade via the Benton County Sheriff's Office Significant Others Group and authorize the Chair to sign; 3) approve the amendment to the Guardian Tracking contract and authorize the Chair to sign; 4) approve the 2022 Boat and Water Safety grant and authorize the Chair to sign; 5) approve the application for Consumption and Display Permit (Bottle Club). Motion carried unanimously.

Next, the Minnesota Inter-County Association (MICA) presented an update on the 2022 legislation, which included Executive Director Matt Massman, Transportation Liaison Steven Novak, and Health and Human Services Liaison Nancy Silesky. This was for informational purposes only.

Next, resident Mr. Lenny Fiore addressed concerns about traffic and dust on 45<sup>th</sup> St NE (St. George Township Road) from manure hauling. Mr. Fiore stated that when it's done, it renders the road useless and unsafe, and creates dust storms where there is very low visibility. County Engineer Chris Byrd stated there is not much from a county perspective that we can do since Implements of Husbandry are exempt from load and weight provisions. Byrd also stated manure haulers are not required to obtain a permit from the County to operate. Resident Ms. Julie Torrell stated that what is being overlooked is safety, and the road is not safe when the hauling is happening. Johnson stated that he feels this is more of an issue of lacking consideration for your neighbors. Resident Mr. Mike Ratka stated that dust is recognized as a pollutant according to the Minnesota Pollution Control Agency (MPCA). Popp added that the responsibility goes back to the owner, and we still have to be a "good neighbor". Mr. Myron Czech, co-owner of the farm responsible for the traffic, dust, and manure hauling stated he takes responsibility for lacking communication concerning the safety and dust. Mr. Czech stated they do pump their manure,

however not on this field on 45<sup>th</sup> St NE. Mr. Czech stated he will work with his neighbors and the township to water or spray chloride on the roads to prevent the dust. Popp suggested putting signs up when using the roads for agricultural purposes. Johnson asked if the President of the farm, Mr. Brent Czech is aware of the issues going on and Mr. Myron Czech stated he was. A solution was reached to have the owners of the farm pump manure whenever they can, to water or spray the roads with chloride to prevent dust, to put up signs when the roads are being used for agricultural purposes, and to keep the communication open with the neighbors.

Next, Human Services Director Johanna Mattson introduced our new Human Resources/Safety Administrator Scott Rowe to the County Board.

Next, Deputy Auditor Heather Bondhus requested the County Board to appoint Commissioners to the Canvassing Board for State Primary Election 2022. Canvassing Board membership includes two members of the County Board who are not candidates at the election per Minnesota Statute §204C.31. The County Board may appoint a designee (voting citizens of Benton County) to appear on their behalf, except that no designee may be a candidate for public office. The Canvassing Board Meeting will be held on Thursday, August 11, 2022 at 10:00 AM in the Benton County Board Room. Johnson volunteered to be on the Canvassing Board, as well as Schlangen. Gapinski volunteered to be an alternate to the Board. Motion by Popp to appoint Johnson and Schlangen as members of the Canvassing Board, with Gapinski as an alternate. Seconded by Heinen. Motion carried unanimously.

Next, Headley discussed the 40 hour per week position in Human Services to manage the Emergency Management function. It was a consensus of the County Board at the July 5<sup>th</sup> regular meeting to move the Emergency Management function to Human Services as a full-time position. Moving the position from its current 35 hours per week to 40 hours per week adds approximately \$10,000 to the position's cost. If the position is located in Human Services doing billable work, the County can claim approximately \$13,000 in additional federal and state reimbursement, offsetting this additional cost. Gapinski stated he is 100% opposed to moving this position to Human Services. Heinen was in agreement with Gapinski. Headley suggested to keep the position in the Administrator's Office or the Sheriff's Office. Popp stated he would also like to use this position for Grant writing. Headley stated he will attend all trainings/conferences/meetings in the meantime to stay compliant with the State. Motion by Johnson to table the Emergency Management position until the next Regular Board Meeting until we are clear on where this position should be housed. Seconded by Gapinski. Motion carried unanimously.

Motion by Gapinski and seconded by Johnson to conduct a closed meeting of the County Board under MN Statutes §13D.05, Subdivision 3(b) as permitted by the attorney-client privilege to discuss the ongoing litigation of Benton County Board v. Nadean Inman, Auditor-Treasurer, including the status of the litigation and a proposal made by Nadean Inman to potentially resolve the matter. Motion carried unanimously.

Motion by Johnson and seconded by Gapinski to reconvene the Regular Board Meeting at 11:05 AM. Motion carried unanimously.

Motion by Johnson and seconded by Popp to direct outside counsel to act per the discussion in the Closed Meeting regarding the ongoing litigation in the case of Benton County Board v. Nadean Inman, Auditor-Treasurer. Motion carried unanimously.

The Regular County Board meeting was recessed at 11:07 AM to conduct a Human Services Board Meeting.

The Regular Board meeting reconvened at 11:24 AM.

Next, Land Services Director Roxanne Achman requested approval of the MOU for the Mississippi St. Cloud Watershed water management planning process. In 2015, the state initiated the transition from water management planning on a county scale to water planning on a watershed scale. Benton County is a required party of the 1 Watershed 1 Plan (1 W 1 P) for this watershed. The purpose of this Agreement is to collectively develop and adopt, as local government units, a coordinated watershed management plan for implementation per the provisions of the Plan. Parties signing this agreement will be collectively referred to as the Mississippi River St. Cloud Watershed Collaborative. This agreement will only cover the planning process and adoption of the plan. Once a plan is developed and adopted by the parties, the next phase for implementation will be handled by a separate agreement. The Benton Soil and Water Conservation District (SWCD) acted on the MOU at their July Meeting. Achman stated that the sentence of uncertainty was removed which stated: "Each party will need to indicate in its Resolution whether the plan will be supplemental to the party's water plan or will replace its water plan". Achman stated it is their desire to move forward with this MOU. Achman also stated that an issue arose last week that the Clearwater Watershed may not enter into the agreement. Motion by Popp and seconded by Johnson to approve the MOU for the Mississippi St. Cloud Watershed water management planning process. Motion carried unanimously. Then, Popp motioned to appoint Johnson as a member to serve on the Policy Committee and appointed Gapinski as the alternate. Seconded by Gapinski. Motion carried unanimously.

Next, Veterans Service Officer George Fiedler requested the County Board consider the County Veteran Service Officer (CVSO) Minnesota Operational Enhancement Grant providing Benton County \$10,000 to spend on veteran services activities as outlined in the list of approved items from the state of Minnesota. Motion by Johnson and seconded by Gapinski to approve the CVSO Minnesota Operational Enhancement Grant. Motion carried unanimously.

Next, Byrd provided the Public Works/Highway Department Annual Report. This Regular Agenda item was for informational purposes only.

Then, Byrd provided an update on the Transportation Sales Tax Collection. This Regular Agenda item was for informational purposes only.

Then, Byrd requested adoption of the 5-Year Road Construction Improvement Program (CIP). The 5-Year Road CIP has been discussed on a recent tour of the county roads and at a recent Committee of the Whole. The 5-Year CIP is a planning document that guides the Public Works/Highway Department on how to spend their resources. Byrd noted that the 5-Year Road CIP will be published on the Public Works

web page once it is approved by the County Board. Byrd emphasized that this is a “plan” and if there are other projects that arise that need immediate attention, there may be projects in the 5-Year CIP that get put on hold. Motion by Gapinski and seconded by Popp to adopt the 5-Year Road CIP. Motion carried unanimously.

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

Under Comments by Commissioners, Johnson shared his frustrations regarding the resolution of a driveway application that was discussed during the Open Forum today, and stated he thought this issue was already taken care of. The County Administrator was directed to place the driveway access issue on the next County Board agenda if it is not resolved by then. Johnson stated he will call Mr. Ratka to see if this issue is resolved, and to let Mr. Ratka know that he can appeal the decision.

Johnson/Gapinski to set the Committees of the Whole: Benton Economic Partnership (BEP) Quarterly Meeting on Thursday, July 28<sup>th</sup> at 7:30 AM at the Clearing located at 195 River Ave S, Sauk Rapids, MN 56379 at 7:30 AM; discussion on Emergency Management Position and changes in Tobacco Licensing at the Benton County Boardroom, Foley at 9:00 AM. Motion carried unanimously.

Motion by Gapinski and seconded by Johnson to adjourn the Regular Board meeting at 12:27 PM.

ATTEST:

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Steven J. Heinen, Chair  
Benton County Board of Commissioners

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Montgomery Headley  
Benton County Administrator