

BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
AUGUST 2, 2022

The Benton County Board of Commissioners met in regular session on August 2, 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 an approval of a Special Road Use Permit for Rice Family Fun Days as the 6<sup>th</sup> item under the Consent Agenda 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 Johnson and seconded by Gapinski to approve the amended agenda. Motion carried unanimously.

There was no one present from the public to speak under Open Forum.

Motion by Popp and seconded by Johnson to approve Consent Agenda items 1 - 6: 1) approve the Regular Meeting Minutes of July 19, 2022 and authorize the Chair to sign; 2) approve the Committee of the Whole Meeting Minutes of July 12, 2022 and authorize the Chair to sign; 3) approve the Committee of the Whole Meeting Minutes of July 25, 2022 and authorize the Chair to sign; 4) approve the Confidential Data Release Agreement and HIPAA Business Associate Agreement between Benton County, PreferredOne and First Stop for Health; 5) approve the application for a Special Event Permit request by Deanna Rosa, d/b/a Rollies, LLC to host special events; 6) approve the Special Road Use Permit for Rice Family Fun Days and authorize the Chair to sign. Motion carried unanimously.

Next, Headley requested the County Board to consider approving a 40 hour per week Emergency Management position in the Sheriff's Office. It was the consensus of the County Board at the July 25<sup>th</sup> Committee of the Whole Meeting to move the Emergency Management function to the Sheriff's Office as a 40 hour per week position. As proposed by Sheriff Troy Heck, this non-licensed position would spend approximately 3/4<sup>th</sup> of its time on Emergency Management. The balance would focus on: 1) assisting all departments with identifying and applying for grants; 2) County outreach to increase awareness of preparedness and public safety; 3) managing the Sheriff's ARMER radios; 4) maintaining the Sheriff's law enforcement training policies (LEXIPOL). Motion by Johnson to approve a 40 hour per week Emergency Management position (Grade 10) in the Sheriff's Office as proposed by the Sheriff's Office and to be appointed by the County Board. Seconded by Gapinski. Motion carried unanimously. Next, Chair Heinen appointed Gapinski and Johnson as the two County Board members to serve on the Emergency Management Director Selection Committee, with Schlangen as an alternate.

Next, Heck requested the County Board to consider approving a contract for Peer Support services. The stressors encountered by our employees are at remarkably high levels due to social upheaval and extraordinary occurrences of untreated mental illness in our society. This has made the health and

retention of our current employees more important than ever. A key part of this effort is employee wellness, especially mental wellness. Law enforcement work presents unique mental health stressors that may not manifest themselves in observable symptoms. Left untreated, these mental health stressors contribute to Post Traumatic Stress Disorder (PTSD) and a loss of optimal functioning both in an employee's personal life and job performance. To help mitigate the effects of these mental health stressors, Peer Support Teams have been organized by law enforcement agencies in our area and across the state and it is Heck's intent to initiate a Peer Support Team within the Benton County Sheriff's Office. The Sheriff's Office has reached out to Andrea Hendel, MA, LMFT, an accredited and recognized clinician, to serve as our trainer and requires the supervision of a clinician like Ms. Hendel and ongoing training for employees who participate on the team. The sheriff's office, in consultation with the county attorney's office, has negotiated a contract with Ms. Hendel for her services as our Peer Support training and supervision to our Peer Support Team and semi-annual training on mental health wellness to our entire staff. The negotiated contract calls for Ms. Hendel to provide services to the Sheriff's Office through December 31, 2027. In 2022, it is anticipated the Sheriff's Office will pay Ms. Hendel \$500 for her clinical supervision and approximately \$4,000 in training related expenses. In years 2023 through 2027 it is anticipated we will expend between \$5,500 and \$6,000 annually on training and supervision services from Ms. Hendel. Heck is currently exploring the possibility of coordinating with Benton County Public Health to utilize SHIP grant dollars to assist in funding. Motion by Gapinski and seconded by Johnson to approve the contract for Peer Support Services. Motion carried unanimously.

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

The Regular County Board meeting was recessed at 9:27 AM to conduct a Human Services Board Meeting.

The Regular Board meeting reconvened at 9:31 AM.

Next, County Engineer Chris Byrd provided an update on the 2022 Budget as it pertains to maintenance activities. Byrd stated that a critical maintenance activity that must be completed every year is applying new road markings, including the new edge-lines (fog-line) and new center lines (yellow dashed or solid lines). Pavement striping is a safety feature that must be maintained. For these types of markings, we must use contractors that use striping trucks to ensure the markings are neat and straight. CSAH 3 "Up the Hill" needed the striping replaced last year, along with Benton Drive (CSAH 33) in Sartell. Due to material shortages last year this work was not completed. It was completed recently, and that work consumed our striping budget for 2022. Byrd stated that there are about 33 miles of roads that need the striping replaced this year. To complete this we need about \$50,000 more to complete this work. Byrd is also requesting a new work truck at the cost of \$47,000. Byrd stated that last year, the cost of the new truck was included in the budget, however, there was a greater need to purchase a motor grader which ate up the budget for a new truck. County Administrator Montgomery Headley added that Benton County will be receiving a one-time deposit of about \$115,000 from MCIT for Workers Compensation reimbursement that we could use to cover the cost of striping and a new work truck. Motion by Popp and seconded by Johnson to approve the use of the deposit from MCIT to be used towards striping, up to \$50,000. Motion carried unanimously. Next, motion by Gapinski and seconded by Popp to use up to

\$47,000 of the MCIT one-time deposit to cover the cost of a new work truck. Motion carried unanimously.

There were no Comments by Commissioners.

Johnson/Gapinski to set the Committees of the Whole: September 13, 2022, Benton Soil and Water Conservation District (SWCD) Tour of Practices, 14 2<sup>nd</sup> Ave W, Foley, MN 56329, 9:00 AM; September 14, 2022 thru September 16, 2022 Association of Minnesota Counties (AMC) Fall Policy Conference, Arrowwood Conference Center, 2100 Arrowwood Ln NW, Alexandria, MN 56308 beginning at 11:00 AM; August 25, 2022 GSDC Mid-Year All-Investor Meeting at the St. Cloud Regional Airport (Hangar #5), 1544 45<sup>th</sup> Ave SE, St. Cloud, MN 56304 beginning at 3:30 PM; July 27, 2022 Region 7W Comprehensive Economic Development Strategy (CEDs) Meeting at Back Shed Brewing, 624 Sundial Dr., Waite Park, MN 56387 beginning at 1:00 PM; August 29, 2022 Presentations of Proposals from Architectural Firms, Benton County Boardroom, Foley beginning at 9:00 AM. Motion carried unanimously.

Recessed Regular Board Meeting at 9:58 AM to conduct a Ditch Authority Meeting.

Reconvened Regular Board Meeting at 10:36 AM.

Motion by Johnson and seconded by Gapinski 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 the case of the Benton County Board of Commissioners v. Nadean Inman, Auditor-Treasurer. Attorney Mr. Scott Anderson of Rupp, Anderson, Squires & Waldspurger, PA stated that we will be discussing in closed session a proposed resolution of the pending litigation and the ramifications of the proposed resolution for the County. Motion carried unanimously.

The County Board returned to open session at 11:10 AM.

Mr. Anderson addressed the litigation of the Benton County Board of Commissioners v. Auditor-Treasurer Nadean Inman. Mr. Anderson stated the County Board has reached a settlement in this case. Mr. Anderson provided background information and stated there was an investigation by the Sherburne County Sheriff's Office regarding allegations relating to the residency of Ms. Inman. By law, someone seeking an elected county position must file an affidavit of candidacy which states 30 days prior to the election, the person seeking an elected county position must reside in the county; and also during the period of which they are an elected official, they are to reside in the county. Facts developed by Sherburne County raised an issue regarding the residency of Ms. Inman. The County Board, pursuant to its duties and its obligations, initiated the litigation to determine Ms. Inman's residency. The County Board asked for declaration of the Court to make findings about whether Ms. Inman was a resident of Benton County or not. If she was not, the Benton County Board of Commissioners could declare the office vacant and allow the County Board to appoint. Ms. Inman, through her lawyer, filed counter claims against the County Board claiming the County Board interfered with her ability to do her duties, retaliated against her, engaged in conspiracy against her and defamed her. Mr. Anderson stated that Ms. Inman through her attorney has proposed a resolution to which Mr. Anderson recommends the County Board accept.

There are some changes that will be made to the draft agreement. Mr. Anderson stated the title of this agreement is called the "Settlement Agreement, Release of all Claims and Agreement Not to Seek Re-election as the Benton County Auditor-Treasurer". The settlement states: "this Settlement Agreement, Release of All Claims, and Agreement not to seek Re-election as the Benton County Auditor-Treasurer (also variously referred to as this "document" or this "Agreement") is entered into by and between the Benton County Board of Commissioners on behalf Benton County, and Nadean Inman, an individual and the Benton County Auditor-Treasurer (collectively referred to as "the parties"). Mr. Anderson noted a change in paragraph 1, and said it will state: "Inman promises and agrees to not run as a candidate for the position of Benton County Auditor-Treasurer in the 2022 election; agrees that she will not campaign for the position; agrees to help to attempt to insure her name is not listed on the November ballot as a candidate for Auditor-Treasurer; and if Inman is listed on the ballot in November, Inman agrees that she would not accept the position and would not take any oath of office if so elected." Mr. Anderson summarized paragraph 2 of the agreement which states: "Inman agrees that she shall take responsible actions to alert members of the public to the fact that she is withdrawing from the race for Benton County Auditor-Treasurer and that she will not accept election or take the oath of office if elected." Mr. Anderson then summarized paragraph 3 of the agreement which states: "The Benton County Board of Commissioners agree that it will take no further action, through court proceedings or otherwise, seeking to declare the office of the Benton County Auditor-Treasurer vacant, and/or seeking to have Inman removed from office during the remainder of her current term." Then Mr. Anderson read paragraph 4 which states: "Inman agrees that she will not seek, nor will she accept any future employment with Benton County, or any elected position with the county. The parties understand and agree that after the completion of her current term of Auditor-Treasurer that Inman will not seek future employment with the county, nor accept any employment that would entail working for the County after the completion of her current term as the Benton County Auditor-Treasurer." Mr. Anderson stated paragraph 7 is a non-disparagement clause and would have a minor change and should read: "the Parties to this agreement, as well as their officers, administrators, agents, employees, and any individual over whom the parties exercise a right to control, agree not to disparage the other party, now or in the future, or any officers, administrators, agents, employees, or individuals associated in interest with the other party. For purposes of this provision, "disparage" shall have the meaning to it ascribed by law. The parties acknowledge that this agreement is a public document, and that it will be discussed at the meeting of the Benton County Board of Commissioners where this Agreement is approved and entered into. Benton County agrees that the Benton County Board of Commissioners and its Administrator shall make no statements of their opinion as to the residency of Inman." Last, Mr. Anderson said that paragraph 9 stated: "the Parties agree that they will have their attorneys execute and file with the Court a document entitled Stipulation for Dismissal with Prejudice and Order for Judgement Dismissal in the pending case, *Benton County Board of Commissioners, Petitioner v. Nadean Inman, Benton County Auditor-Treasurer, Respondent*, Court File No. 05-CV-22-877, calling for a Judgement Dismissal with Prejudice in the lawsuit, with no award of costs, disbursements or attorney's fees to any Parties thereto." Mr. Anderson added that each of the Parties are responsible for their own legal costs in this case.

Mr. Anderson proposed the County Board make a motion to approve the Settlement Agreement with Ms. Inman on the pending litigation as presented by counsel with the changes on the proposed

Agreement as read by counsel and authorize the County Board Chair to sign the Agreement on behalf of Benton County. Motion by Gapinski and seconded by Johnson to approve the Settlement Agreement with Ms. Inman on the pending litigation presented by counsel with the changes on the proposed Agreement as read by counsel and authorize the County Board Chair to sign the Agreement on behalf of Benton County. Motion carried unanimously.

The Regular Board Meeting was adjourned at 11:18 AM.

ATTEST:

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Steven J. Heinen, Chair  
Benton County Board of Commissioners

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Montgomery Headley  
Benton County Administrator