

**BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES APRIL 20, 2021**

The Benton County Board of Commissioners met in regular session on April 20, 2021 in the Benton County Board Room in Foley, MN with Commissioners Beth Schlangen (virtual), Scott Johnson, Ed Popp, Jared Gapinski and Steve Heinen present. Call to order by Chair Popp was at 9:00 AM followed by the Pledge of Allegiance to the flag.

No one was present to speak under Open Forum. County Administrator Monty Headley requested the addition of the Benton Soil and Water Conservation District (SWCD) Resolutions as Consent Item #8, and for the Foley Area C.A.R.E. Food Stand to be added as a second item under the County Administrator's Regular Agenda at 9:55 AM. Motion to approve the amended agenda by Heinen and seconded by Gapinski. Motion carried unanimously per roll call vote.

Johnson/Gapinski unanimous to approve the Consent Agenda: 1) amend the Regular Meeting Minutes of April 6, 2021; 2) approve the Committee of the Whole Meeting Minutes of March 30, 2021; 3) approve funding for the 2021 Solid Waste Newspaper contract/postcard for the June Amnesty Day; 4) approve the 2021 Solid Waste Haulers License round III; 5) Authorize the administrative agreement with Morrison County for construction of project SP 005-007-008; 6) Approve final payment to Knife River Corporation - North Central of project SAP 005-602-017 and SAP 005-612-017; 7) approve final payment to Knife River Corporation - North Central for the final payment of project CP 005-078-005; 8) approve Resolutions supporting planning boundaries for the Mississippi Watershed and collaborative planning on a Watershed-Wide basis for Benton SWCD and authorize the Chair to sign. Motion carried unanimously per roll call vote. Sheriff Troy Heck requested the approval of the Proclamation for National Correctional Officer's Week in Benton County from May 2nd to May 8th, 2021. The designation honors the men and women of our nation's jails and prisons who do the difficult and dangerous job of ensuring that those arrested for and convicted of criminal offenses are safely housed during their incarceration. Motion by Gapinski and seconded by Johnson to approve and authorize the Chair to sign the Proclamation for National Correctional Officer's Week in Benton County. Motion carried unanimously per roll call vote.

Next, Heck requested the approval of the Proclamation for National Police Week in Benton County from May 9th to May 15th, 2021. This designation honors the men and women of our nation's law enforcement agencies who work to ensure citizens may live their lives without fear of harm or loss. These dedicated men and women work under difficult and dangerous conditions dealing with violent, mentally ill and dangerous individuals. These law enforcement officers also work with citizens and community groups to act as a positive force in their communities. Peace Officer Memorial Day will be held on May 15, 2021, which honors those lives taken while protecting others in the community. Benton County had one member of the Sheriff's Office that died while on duty for Benton County in 1931 and that was Deputy Frank McGregor. Motion by Heinen and seconded by Gapinski to approve and authorize the Chair to sign the Proclamation for National Police Week in Benton County. Motion carried unanimously per roll call vote.

County Engineer Chris Byrd spoke about the jurisdictional transfer of County Road 46. When a county highway is transferred to another jurisdiction, i.e. a city or township, this is often called a "turnback". Minn. Statue 163.11 goes on to say that when a county highway is revoked, the county must maintain the road for a period of two years from the date of revocation. Benton County Road 46 between Trunk Highway 10 and CSAH 1 could be a possible candidate for the "turnback" project since there is already a Mill and Overlay construction project scheduled this summer. There are also a couple of roads in the City of Foley that they would like to consider. Byrd suggested that during the upcoming "Road Tour" with the County Board, they could discuss their options further. No action was taken at this time.

County Attorney, Philip Miller gave a brief introduction and overview of the Attorney's Office for informational purposes only.

Recess Regular Board meeting to conduct Human Services Board meeting at 9:50 AM.

Regular Board meeting reconvened at 10:07 AM.

Department of Development Director Roxanne Achman provided an update to the Orderly Annexation Agreement (OAA) between the City of Foley and Gilmanton Township of approximately 840 acres north and west of the City of Foley. Achman stated that a joint planning board will be created for this area. It will consist of two Gilmanton Township Supervisors and two City Council members. They will have jurisdiction over the zoning, land use and subdivisions for this area. It is no longer under the County's land use control. Building inspections will be conducted by the City's building inspector. The City of Foley would like the County to continue being the regulatory authority for wetlands and subsurface sewage treatment systems. Achman anticipates service agreements will be coming to us in the near future.

Next, Achman requested an overlap in Wetland and Solid Waste Program Lead position. Achman would like to begin the recruitment and hiring of an individual for the Wetland and Solid Waste Program Lead prior to the retirement of Mark McNamara, which is anticipated sometime between August 2021 and April 2022. The intent would be to cross train the new hire in matters and material that they may not have as much knowledge in. The reason for a potentially longer overlap is due to the positions change of duties as the seasons change.

This position will primarily focus on wetlands in the warmer months and solid waste programs in the cooler months. With the Wetland/Solid Waste Program Lead being a single position, and D.O.D. being a smaller department, the D.O.D. does not have the staffing capabilities to have others in the department who can step in during the transition period, or to properly assist a new hire during their first few months. The D.O.D. proposes funding from the Solid Waste account for 50% of the salary of the new hire. Achman believes they can reasonably assume that the amount their department would need to budget for would be near \$40,000 for salary and benefits for the remainder of 2021. Motion by Johnson to approve the D.O.D. to temporarily fund an overlap in the Wetland and Solid Waste Program Lead Position. Seconded by Heinen. Motion carried unanimously per roll call vote.

County Administrator Monty Headley asked the County Board to consider a proposal for architectural services for a possible DMV relocation. In the past Benton County has used the services of Conlon Construction and its partner firm Mahler and Associates Architects. The proposal will provide for design options to re-locate the DMV offices to the Department of Development area, then remodel the Auditor-Treasurer and D.O.D. Johnson and Popp requested a Committee of the Whole meeting to discuss this further with Department Heads to get a clearer direction on what the DMV and D.O.D. need for space and what the future potential is for those areas. No motion was made.

Motion by Heinen and seconded by Gapinski to conduct a closed meeting of the County Board (at 10:28 AM), pursuant to MN Statutes §13D.03, Subdivision 1, to consider strategy for Labor Negotiations. It was noted for the record that today's Closed Session is being held to consider labor negotiations. Motion by Heinen and seconded by Johnson to end the Closed Session at 11:04 AM. Motion carried unanimously.

Regular County Board Meeting was reconvened at 11:05 AM. Headley requested an agreement from the County Board to allow Foley Area C.A.R.E. to have a food stand selling brats and burgers next to the Property Management building in front of doors 4 and 5 on Wednesdays from 11:00 AM to 2:00 PM from June 30th to August 4th, 2021. Consensus from County Board to allow Foley Area C.A.R.E. to have a food stand. No motion was made.

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

There were no Commissioner concerns.

Johnson/Heinen to set Committees of the Whole: AMC to conduct a virtual legislative update on Friday, April 23, 2021 from 9:00 AM to 10:30 AM; Broadband Meeting with the City of Foley on Wednesday, April 21, 2021 starting at 10:30 AM at Foley City Hall; AMC virtual New Commissioner meeting Thursday, April 22, 2021 from 9:30 AM to 1:00 PM. Motion by Popp and seconded by Gapinski to approve the future Committee of the Whole Meetings. Motion carried unanimously per roll call vote.

Meeting adjourned at 11:39 AM.

Edward D. Popp, Chair  
Benton County Board of Commissioners

ATTEST:  
Montgomery Headley  
Benton County Administrator

**NOTICE FOR NAME  
CHANGE OF A MINOR**

STATE OF MINNESOTA  
DAKOTA COUNTY  
DISTRICT COURT  
FIRST JUDICIAL DISTRICT  
Court File Number:  
19AV-CV-21-300  
Case Type: Change of Name

**Notice of Remote  
Zoom Hearing**

**In the Matter of the Application Simpson Brown obo minor child a Change of Name. (Angelo Richard Harris) Diana Harris is set for notified this matter is set for**

a remote hearing. This hearing will not be in person at the courthouse.

You are notified this matter is set for a remote hearing. This hearing will not be in person at the courthouse.

*Hearing Information*  
**June 21, 2021  
Hearing  
9:30 AM**

**The hearing will be held via Zoom and appearance shall be by video and audio unless otherwise directed with District Court Judge Cynthia L. McCollum, Dakota County District Court.  
Join by internet:**

- Type <https://zoomgov.com/join> in your browser's address bar.
  - Enter the **Meeting ID:** 160 578 7297
  - If asked, enter the **Meeting Passcode:** 677905
  - To join by telephone (if you are unable to join by internet):**
  - Call Toll-Free 1-833-568-8864
  - Meeting ID: 160 578 7297
  - Meeting Passcode: 677905
- Dakota County  
14955 Galaxie Avenue  
Apple Valley, MN 55124  
952-891-7256  
F-19-3P

**Land for Sale Notice**

For Sale – MnDOT owned vacant land, located at 11099 Highway 23 NE, Foley, Benton County. Approximately 3.14 acres to be sold by sealed bid on 6/22/2021 at 2:00 at Central Office, 395 John Ireland Blvd, St. Paul. Bid Form, <http://www.dot.state.mn.us/row/propsales.html>. Info LandSales.MN.DOT@state.mn.us.

**NOTICE OF INTENT  
TO DISSOLVE  
INTERIOR COMPONENTS GROUP, INC.**

Pursuant to Minnesota Statutes, Section 302A.727, notice is hereby given that on April 29, 2021, pursuant to Minnesota Statutes, Section 302A.723, a Notice of Intent to Dissolve of Interior Components Group, Inc., a Minnesota corporation (the "Corporation"), was filed with the office of the Minnesota Secretary of State.

Pursuant to the requirements of Minnesota Statutes, Section 302A.727, the following information is supplied to you as a known or potential creditor or claimant of the Corporation:

- a. The Corporation is in the process of a voluntary dissolution pursuant to Minnesota Statutes, Section 302A.721
- b. On April 29, 2021, the Corporation filed a Notice of Intent to Dissolve with the Minnesota Secretary of State pursuant to

Minnesota Statutes, Section 302A.723.  
c. The address of the office to which written claims against the Corporation, must be presented is:

Interior Components Group, Inc.  
1646 Highway 23 East  
St. Cloud, MN 56304

d. The date by which all the claims against the Corporation must be received pursuant to Minnesota Statutes, Section 302A.727, Subd. 2(e), shall be July 28, 2021.

e. By written resolutions in lieu of a meeting signed by the shareholders and directors of this corporation on April 29, 2021, the resolution to voluntarily dissolve Interior Components Group, Inc., was approved.  
Dated and effective as of April 29, 2021.

**INTERIOR COMPONENTS GROUP, INC.**  
By /s/ Steven Barthelemy, President  
FP-19-4B

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Benton County Planning Commission will conduct a public hearing on May 27th, 2021 the Commissioner's Room, Benton County Government Center, Foley, and beginning at 7:00 p.m. The Planning Commission will hear the following:

1. 7:00 p.m. John Herold requesting approval of a minor preliminary plat entitled "The Cove 5th Addition" in the R-3 Residential District. Pursuant to Section 10.7. The affected property is described as follows: Lots 2, 3, 4 & 5, Block 5, The Cove, Section 27, Watab Township.

\*Effective immediately, the Benton County Planning Commission may conduct its regular, special or emergency meetings by telephone or other electronic means, as permitted by MN Statutes §13D.021. Some or all Commission members may participate by telephone or other electronic means until further notice. At least one member of the Planning Commission or the County Department of Development Director will be present during meetings at the Planning Commission's regular meeting location, which is the County Board Room in Foley, unless otherwise noted on meeting notices. Pursuant to MN Statutes §13D.021, Subdivision 3, the County will provide the means for persons to electronically monitor such meetings remotely.

To conform to MDH and CDC guidelines to minimize gatherings we are requesting public comment in written form prior to the Planning Commission meeting;

1. You may submit written testimony, which must be received by 3pm the date of the hearing, in one of two ways:

a. Email Roxanne Achman at [Roxanne.Achman@co.benton.mn.us](mailto:Roxanne.Achman@co.benton.mn.us)

b. Mail comments to the Benton County Department of Development, Attn: Roxanne Achman, 531 Dewey St, PO Box 129, Foley, MN 56329.

2. If you wish to make in-person comments during the public hearing, the Board room capacity may be limited to maintain social distancing standards. Anyone who physically attends the hearing will be required to follow social distancing while waiting in the hallway and will be allowed to enter the Board room one at a time to testify during their chosen hearing. Please limit your testimony and if possible, have one person testify if your for a group shares the same concerns.

3. You may attend the meeting remotely by following the instructions below.

a. The public can join the meeting from their computer, tablet or smartphone.

<https://global.gotomeeting.com/join/687827373>

b. You can also dial in using your phone.

Phone: 1 (872) 240-3212

Access Code: 687-827-373

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/687827373>

**Noxious Weed Control / Eradication**

**General Notice to Control or Eradicate Noxious Weeds**

Notice is hereby given this 5th day of May, 2021, pursuant to Minnesota Statutes, Section 18.83, Subdivision 1, that all persons in Benton County, Minnesota, shall control or eradicate all noxious weeds on land they occupy or are required to maintain. Control or eradication may be accomplished by any lawful method, but the method(s) applied may need to be repeated in order to prevent the spread of viable noxious weed seeds and other propagating parts to other lands. Failure to comply with the general notice may mean that an individual notice, Minnesota Statutes, Section 18.83, Subdivision 2, will be issued. An individual notice may be appealed within two working days of receipt to the appeal committee in the county where the land is located. Failure to comply with an individual notice will mean that the inspector having jurisdiction may either hire the work done or seek a misdemeanor charge against the person(s) who failed to comply. If the inspector hires the work out, the cost can be placed as a tax upon the land and collected as other real estate taxes are collected. You may obtain a list of the plants that are designated as noxious weeds and the members of the appeal committee from your County Agricultural Inspector or County-Designated Employee. You can also obtain this information from your Local

Weed Inspectors. Local Weed Inspectors include the township supervisors, city mayors or their appointed assistants. More information regarding the statewide listed noxious weeds, the MN Noxious Weed Law and a list of County Agricultural Inspectors and County Designated Employees can be obtained from the Minnesota Department of Agriculture's website.

If you would like Benton County to avoid spraying the public right-of-way adjacent to your property, please visit our website <https://www.co.benton.mn.us/271/Noxious-Weed-Control-Notice> and fill out the No Spraying Form on the bottom of the page and submit to the Benton County Highway Department. This form is for you to have voluntary non-chemical self-control of your roadside noxious weeds and brush. If you have any further questions, please contact:

Jack Brosh  
County Agricultural Inspector  
Phone: 320-968-5059  
Jbrosh@co.benton.mn.us  
7752 Highway 25 NE  
P.O. Box 247  
Foley, MN 56329