

**BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JANUARY 2, 2024**

The Benton County Board of Commissioners met in regular session on January 2, 2024, in the Benton County Board Room in Foley, MN with Commissioners Steve Heinen, Ed Popp, Jared Gapinski, Beth Schlangen and Scott Johnson present. Call to order by County Administrator Montgomery Headley was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Johnson nominated Gapinski for 2024 Chair of the Board. Seconded by Popp. Nominations were closed and a unanimous ballot was cast for Gapinski for Board Chair for 2024. Chair Gapinski called for nominations for a 2024 Board Vice-Chair. Johnson nominated Popp for 2024 Vice-Chair of the Board. Seconded by Heinen. Nominations were closed and a unanimous ballot was cast for Popp for Board Vice-Chair for 2024.

Motion by Popp and seconded by Heinen to approve the Agenda as written. Motion carried unanimously.

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

Schlangen requested to pull Consent Agenda item #1. Popp requested to pull Consent Agenda item # 4 and to move it to County Engineer Chris Byrd's Regular Agenda items at 9:40 AM. Motion by Johnson and seconded by Heinen to approve Consent Agenda items 2-3, and 5-7: 2) approve the Committee of the Whole Meeting Minutes of December 12, 2023 and authorize the Chair to sign; 3) approve the Memorandum of Agreement with the Operating Engineers Local 49 representing the Highway Department and authorizing the Chair to sign; 5) approve a contract with Northland Business Systems for logging recorder solution and authorizing the Chair to sign; 6) approve the maintenance program with Identisys and authorize the Chair to sign; 7) approve the Hold Harmless Agreement with Minnesota Highway Safety Research Center and authorize the Chair to sign. Motion carried unanimously.

Next, Schlangen requested a correction to the meeting minutes of December 19, 2023 on page 4, the sixth bullet point to change the word form to from. Motion by Schlangen and seconded by Johnson to approve the amended Regular Board Meeting Minutes of December 19, 2023 and authorize the Chair to sign. Motion carried unanimously.

Next, County Administrator Montgomery Headley explained that the draft listing of the 2024 County Board meeting dates and times reflects the traditional meeting dates of the "first and third" Tuesday of each month at 9:00 AM; with the exception of the December 2, 2024 meeting commencing at 6:00 PM for the "Truth in Taxation Meeting". The second meeting in December will be on Tuesday, December 17, 2024 at 9:00 AM. Following discussion, Johnson/Popp to set the 2024 County Board meeting dates and times: "first and third" Tuesday of each month at 9:00 AM with the exception of the first meeting in December which will be on Tuesday, December 2, 2024 at 6:00 PM (to combine with the Truth in Taxation Meeting) and Tuesday, December 17, 2024 at 9:00 AM. Motion carried unanimously.

Next, Headley requested the County Board to consider the minimum wage increase due to reclassification. This proposed revision to the Personnel Policies was tabled pending additional research. Headley prepared a simulation based on the assumption all Sheriff's Office employees were reclassified up one grade effective January 1, 2024. Based on current policy the increased cost would be \$150,896. If instead all employees were provided a minimum of 3.2% increase (up one grade), the cost would increase to \$284,590. This increased cost of \$133,694 apportions to \$1,883 per employee (71 employees). The average increase under current policy is 2.4%. Under a 3.2% minimum, the average increase is 5%. There was a consensus of the County Board to leave the step placement policy as is for now. The County Board will review the actual increase later this summer when we get the reclassification recommendations from DDA. This will occur before setting the base budget for 2025, and the County Board will then consider the minimum wage increase due to reclassification.

Next, Headley requested the County Board to designate the official newspaper for Benton County. Counties are required by State law to publish certain notices of public hearings, ordinances, delinquent tax lists, the summary of budget statement and the annual financial report (which must be published in two newspapers of general circulation). The County currently publishes such notices in the Benton County News and the Sauk Rapids Herald. Headley noted a 2.5% increase for 2024. As noted in the bid from Star Publications, it provides the County a 30% discount for publishing in both newspapers. Motion by Johnson and seconded by Heinen to designate the Benton County News and the Sauk Rapids Herald as the official newspapers for Benton County for 2024. Motion carried unanimously.

Next, Headley requested the County Board to consider applying for federal "Transportation Alternatives Project" funding to construct a separated bicycle and pedestrian trail between the City of Rice and Bend in the River Regional Park. The County may be eligible for federal Transportation Alternatives Project (TAP) funding to construct a separated bicycle and pedestrian trail linking the City of Rice and the County's Bend in the River Park. This trail is a high priority project in both the City's Park Plan and the County's new Master Plan for Bend in the River (as made part of the Great River Complex Master Plan developed with Stearns County). TAP grants require a 20% local match. Estimated cost of this project is \$300,000. Applying requires two Board Resolutions: one to act as project sponsor and provide local matching funds; and a second agreeing to operate and maintain the project for its "useful life". If approved, federal funding would be available in 2028. The application deadline for this funding cycle is January 12, 2024. Motion by Popp and seconded by Johnson to approve a Resolution agreeing to act as project sponsor for TAP funding to construct a biking and pedestrian

trail between the City of Rice and Bend in the River Park. Motion carried unanimously. Next, motion by Popp and seconded by Johnson to approve a Resolution agreeing to operate and maintain the trail project for the duration of its useful life. Motion carried unanimously.

Next, Headley requested the County Board to consider the appointments to Boards and Commissions. There was a consensus of the County Board to table this until the next Board Meeting. The appointments will be discussed at a future Committee of the Whole Meeting and will be adopted at a later date.

Next, Land Services Director Roxanne Achman requested to conduct a Public Hearing to consider preliminary plat approval of a major plat entitled "Archibald Acres" submitted by property owner/developer Jesse Arndt. The applicant/developer is requesting approval of a 13-lot preliminary plat in Sauk Rapids Township for the purpose of creating single family dwellings. The plat includes the construction of township roads and a stormwater management plan. The developer is working with the township to execute a development agreement for the construction and installation of those two items. The Planning Commission recommended approval of the preliminary plat on December 14, 2023, subject to the conditions that the subdivider submit engineering plans and specifications for all required improvements, and that all improvements be installed to the satisfaction of the Township or an Improvement Installation Agreement by and between the Township and developer/property owner be executed prior to approval of the final plat. Due to the number of lots within the plat, this is considered a major plat and must go through additional public hearings. Approval of the final plat will require another public hearing at both the Planning Commission and the County Board.

The Public Hearing to consider preliminary plat approval of major plat entitled "Archibald Acres" opened at 9:31 AM. The first to speak was David Christian of 1620 44th St NW who shared concerns regarding drainage/storm water removal, and the removal of the oak trees. Plans indicate approximately 50% of the oak trees will be removed but Mr. Christian believes it will be closer to 80%. Mr. Christian shared concerns about how this development will impact his taxes. Mr. Christian also shared that he had contacted the City of Sartell where he was told that the City's plans reflect what has been said today, but there is language that 1,000 Oaks would be included, and if that was ever resurrected, it could become an issue at a later time.

Next, Carol Shaw, who owns property at the end of 7th Street NE had questions on how this 13-lot plat would impact her taxes. Because this is still in the preliminary phase, it is unknown how this will impact taxes.

Next, Tim Patton of 4425 16th Ave NW shared concerns about increased traffic in the area. Mr. Patton has little children and said that there are lots of young families in that area and there is not a lot of traffic now, but has concerns about how this will impact his family and neighbors in the future.

The Public Hearing for "Archibald Acres" closed at 9:41 AM. Achman reported that there were no emails, letters or other communications to be read into the record. The Department has not received any comments or concerns from any State agencies, cities or townships. No official action was required by an affected township. Motion by Johnson and seconded by Popp to approve the preliminary plat approval of a major plat entitled "Archibald Acres". It was noted that this plat will go back to the Planning Commission for further approval before coming to the County Board for final approval. Motion carried unanimously.

Next, Achman requested the County Board consider the approval of the assessing agreement with the City of Sartell. The Benton County Assessor's Division manages the assessment work for several jurisdictions within the County. This is a new two-year agreement. The agreement will be for assessment years 2025 and 2026. The agreement was sent to the City of Sartell. The City of Sartell has returned signed agreements. In the agreement, the City of Sartell agrees to pay Benton County a fee of \$12.00 per parcel within the physical limits of the city for assessment years 2025 and 2026. Motion by Heinen and seconded by Johnson to approve the Assessing Agreement with the City of Sartell. Motion carried unanimously.

Next, Benton County Auditor-Treasurer Christine Scherbing requested the County Board re-designate the Auditor-Treasurer the authority to designate depository banks, and to also designate depository banks for Benton County funds. Motion by Heinen and seconded by Popp to adopt Resolution 2024-05 to re-designate the Auditor-Treasurer the authority to designate depository banks and to designate depository banks for Benton County Funds. Motion carried unanimously.

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

Next, County Engineer Chris Byrd discussed Consent Agenda item #4 (alternative method to disseminate bids and requests for proposals). Using our website, many bidders are retrieving plans and bidding specs electronically. Current state law dictates that we advertise in the official county newspaper unless an alternative method to disseminate bids is established. Minn. Statute 331A.12 allows for counties to use their websites to advertise for bids of construction and maintenance projects. The County must adopt a resolution annually establishing the website as the alternative method of advertising. This must be done at the same meeting in which the official newspaper is designated. The Board has adopted similar resolutions the previous five years. Byrd has successfully advertised construction projects on our website with no issues and still receive multiple competitive bids. Motion by Popp and seconded by Heinen to approve the resolution designating an alternate means of advertising bids. Motion carried unanimously.

Next, County Engineer Chris Byrd requested the County Board to consider awarding a construction contract for tree clearing along CSAH 7. The CSAH 7 Reconstruction project is scheduled to begin in the summer of 2024. However,

Benton County is inhabited by a species of bat that is endangered and therefore is protected. The bats roost in trees but hibernate elsewhere. Therefore, tree clearing for construction projects must occur in winter months between November 15th and March 31st. To keep the larger, road construction project on schedule, it is in the best interest to the public to award a smaller tree clearing project. The estimate for this contract is less than \$175,000 and it was decided to solicit quotes rather than follow a sealed bid process. A quote package was assembled and sent to 4 reputable contractors. The quotes are due before 10:00 AM on December 29, 2023. It is the intent to award a construction contract to the contractor with the lowest quote. TKTimber of Sauk Rapids, MN provided the lowest bid of \$34,000. Motion by Johnson and seconded by Heinen to award a construction contract to TKTimber with the caveat that they would get bonded and execute those items. Motion carried unanimously.

Next, Byrd requested the County Board to consider a resolution of support with the City of Sauk Rapids for Active Transportation Infrastructure Grant Application. The City of Sauk Rapids would like to submit an application to the Active Transportation (AT) Infrastructure Program to receive funds to place pedestrian crosswalk flasher systems along CSAH 3, 2nd St North. Since CSAH 3 (2nd St North) is a County Road, a resolution of support is required. The proposed project includes installing pedestrian crosswalk flasher systems at two existing roundabouts (RAB) on 2nd Street North (CSAH 3). One RAB is at Summit Avenue North and the other is at 6th Avenue North. The scope also includes appurtenant pedestrian curb ramp, signing, and pavement marking work. The City of Sauk Rapids will be responsible for all costs such as design, local match costs associated with construction, and the City will be the lead agency. If they receive the grant, it was communicated that a utility permit would likely be required from the City of Sauk Rapids to install the pedestrian crosswalk flasher systems. The City received similar resolution last year but was unsuccessful in receiving the grant. Motion by Heinen and seconded by Gapinski to adopt the resolution of support to the City of Sauk Rapids. Motion carried unanimously.

Next, Byrd provided an update to the 5-Year Road Construction Improvement Plan (CIP). The 5-year CIP was adopted August 1, 2023. Since that time, we have learned that the project within the City of Gilman will not occur in 2024 as originally planned. At a recent Committee of the Whole, a consensus was reached to move the Gilman project to a later year. In its place, projects that are easier to develop and do not require a lengthy environmental review process were moved to be constructed in 2024. Motion by Johnson and seconded by Popp to approve the updated 5-Year Road Construction Improvement Plan. Motion carried unanimously.

The Regular County Board meeting was recessed at 10:16 AM to conduct a Human Services Board Meeting and a Community Health Board Meeting.

The Regular Board meeting reconvened at 10:26 AM.

Next, Board members continued to report on recent meetings they attended on behalf of Benton County.

There were no comments made under Comments by Commissioners.

Popp/Heinen to set the Committee of the Whole Meetings: Wednesday, February 21, 2024 through Thursday, February 22, 2024, the Association of Minnesota Counties Legislative Conference at the InterContinental Hotel, St. Paul Riverfront, 11 East Kellogg Boulevard, St. Paul, MN 55101, 8:00 AM. Motion carried unanimously.

Chair Gapinski adjourned the Regular Board Meeting at 10:31 AM.

Jared Gapinski, Chair
Benton County Board of Commissioners

ATTEST:
Montgomery Headley
Benton County Administrator

R-3-1B

***PUBLIC NOTICE*
Bids for County Highway Construction Projects**

Whereas Minn. Statute § 331A.03 Subd. 3(b) allows a county to use its web-site or recognized industry trade journals as a means to advertise to receive bids for construction projects. Let it be known that from this day forward that Benton County will use the Benton County website, <http://www.co.benton.mn.us/> as the alternative means to disseminate solicitations of bids, requests for information, and requests for proposals for transportation related construction and maintenance projects.

For questions on how to receive a set of plans or bidding procedures, please contact the County Engineer at phone number 320-968-5051.

Sincerely,
/s/ Chris Byrd, P.E.
Public Works Director/County Engineer

R-3-1B

PUBLIC NOTICES

**DOCUMENT 00 11 13
ADVERTISEMENT FOR BIDS**

Sealed bids will be received by

**INDEPENDENT SCHOOL DISTRICT 47
SAUK RAPIDS-RICE PUBLIC SCHOOLS**

for 2024 Pavement Rehabilitation at Sauk Rapids-Rice High School until 2:00 PM, February 1, 2024, at which time they will be publicly opened and read aloud. Bidders are invited to attend. Bids received after this time will be returned unopened.

Bids shall be upon form provided in the Bidding Documents. Envelopes containing bids must be sealed and marked "2024 Pavement Rehabilitation at Sauk Rapids-Rice High School", with the name and address of the bidder, and the date and hour of the opening. Bids shall be delivered to:

Independent School District 47
District Office Second Floor Door 2
1833 Osauka Road NE
Sauk Rapids, MN 56379

The complete form shall be without alterations, additions, or erasures. All bids shall be on a lump sum basis. The Owner reserves the right to reject any or all bids and to waive any irregularities in bids.

Direct communications regarding this Project to the Project Manager, Brent Boelter, Inspec, 763-546-3434.

Bidding Documents are available for a fee via digital download at www.questcdn.com or www.inspec.com. Contact QuestCDN.com at 952-233-1632 or info@questcdn.com for assistance in free membership registration, downloading, and working with this digital project information. Plan Holders are parties that have downloaded the plans and specifications. Plan holders will be notified via email as addenda are issued.

Copies of the Bidding Documents will be on file and available for inspection at Inspec, 5801 Duluth Street, Golden Valley, Minnesota 55422.

Each bidder shall accompany the Bid Form with Bid Security and the Responsible Contractor's Affidavit as described in the Instructions to Bidders.

Bid result information may be viewed at www.questcdn.com or www.inspec.com

A pre-bid conference will be held at 10:00 AM, January 23, 2024, at the Sauk Rapids-Rice High School, 1835 Osauka Road NE, Sauk Rapids, Minnesota. Attendees shall meet in the north parking lot, near the receiving dock.

R-2-2B

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