

**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 5th 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 170th Ave who shared his concerns with a crosswalk issue and the second was Mike Ratka of 11609 45th 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 45th 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 45th 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 5th 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 28th 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.

Steven J. Heinen, Chair
Benton County Board of Commissioners

ATTEST:
Montgomery Headley
Benton County Administrator

R-31-1B

STATE OF MINNESOTA
COUNTY OF BENTON
DISTRICT COURT
SEVENTH JUDICIAL
DISTRICT
Case Type: Foreclosure
Court File No.
05-CV-21-516

Marcia Marie Anderson, aka Marsha Anderson, and aka Marcia C. Anderson), Aaron Anderson (aka Aaron Rodney Anderson), Michelle Anderson (aka Michelle M. Anderson), the Estate of Bernice Anderson (aka Bernice F. Anderson and aka Bernice Frieda Anderson), Franklin Anderson (aka Franklin C. Anderson), Brenda Anderson (aka Brenda J. Anderson), DLL Finance LLC, AgQuest Financial Services, Inc., Commodity Credit Corporation, Corporation Service Company, CNH Industrial Capital America LLC (aka CNH Capital America LLC), Falcon Leasing, Falcon National Bank, Sheffield Financial, Truist Bank, Branch Banking and Trust Company, First State Bank of Bigfork, Hermantown Federal Credit

NOTICE OF SHERIFF'S SALE

Union, United States Internal Revenue Service, CGB Agri Financial Services, Inc., Centricity Credit Union, Accounts Receivable Services, LLC (aka Accounts Receivables Services), Snap-on Credit LLC, TD Auto Finance, LLC f/k/a Chrysler Financial, State of Minnesota Department of Revenue, Admirals Bank, SHERBURNE/ANOKA/HENNEPIN FSA, Central Minnesota Credit Union, Proctor Federal Credit Union, AGCO Finance LLC, Northland Capital Financial Services, LLC, Western Equipment Finance, Inc., Agrico Credit Acceptance LLC, Members Cooperative Credit Union, FBN Finance, LLC, Woodlands National Bank, Spire Credit Union, Brainard Savings and Loan Association, John Doe, Mary Roe, ABC Partnership, and XYZ Corporation, Defendants. Notice is hereby given, that under and by virtue of an Findings of Facts, Conclusions of Law, And Order for Judgment and Judgment (the "Judgment") entered in the above-entitled action on or about April 15, 2022, of which a certified copy has been delivered to me directing the sale of the premises, hereinafter described, to satisfy the amount found and adjudged due said Plaintiff in the above entitled action from Defendants, as prescribed in the Judgment, the undersigned Sheriff of Benton County will sell at public auction, to the highest bidder, for cash, on the 23rd day of August, 2022, at 10:00 a.m. at the Benton County Sheriff's office, 581 Highway 23, Foley, MN

56329, in the said County and State, the premises and real estate described in said Judgment, legally described as:

The Southeast Quarter of the Southwest Quarter of Section 14, Township 37, Range 28, Benton County, Minnesota.

All contained in the County of Benton, State of Minnesota.

REDEMPTION NOTICE
THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES, SECTION 582.032, DETERMINING,

AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN FIVE UNITS, ARE NOT PROPERTY USED IN AGRICULTURAL PRODUCTION, AND ARE ABANDONED.
Dated: July 6, 2022

/s/ Troy Heck
BENTON COUNTY SHERIFF
THIS INSTRUMENT WAS DRAFTED BY:
MJB LAW FIRM, PLLC
Attorneys for Judgment Creditor
7925 Stone Creek Drive,
Suite 120A
Chanhasen, MN 55317
Phone: (612) 716-3099
R-28-6B

Notice of Hearing on Improvement

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Sauk Rapids will meet in the Council Chambers of the City Hall at 6:10 p.m. on August 22, 2022, to consider the making of the 2023 Division Street Improvements, an improvement on Division Street from 2nd to 8th Avenue North, 3rd Avenue South from Division to 1st Street South, 4th Avenue from 1st Street South to 2nd Street North, and 7th and 8th Avenue North from Division to 1st Street North by Reconstruction/Resurfacing of the Streets, Sidewalks, Drainage System, Water Main, and Sanitary Sewer pursuant to Minn. Stat. §§ 429.011 to 429.111. The area proposed to be assessed for such improvement is property along Division Street from 2nd to 8th Avenue North, 3rd Avenue South from Division to 1st Street South, 4th Avenue from 1st Street South to 2nd Street North, and 7th and 8th Avenue North from Division to 1st Street North. The estimated cost of the improvement is \$4,646,049. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvement will be heard at this meeting.

Ross Olson
City Administrator

Published in Sauk Rapids Herald on August 6 and August 13, 2022.

R-31-2B

**CERTIFICATE OF ASSUMED NAME
Minnesota Statutes
Chapter 333**

ASSUMED NAME: Sholing Construction.
PRINCIPAL PLACE OF BUSINESS: 605 Milligan Ave Appt. 1, Wabasha, MN 55981 USA.
NAMEHOLDER(S): Levi Sholing, 605 Milligan Ave Appt. 1, Wabasha, MN 55981 USA.

(4) By typing my name, I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

/s/ Levi Sholing
04/26/2022
R-31-2P

City of Sauk Rapids, Minnesota

Annual Disclosure of Tax Increment Districts for the Year Ended December 31, 2021

| TIF District Name: | TIF 4 | TIF 21 | TIF 23 |
|---|------------|------------|------------|
| Current net tax capacity | \$ - | \$ - | \$ 82,152 |
| Original net tax capacity | \$ - | \$ - | \$ 8,267 |
| Captured net tax capacity | \$ - | \$ - | \$ 73,885 |
| Principal and interest payments due in 2022 | \$ - | \$ - | \$ 65,320 |
| Tax increment received in 2021 | \$ 190,315 | \$ - | \$ 97,418 |
| Tax increment expended in 2021 | \$ 159 | \$ 74,189 | \$ 75,294 |
| Month and year of first tax increment receipt | 7/1989 | 7/1/2014 | 7/1/2016 |
| Date of required decertification | 12/31/2014 | 12/31/2022 | 12/31/2041 |
| Actual Date of decertification | 12/31/2014 | 12/31/2019 | |

Additional information regarding each district may be obtained from:

Mr. Jack Kahlhamer, Finance Director
City of Sauk Rapids
250 Summit Ave N
Sauk Rapids, MN 56379
(320) 258-5330