

**BENTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
DECEMBER 19, 2023**

The Benton County Board of Commissioners met in regular session on December 19, 2023, in the Benton County Board Room in Foley, MN. Call to order by Chair Scott Johnson was at 9:00 AM followed by the Pledge of Allegiance to the flag. A roll call showed Commissioners Steve Heinen, Scott Johnson, Jared Gapinski and Ed Popp present. Commissioner Beth Schlangen was present at 9:04 AM.

County Administrator Montgomery Headley requested to add two Consent Agenda items: Consent Agenda Item # 11 to consider the 2024 Tobacco License Applications by the Auditor-Treasurer's Office and Consent Agenda item #12 to consider the appointments to the Board of Adjustment, Planning Commission and Solid Waste Advisory Committee by the Planning & Zoning Office. Motion by Popp and seconded by Heinen to approve the amended Agenda. Motion carried unanimously.

There was no one present to speak under Open Forum. Motion by Gapinski and seconded by Popp to approve Consent Agenda items 1 – 12: 1) approve the Regular Board Meeting Minutes of December 7, 2023 and authorize the Chair to sign; 2) approve the Park Commission Appointments; 3) approve the Resolution establishing commitments of fund balance and authorize the Chair to sign; 4) approve the Resolution setting aside net proceeds from tax-forfeiture land sales to County Parks and authorize the Chair to sign; 5) approve the Resolution to delegate the authority to make electronic funds transfer payments and authorize the Chair to sign; 6) approve the contract for outside labor attorney services and authorize the Chair to sign; 7) approve the Tobacco License applications for Shady's Railside and Adam's Tobacco Shop; 8) approve the biennial audit of Benton County Sheriff's Office body camera data; 9) approve the contract renewal with Mayo Medical for SWAT paramedic reimbursement and authorize the Chair to sign; 10) approve the OHV grant with the State of Minnesota and authorize the Chair to sign; 11) approve the 2024 Tobacco License Applications for Mini Mart #4 & #10; 12) approve the appointments to the Board of Adjustment, Planning Commission and Solid Waste Advisory Committee. Motion carried unanimously.

Next, Sheriff Troy Heck presented the Retirement Award to Detective Jerome Kahl in appreciation for 19 years of loyal and distinguished service to Benton County. Kahl's retirement is effective December 28, 2023.

Next, Benton Economic Partnership (BEP) Director Amanda Othout and Minnesota Homeownership Program Manager Greg Krenz (virtual) presented information regarding the 2024 Minnesota City Participation Program (MCP)P). This program uses the Tax-Exempt Bond Housing Pool Allocation to enable communities throughout the state to efficiently provide first-time homebuyer loans in their community without the administrative burden of running their own bond program. The first-time homebuyers access the program through their local lenders and have access to downpayment and closing cost assistance if needed. Participants will not be responsible for paying the application deposit or processing fee this year. This is subject to change however, Minnesota Housing will provide notification in advance of future program years if there is a deposit or processing fee (\$20 per \$100,000 in funding). There will be a minimum usage requirement of 150% of the allocation in order to participate the following year. The benefits of participating in the MCP)P program include: promoting first-time homeownership in your community; access to downpayment and closing cost loans; minimal administrative burden; marketing and outreach support; dedicated funding for your community; no deposit or fee in 2024; and information on loan activity in your area. Allocations are based on the populations in those geographic areas. Benton County has a population of roughly 42,000, which, based on 2023 allocation levels would put Benton County at approximately \$700,000 in allocation for first-time home buyer loans through this program. Motion by Gapinski and seconded by Heinen to approve the 2024 MCP)P Agreement and authorize the execution of the application by the County Board Chair and County Administrator. Motion carried unanimously.

Next, Headley requested the County Board to consider an amendment to the service agreement with BEP to administer Statewide Affordable Housing Aid. Counties will begin receiving Statewide Affordable Housing Aid beginning in December 2023 and annually thereafter. As the name indicates, this State Aid is intended to assist counties and cities in creating affordable housing options. BEP has agreed at its November Board meeting to administer this funding on behalf of Benton County. As stated in the amended BEP Service Agreement, BEP must utilize these funds in a manner consistent with the enabling legislation, which includes returning to the State any funds left unspent four years after initial receipt of the County. Motion by Johnson and seconded by Popp to approve Amendment #2 to the Benton Economic Partnership Services agreement to administer Benton County's Statewide Affordable Housing Aid. Motion carried unanimously.

Next, Headley requested to conduct a public hearing on proposed changes to the Benton County fee schedule. County Departments are asked to review and possibly update their fees each year. Generally, this review has occurred in December, with a public hearing held the last meeting of the year for the County Board to consider recommended changes to the fee schedule. Department Heads shared the following fee schedule changes:

Land Services Director Roxanne Achman shared the Planning and Zoning, Assessor and Recorder proposed changes:

- Planning & Zoning:
- Variance Application Fee changed from \$354 to \$554 plus recording fee
  - Conditional Use Permit changed from \$354 to \$454 plus recording fee
  - Interim Use Permit changed from \$354 to \$454 plus recording fee

- Assessor:
- Assessing fees per hour changed from \$45 to \$50
- Recorder:
- Monthly index computer printout changed from \$20 plus \$0.25 per page to \$20 plus \$0.50 per page
  - Single use service fee changed from \$5 one-time charge plus \$1 per page to \$5 one-time charge plus \$0.50 per page
  - Removal of the felony name change (\$20)
- Sheriff Troy Heck shared the proposed Sheriff's Office fee schedule changes:
- Fingerprinting changed from \$10 to \$15
  - Civil Process changed from \$50 to \$75
  - Added Civil Standby at \$75 per hour for any requests longer than 15 minutes
  - Writ of Execution changed from \$50 to \$75
  - Writ of Execution Commission changed from 4% of total to 4.5% of total
  - Writ of Execution not Found changed from \$50 to \$75
  - Added copies of Writ of Execution at \$5
  - Filing No Service changed from \$50 to \$75
  - Legal Not Found changed from \$50 to \$75
  - Securing Property changed from \$50 per hour to \$75 per hour
  - Eviction changed from \$50 to \$75

Auditor-Treasurer Christine Scherbing shared the following proposed change:

- Tobacco Retail License Fee changed from \$125 to \$150
- Human Services Director Sandi Shoberg shared the following proposed Human Services Fee Schedule changes:
- Removed Legally Licensed Family Daycare Fee
  - Removed Child Care Licensing Inspection Fee (initial 1 year) (\$50)
  - Removed Child Care Licensing Renewal Inspection Fee (\$100 every other year)
  - Child Passenger Safety Training – Individuals changed from \$80 to \$96 billed to insurance
  - Removed Rule 25 Assessments (\$200)
  - Removed Footcare (\$20 donation)

County Administrator Montgomery Headley shared the following proposed Attorney's Office Fee Schedule changes on behalf of County Attorney Karl Schmidt:

- Added Electronic Data on DVD at \$5 for each DVD
- Added Electronic Data on USB Drive at \$25 for each 64 GB USB Drive

The Public Hearing on the proposed fee schedule opened at 9:46 AM. No one was present to speak. The Public Hearing on the proposed fee schedule closed at 9:46 AM. There were no emails, letters or other communications to be read into the record. The Departments have not received any comments or concerns from State agencies, cities or townships. No official action was required by an affected Township. Motion by Gapinski and seconded by Heinen to adopt the revised Benton County fee schedule, with changes effective January 1, 2024. Motion carried unanimously.

Next, Headley requested the County Board consider the Personnel Policy Revisions. The revisions include:

- Page 3-4; IT Director and CHS Administrator become Department Heads: other clean-up
- Page 10-20; new language for the DDA Maintenance Program
- Page 35; add Juneteenth Holiday
- Page 47-52; new State required Earned Sick and Safe Time Leave
- Page 87; employee access to personnel records
- Page 103; remove marijuana from list of illegal drugs
- Page 118; remove references to hair color and hairstyles from dress code

Several members of the County Board wished to see an example of what increases would look like with the DDA Maintenance Program before approving. Motion by Heinen and seconded by Popp to approve all changes to the Personnel Policy changes with the exception of the new language of the DDA Maintenance Program (the last paragraph on page 19 of the Personnel Policies). Motion carried unanimously.

Next, Headley requested the County Board appoint an Information Technology Director. Revisions to the County Personnel Policies now designate Information Technology as a County Department Head, whose appointment is thereby a function to the County Board. Headley recommends the appointment of Steve Stang as the Information Technology Department Head. Motion by Johnson and seconded by Gapinski to approve Steve Stang as the Information Technology Director. Motion carried unanimously.

Next, Headley requested the County Board consider the final 2024 Benton County Budget and Levy. This item represents the final Board action on the 2024 budget and levy. A proposed 2024 budget and levy was adopted by the County Board on September 26th. A Truth in Taxation Public Meeting was conducted on December 7th. The final 2024 budget and levy must be adopted and certified to the Auditor-Treasurer by December 27th (within five business days of December 20th). This is a summary of major factors in the Final 2024 Budget and Levy:

- o The final 2024 levy increases 5.15%, or \$1,163,356 from 2023, to a total property tax levy of \$23,748,478 ("gross" percentage increase partially offset by expected 1.17% growth from new construction)
- o With this proposed change for 2024, the 10-year average levy change for Benton County is a 1.9% increase
- o The proposed levy increase falls below the 16.6% expected growth in the County's payable 2024 net tax capacity, which translates into a reduced County tax rate in 2024; the estimated 2024 County tax rate will fall from 48.27% to 43.54% of tax capacity (down from a peak of 77.74% in 2013)
- o Based on a median house value of \$272,910 (up 16.6% from payable 2023's median value of \$234,752), a homeowner's County property taxes would increase \$77.57 in 2024, or \$6.46 per month
- o The final 2024 operating budget totals \$54,636,319, a decrease of \$7,726,140, or a 12.4% decrease from 2023; most of the reduction is due to a substantially smaller 2024 road

- construction program
- o The final levy increase is comprised of the following major elements:
- Employee compensation and benefits \$1,558,771
- Increased interest earnings on idle cash (500,000)
- Abolish two vacant positions (see note below) (218,134)
- New positions (see note below) 160,437
- Increased highway maintenance accounts 104,100
- Increased DOC billing for central DOC admins costs 75,273
- New annual cost of Tyler Tax and CAMA systems 52,545
- All other operating and revenue account adjustments (net) 69,636

Total Levy Change for 2024 \$1,163,356

o The proposed budget includes the following "Policy Issues" from County Board action:

- A Staff Appraiser position to allow the County to perform more property valuation work internally (and reduce its reliance on contracted local assessors)
- A Public Safety Dispatcher to increase the amount of time at least two dispatchers are on duty
- In Human Services, an Eligibility Specialist for the resumption of medical assistance eligibility redeterminations (offset by one-time state funding and based on the assumption the position will be eliminated through attrition once state funding is exhausted); and a Social Worker for MNCHOICE assessments, also fully offset by state/federal funding
- In Public Health, a supervisor position due to the creation of a separate department and the need for additional supervisory capacity (fully offset by a new public health grant)
- The proposed budget eliminates two full-time positions – the HR/Safety position in Administration and a Social Worker in Human Services (both positions are currently vacant)
- o Employee compensation and benefits comprise the largest single item in the 2024 levy increase; the final 2024 budget funds general wage adjustments and step increases. Also, the final 2024 budget includes a 10% increase in employee health insurance contributions
- o The County's General Revenue fund balance at the end of 2022 stood at 5.2 months of expenditure coverage, versus a goal standard of 5 months expenditure coverage; the Human Services fund balance equaled 6.3 months of expenditure coverage at December 2022; with the Revenue Fund balance approaching the goal standard, no further Revenue fund balance usage is reflected in the proposed budget; the proposed budget uses \$500,000 from the Human Services Fund to support capital projects, given that fund's solid position.

Headley requested that the County Board first adopt a Resolution setting the 2024 Benton County Property Tax Levy at \$23,748,478. Motion by Popp and seconded by Gapinski to adopt a Resolution setting the Benton County Property Tax Levy at \$23,748,478. Motion carried unanimously.

Next, Headley requested the County Board adopt a Resolution setting the 2024 Benton County Budget as presented. Motion by Gapinski and seconded by Heinen to adopt a Resolution setting the 2024 Benton County Budget as presented. Motion carried unanimously.

Next, Headley requested the County Board to adopt the Elected Officials salaries for 2024. State statutes require the County Board to annually set the salaries of the County's Elected Officials by Resolution. The salaries of said Elected Officials shall be as follows:

Auditor-Treasurer	\$92,750
Sheriff	\$139,424
County Attorney	\$143,200

Motion by Heinen and seconded by Schlangen to approve the Resolution setting the 2024 salaries for the Auditor-Treasurer, County Attorney and Sheriff. Motion carried unanimously.

Next, Headley requested the County Board set the County Commissioner Salaries for 2024. Per MN Statutes §375.055, County Boards establish the annual salaries paid to County Commissioners. Such salary shall be effective January 1, 2024. The amount set forth in the Resolution below reflects County Board consensus from the December 12th Committee of the Whole Meeting:

**BENTON COUNTY BOARD OF COMMISSIONERS  
RESOLUTION 2023 - # \_\_\_\_\_**

WHEREAS, Minnesota Statute §375.055 requires that the salary of the County Commissioners be set annually by Resolution of the County Board;

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Commissioners that effective January 1, 2024, the salary of each member of the Benton County Board of Commissioners shall be \$32,401 and

BE IT FINALLY RESOLVED that the County Administrator is directed to publish this Resolution in the official newspaper of the County and one other newspaper in the County, pursuant to MN Statutes §375.055, Subdivision 1.

APPROVED AND ADOPTED this 19th day of December, 2023.

/s/Scott Johnson  
Chair  
Benton County Board of Commissioners

ATTEST:  
/s/Montgomery Headley  
County Administrator

Motion by Popp and seconded by Gapinski to approve the Resolution setting the 2024 County Board member salaries. Motion carried unanimously.

Next, Headley requested the County Board set the County Board Per Diem Rate for 2024. Per the consensus of the County Board at the December 12th Committee of the Whole, the 2024 per diem rate will be maintained at \$70. The Resolution adopting the 2024 Per Diem Rate for 2024 reads as follows:

**BENTON COUNTY BOARD OF COMMISSIONERS  
RESOLUTION 2023 # \_\_\_\_\_**

# Benton County notice from page 6B

WHEREAS, MN Statutes §375.055 and MN Statutes §375.06 allow the County Board to establish a schedule of per diem payments for County Commissioners for each day necessarily occupied in the discharge of their duties while acting on any committee under the direction of the Board; and

WHEREAS, said statutes also permit County Board members to be reimbursed for necessary expenses, including traveling expenses, while performing the official duties of County Commissioner, as set by Resolution of the County Board; and,

WHEREAS, MN Statutes §375.055, Subdivision 5 provides that County Board members may participate in any group health insurance program instituted by the County Board for County officers and employees.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Commissioners that:

1. In addition to annual salaries, County Commissioners may receive a per diem payment for attending meetings of commissions, committees and boards when such attendance is designated by the County Board. Pursuant to MN Statutes §375.055, Subdivision 5, members of the County Board shall not receive a per diem for services on the Board of Auditors, the Board of Equalization, or the Canvassing Board. As a matter of County Board policy, per diems shall not be paid for regular and special meetings of the County Board. Per diems for 2024 shall be as follows:

a. Site inspections as part of the duties of a specific board, committee or commission: \$10 per site, not to exceed five sites.

b. All other boards, committees, commissions, when the individual commissioner or the full board is designated by the County Board to serve on said body: a per diem of \$70.

2. County Commissioners may collect only one per diem each day, regardless of how few or many separate duties connected with the office are performed in such day.

3. In addition, pursuant to MN Statutes §375.055 and §375.06, each County Commissioner may be reimbursed for necessary expenses incurred in performing the duties of office. Travel in personal vehicles on official County business shall be reimbursed at the current standard mileage rate promulgated by the Internal Revenue Service or at another rate as determined by the County Board. Meals shall be reimbursed according to

the dollars amounts set forth in the Benton County Personnel Policies.

4. County Commissioners shall be eligible to participate in workers compensation and optional benefits programs instituted by the County Board for county officials and employees. The employer-funded portion of health insurance premiums for County Commissioners shall be the same amounts as provided non-union employees.

5. The County Administrator is directed to publish this Resolution in the official newspaper of the County and one other newspaper in the County, pursuant to MN Statutes §375.055, Subdivision 1.

APPROVED AND ADOPTED this 19th day of December 2023

/s/Scott Johnson  
Chair

Benton County Board of Commissioners

ATTEST:

/s/Montgomery Headley  
County Administrator

Motion by Johnson and seconded by Gapinski to adopt a Resolution setting the County Board per diem rate for 2024. Motion carried unanimously.

The Regular County Board meeting was recessed at 10:30 AM to conduct a Human Services Board Meeting.

The Regular Board meeting reconvened at 10:33 AM.

Next, County Engineer Chris Byrd requested the County Board to consider the Eminent Domain proceedings on CSAH 7 reconstruction. As part of the reconstruction project on CSAH 7, the County needs additional highway easement to be able to construct the roadway and increase the safety. The Department has been negotiating in good faith with landowners to acquire necessary permanent easements. The timeline on this project is crucial. All but 2 parcels have signed highway easements. To keep the reconstruction schedule on track, it is in the best interest of the public to initiate eminent domain proceedings while still negotiating with landowners. It was noted to change the Resolution to say County State Aid Highway (CSAH) 4 instead of CSAH 7. Motion by Schlangen and seconded by Popp to adopt the Resolution to initiate Eminent Domain Proceedings with the noted change (CSAH 7 to CSAH 4). Motion carried unanimously.

Next, Byrd requested the County Board to consider APO solicitation for Federal Funding and Resolution of Local Match Funding. The APO solicited for projects to be considered to receive Federal Funding for fiscal year 2026. The deadline for project submittal is January 12, 2024. We will need to send a Resolution certifying availability of local match funding along with the application. In the County's 5-Year road construction CIP, CSAH 3 is identified as a full-depth reclamation project from CSAH 1 (Mayhew Lake Rd) to Popple Creek. This roadway is eligible for partial federal funding. The roadway does not lie entirely within the planning area of the APO and therefore can only receive a maximum of 80% Federal funds of the costs within the planning boundary. Byrd proposed to request approximately \$1,750,000 of Federal Funds. The remainder of the project would be funded with State Aid Construction dollars. Motion by Popp and seconded by Gapinski to allow APO Solicitation for Federal Funding and adopt the Resolution of Local Match Funding. Motion carried unanimously.

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

There were no additional comments under "Comments by Commissioners".

Gapinski/Popp to set the Committee of the Whole Meetings: Tuesday, January 2, 2024, Goal Setting Session at Jack & Jim's, 11025 Duelm Rd NE, Foley, MN 56329, 10:00 AM or upon completion of Regular Board Meeting; Monday, January 8, 2024: 1) ARPA Funds discussion; 2) Cannabis Retail Establishment Registration Discussion; 3) Emergency Management update; 4) Application Services Data Manager update; 5) Space Needs Discussion with GLT Architects, Benton County Boardroom, Foley, 8:30 AM; Tuesday, January 23, 2024 Joint Meeting of Cities, Townships and Counties, Watab Town Hall, 660 75th St NW, Sauk Rapids, MN 56379, 6:30 PM. Motion carried unanimously.

Chair Johnson adjourned the Regular Board Meeting at 11:17 AM.

Scott Johnson, Chair

Benton County Board of Commissioners

ATTEST:

Montgomery Headley,  
Benton County Administrator

R-1-1B

## CONCILIATION COURT SUMMONS

STATE OF MINNESOTA  
COUNTY OF BENTON  
IN DISTRICT COURT  
SEVENTH JUDICIAL  
DISTRICT

Court File No:  
05-CO-23-215

Case Type: Conciliation

**Shetland, LLC, Firstmark, LLC vs Russell Moss**

**1. You are summoned to appear at a hearing in this Conciliation Court (Small Claims Court) case.** This means you must appear at the hearing scheduled for:

Setting: March 18, 2024

Time: 2:00 PM

Hearing Type: Conciliation  
Hearing

Location: REMOTE

Before the presiding judge at the following location:

**Benton County  
District Court  
615 Highway 23,  
PO Box 189  
Foley MN 56329  
(320) 968-5205**

**2. If the defendant does not appear at the hearing, the plaintiff may win this case by default, which means the plaintiff could be awarded a money judgment**

**against the defendant. The judgment could include the amount the plaintiff requested in the Statement of Claim as well as other fees and costs approved by a judicial officer.**

**3. If the plaintiff does not appear at the hearing, this case may be dismissed. If the defendant has filed a counterclaim, then a default judgment could be entered against the plaintiff.**

4. The Defendant may bring a counterclaim against the Plaintiff. A counterclaim must be filed at least seven days before the Conciliation Court hearing.

Dated: December 20, 2023

Megan Bergman  
Court Administrator  
Benton County District Court  
615 Highway 23,  
PO Box 189  
Foley MN 56329  
(320) 968-5205

cc. ELIZABETH JOANN HALET

Forms and instructions are available on the court's website starting at <http://mncourts.gov/GetForms.aspx?c=10>.

More information about Conciliation Court is available online at <http://mncourts.gov/Help-Topics/Conciliation-Court.aspx>.

If you have questions about this matter, consider contacting one of the self-help centers (statewide or local): <http://mncourts.gov/Help-Topics/Self-Help-Centers.aspx>.

R-1-3B

## 2024 County "SCORE" Grants Available for Solid Waste Abatement, Recycling Projects, and Tire Recycling

Are you looking for a way to positively impact your community but don't have the funds to bring your idea to life?

Benton County is seeking to enhance existing or promote new solid waste abatement and recycling activities/programs through our SCORE grant application process. Examples of recently funded projects include recycled material playground equipment, composting, and educational plays at schools. These grants are open to the individuals, public and private sectors.

**NEW!** Benton County Tire Recycling Program. This grant is now open for applications.

For more information about either grant program and to obtain application forms, please access the Benton County Web site at [www.co.benton.mn.us](http://www.co.benton.mn.us) or contact the Benton County Planning & Zoning at: Benton County Government Center, 531 Dewey Street, P.O. Box 129 Foley, MN 56329-0129, (320) 968-5065. Applications must be received by February 2nd, 2024 at the above address.

R-1-1B

## MINDEN TOWNSHIP NOTICE

Notice is hereby given to voters of Minden Township, Benton County, State of Minnesota, will be held for 2 week period beginning: January 2, 2024 through January 16, 2024.

Affidavits of Candidacy shall be filed with the Town Clerk between the hours of 8:00 a.m. and 4:00 p.m. from January 2, 2024, through January 16, 2024.

Filing will close on January 16, 2024, at 5:00 p.m.

Filing fee is \$2.00 and must be paid at the time of filing.

Offices to be filled at the March Annual Election are:  
Clerk for 2-year term  
Supervisor for 3-year term

Absent voting will be at the Clerk's office of the town hall on March 9, 2024, between the hours of 10:00 a.m. to Noon.

The following question will be placed on the March 12, 2024, township election ballot:

\*Town Question

Appointment of Minden Town Clerk and Treasurer Shall Option B, providing for the appointment of the Clerk and Treasurer by the town board, be adopted for the government of Minden Township?

\_\_\_ Yes  
\_\_\_ No

FR-52-2B

## ORDINANCE NO. 15

### AN INTERIM ORDINANCE TEMPORARILY PROHIBITING NEW SOLAR PROJECTS IN THE CITY OF SAUK RAPIDS/MINDEN TOWNSHIP ANNEXATION AREA

The following is the official summary of Ordinance No. 15 approved by the Sauk Rapids City/Minden Township Joint Planning Board on December 19, 2024:

"AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON NEW SOLAR PROJECTS WITHIN THE JOINT PLANNING AREA OF THE JPB. It is the intent and effect of this Ordinance to temporarily prohibit the construction, development, or conversion of Solar Projects until the JPB can study the appropriateness of current ordinance requirements and adopt amendments if necessary."

A printed copy of the ordinance is available for inspection by any person during regular office hours at JPB Hall.

**A complete, printed copy of the ordinance amendment is available for inspection by any person during regular office hours at the City Clerk/Administrator's office.**

Adopted this 19th day of December, 2023

R-1-1B