

BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
AUGUST 6, 2024

The Benton County Board of Commissioners met in regular session on August 6, 2024, in the Benton County Board Room in Foley, MN. Call to order by Chair Jared Gapinski was at 9:00 AM followed by the Pledge of Allegiance to the flag. A roll call showed Commissioners Beth Schlangen, Steve Heinen, Jared Gapinski, Scott Johnson, and Ed Popp present.

County Administrator Montgomery Headley requested to add three items to the Agenda: 1) to consider an Application for a Special Event Permit requested by Deanna Rosa, dba/Rollies, LLC as Consent Agenda item #10; 2) to consider the appointment of a Human Services Director as the fourth item under County Administrator at 9:05 AM; 3) to consider an application for State of Minnesota Energy Transition Grant funding for the CSAH 29 roundabout utility location as the fifth item under County Administrator at 9:05 AM. Motion by Johnson and seconded by Popp to approve the amended agenda. Motion carried unanimously.

No one was present to speak under Open Forum.

Heinen requested to pull Consent Agenda items #5 and #6 for further discussion. Motion by Heinen and seconded by Popp to approve Consent Agenda items 1 - 4, and 7 - 10: 1) approve the Regular Board Meeting Minutes of July 16, 2024 and authorize the Chair to sign; 2) approve the Committee of the Whole Meeting Minutes of July 9, 2024 and authorize the Chair to sign; 3) approve the Committee of the Whole Meeting Minutes of July 16, 2024 and authorize the Chair to sign; 4) approve the Minnesota Counties Computer Coop (MNCCC) Integrated Financial System (IFS) Support Contract Ratification and authorize the Chair to sign; 7) approve the final payment for Contract #2023-01 and authorize the Chair to sign; 8) approve the final payment for Contract #2024-01 and authorize the Chair to sign; 9) approve the contract for PREA Audit with Negen Investigative Services and authorize the Chair to sign; 10) approve the application for a Special Event Permit requested by Deanna Rosa, dba/Rollies, LLC. Motion carried unanimously.

Next, Heinen questioned the wording on the Resolution for Consent Agenda item #5 that authorized and designated Benton County Attorney Kathleen Reuter to sign all necessary paperwork for Benton County to receive grants. The Resolution states: "Whereas, Kathleen Reuter is the duly elected Benton County Attorney". Reuter was appointed County Attorney and not elected. County Administrator suggested to change the wording to say: "Whereas, Kathleen Reuter is the Benton County Attorney". Motion by Heinen and seconded by Schlangen to approve Consent Agenda item #5 to approve a Resolution that authorizes and designates Benton County Attorney Kathleen Reuter to sign all necessary paperwork for Benton County to receive grants with the updated verbiage in the Resolution. Motion carried unanimously.

Next, Heinen questioned the additional change orders for county building fiber upgrade project. During the fiber construction there were a couple of areas that required some install modifications which produced change orders from the construction vendor. One change was the connection between the Sheriff's Office and the Government Center (change of an additional \$5,880). This bid was designed to allow for the existing conduit to be used for the new fiber install and the conduit would need to be added on somewhere near the Sheriff's Office building. When they started digging, it was found that the conduit had to be extended under the road that leads to the Sheriff's office and Court Administration. This added costs for additional boring and conduit due to a longer run and not being able to use a trencher as planned. The second change was concrete cut and repair (\$1800) across from Property Management where the fiber was under the concrete where they needed to put a vault. The third change was the Norman Ave boring due to clay (\$5775). This stretch of 1500 feet was bid to trench but the soil and clay broke the trencher and they had to resort to boring the conduit underground to avoid damage a larger bulldozer would cause to the boulevard and trees. Johnson shared his concern that the contractor billed us after the fact, and they didn't provide a change order to consider the work beforehand for the third change order of \$5775. Motion by Heinen and seconded by Johnson to approve the first and second change order (\$5,880 plus \$1,890) for a total of \$7,770 and authorize the Chair to sign, and to not approve the last change order of \$5,775 until we receive more clarification on the charge. Motion carried with Schlangen, Heinen, Gapinski and Johnson voting "aye", and Popp abstained from the vote.

Next, County Attorney Kathleen Reuter recognized Carrie Strombeck, an Executive Assistant in the Attorney's Office as our 2nd Quarter Employee Recognition Award winner. There are four categories of awards: Customer Support; Innovation and Efficiency; Employee Safety/Injury Reduction; and Inspirational Leader. Strombeck was nominated and selected in the category of "Customer Service". This item was for informational purposes only.

Next, Headley requested the County Board to consider who

they would like to send to this year's DC Fly-In event September 17th - 19th on behalf of Benton County. There was a consensus of the County Board to send Commissioner Popp and County Engineer Chris Byrd to the DC Fly-In event.

Next, Tessia Melvin, Management Consultant for David Drown and Associates (DDA), provided Class and Comp Maintenance Program year 1 recommendations. This item was for informational purposes only.

Next, Headley requested that the County Board consider the appointment of a Human Services Director. The Human Services Director Selection Committee recommends the appointment of Joy Johnson-Lind as our next Human Services Director. Johnson-Lind served as the Senior Director of Child and Family Services with Children's Hospitals and Clinics of Minnesota for 10 years. She previously served as their Director of Child and Family Services (7 years), Social Work Leader (3 years), and Clinical Social Worker (4 years). Prior to this, she was employed by the University of Minnesota as the Clinical Assessor/Study Coordinator - Eating Disorders Research Program for six years. Johnson-Lind holds a bachelor's degree in Psychology and Social Welfare from the University of Wisconsin and a master's degree in Social Work from the University of Minnesota. Johnson-Lind's planned first day at work will be Tuesday, September 3rd, 2024. Motion by Heinen and seconded by Johnson to appoint Joy Johnson-Lind as Benton County Human Services Director, as recommended by the Selection Committee, effective Tuesday, September 3, 2024. Motion carried unanimously.

Next, Headley requested the County Board to consider an application for the State of Minnesota Energy Transition Grant funding for the CSAH 29 roundabout utility location. Benton County may be eligible for State of Minnesota "energy transition" grant funding, due to the decommissioning of the Granite City Power Generation Plant in 2019 (in East St. Cloud near Highway 10). Benton Economic Partnership (BEP) requests County Board approval of the application for grant funding and a resolution of support. This grant will cover the costs for the utility relocation in the CSAH 29 roundabout project. Motion by Johnson and seconded by Heinen to approve the application for Energy Transition grant funding and authorize the Chair to sign the Resolution of support. Motion carried unanimously.

Next, Human Services Deputy Director Sandi Shoberg invited Julie Kizlik, Program Director in Avivo's Family and Employment Services, Patrick Shepard, Program Manager at Avivo, and Becca Lopez, Vice President of Career Education & Employment Services to present proposed service changes and contract amendments. This item was for informational purposes only.

Next, Shoberg asked that the County Board consider the amendment to the 2024 Contract for services between Avivo and Benton County Human Services for SNAP. Avivo is requesting a change in hourly amount to \$41.62 per hour. Motion by Heinen and seconded by Schlangen to approve the amendment to the 2024 Contract for Services between Avivo and Benton County Human Services for SNAP to change the hourly rate to \$41.62 per hour. Motion carried unanimously.

Next, Social Services Supervisor Will Chew requested the County Board to consider the State of MN DHS - Complex Transitions Contract. Benton County Human Services (BCHS) has been working with DHS to secure funding for a client transition from a hospital setting to a community setting. As part of this process, there are specific costs associated with funding a bed hold for the community-based setting and home modifications. BCHS has submitted a request for State Complex transition funds to cover this cost. These funds are monitored by both the federal and state government to ensure appropriate allocation, as a result the State requires that the receiving agency enter into a contract to appropriately distribute the funds. Through this contract BCHS will be able to ensure the vendor is paid to move forward with the transition planning. In April 2024, BCHS executed a contract with these funds in the amount of \$5,000. The money was paid to a separate vendor and Benton County was reimbursed in approximately 2 weeks. This additional funding request will span 2 contracts for the bed hold and home modifications. The approximate amount to be paid is \$120,000. There is no fiscal impact to Benton County. Motion by Johnson and seconded by Heinen to approve the State of MN DHS - Complex Transitions Contract contingent upon review of the Benton County Attorney's Office. Motion carried unanimously.

Next, Auditor-Treasurer Christine Scherbing requested the County Board to ratify the Joint Powers Agreement regarding the Primary Election Recount. Each election we must enter into a Joint Powers Agreement with the Secretary of State in the event a recount is needed. Motion by Johnson and seconded by Heinen to ratify the Joint Powers Agreement with the Secretary of State. Motion carried unanimously.

Next, Emergency Management Director Kristen Tschida requested the County Board to approve a contract with Paramount Planning to facilitate five tabletop exercises for all departments in

Benton County and provide one comprehensive after-action report. Tabletops will be focused on continuity of operations planning and response. Motion by Johnson and seconded by Popp to approve the contract with Paramount Planning. Motion carried unanimously.

Next, Tschida requested approval of the Emergency Management Vehicle. The Emergency Management Department has the responsibility to be on call 24/7 and support emergency responders as well as disaster response. This could include severe weather, flooding, SWAT calls, rail issues, hauling or picking up equipment, trailers, etc. In October of 2024, the Emergency Management Director responded to a call in Glendorado and did not have sufficient equipment to effectively support the response in an efficient way. Emergency Management is requesting the transfer of a vehicle coming out of service from the Sheriff's Office to Emergency Management. Motion by Gapinski and seconded by Heinen to approve the vehicle for Emergency Management. Popp suggested that we monitor the vehicle for a year to see what it costs us per month. Motion carried unanimously.

Next, Land Services Director Roxanne Achman requested that the County Board consider an agreement with Bogart, Pederson and Associates, Inc. for temporary Wetland Conservation Act (WCA) Administration. The Wetland and Solid Waste Program Lead position has become vacant as of August 2, 2024. This position is responsible for overseeing services and duties as required by Minn. Stat. Ch. 103G.Minn. R Ch. 8420 (WCA). The remaining Planning & Zoning staff do not have the certification, nor the detailed knowledge of the rules in order to administer the statute. Staff received two hourly quotes from private companies who administer WCA on behalf of LGU's. Short Elliot Hendrickson, Inc. (SEH) quoted \$165 /hr. Bogart, Pederson and Associates, Inc. (BPA) quoted \$110/hr. The total cost will depend on how long the position remains vacant and the number of inquiries, projects and/or violations that come in. A full list of the scope of services is listed in the agreement under Section 2. Scope of Services and Products to be provided. The agreement was drafted by the Benton County Attorney's Office. This would be a temporary agreement for administration until the Wetland and Solid Waste Program Lead position is filled. It may be necessary to extend services in a limited capacity beyond the start date of a new employee to ensure follow-through on inquiries, projects, or open violations. The County requested \$1.5 million in cyber liability. The consultant was willing to provide \$1 million in cyber liability. Motion by Heinen and seconded by Schlangen to approve the agreement with Bogart, Pederson and Associates, Inc. for temporary administration of WCA at the rate of \$110/hr. Motion carried unanimously.

Next, Byrd requested the County Board to award a construction contract for Project No. SP 005-607-011. This is the Reconstruction project on CSAH 7 between Highway 95 and CSAH 4. The bid opening had been delayed while waiting on permits from regulatory agencies. The Bid Opening was Thursday, July 25, 2024, at 10:00 AM via online bidding. We received six bids from Helmin Construction, Inc., Midwest Contracting, LLC, Hoffman Construction Company, Knife River Corporation, Michels Road & Stone, Inc. and J.R. Ferche, Inc. The lowest responsible bidder is Helmin Construction, Inc. with a bid of \$5,845,659.70. Byrd recommends to award the construction contract to Helmin Construction, inc. contingent upon approval from the MNDOT Office of Civil Rights and verification of compliance with Disadvantaged Business Enterprise (DBE) requirements. Motion by Johnson and seconded by Popp to award a construction contract to Helmin Construction, contingent upon approval from the MNDOT Office of Civil Rights. Motion carried unanimously.

The County Board Meeting recessed at 10:35 AM to conduct a Community Health Board Meeting.

The County Board reconvened at 10:39 AM.

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

There were no additional comments under Comments by Commissioners.

Johnson/Heinen to set the Committee of the Whole Meetings: Thursday, July 25, 2024 Northland Reliability Project Public Hearing, Sauk Rapids Government Center, 250 Summit Ave N, Sauk Rapids, MN 56379, 9:00 AM; Monday, July 29, 2024 groundbreaking event for Northern Hollow Winery, 6120 105th Ave NE, Foley, MN 56329, 9:00 AM; Tuesday, August 13, 2024 annual Benton County Foster Care Picnic, New Life Church, 931 Norman Ave N, Foley, MN 56329, 5:00 PM; Thursday, August 29, 2024, MCIT Presents Navigating Key Land Use Issues, Park Event Center, 500 Division St Waite Park, MN 56387, 9:00 AM. Motion carried unanimously.

Chair Gapinski adjourned the Regular Board Meeting at 10:52 AM.

Jared Gapinski, Chair
Benton County Board of Commissioners

ATTEST:
Montgomery Headley
Benton County Administrator F-35-1B

Public Notice of Mechanical Lien NOTICE OF SALE

The personal property as follows, to-wit: 2008 Chevrolet Malibu VIN# 1G1ZG57B384295695 will be sold by Auto Solution Sales &

Services, LLC at public sale on the 29th day of August 2024 at 10:00 o'clock am at 850 Lincoln Ave NE in the City of Saint Cloud County of Benton, State of Minnesota, to pay and satisfy a lien for storage charges. F-33-3B

NOTICE OF MORTGAGE FORECLOSURE SALE

NOTICE IS HEREBY GIVEN that default has occurred in the conditions of the following described mortgage: DATE OF MORTGAGE: November 10, 2020 ORIGINAL PRINCIPAL AMOUNT OF MORTGAGE: \$109,668.00 MORTGAGOR(S): Randy Louwagie, a single man and Cami Kellen, a single woman, joint tenants MORTGAGEE: Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for Paramount Residential Mortgage Group, Inc., its successors and assigns DATE AND PLACE OF RECORDING: Recorded: December 14, 2020 Benton County Recorder Document Number: 448170 LOAN MODIFICATION: Dated: February 22, 2023 Recorded: May 12, 2023 Document Number: 466114 ASSIGNMENTS OF MORTGAGE: And assigned to: PennyMac Loan Services, LLC Dated: May 3, 2022 Recorded: May 4, 2022 Benton County Recorder Document Number: 460369 Transaction Agent: Mortgage Electronic Registration Systems, Inc. Transaction Agent Mortgage Identification Number: 1004247-1000479094-5 Lender/Broker/Mortgage Originator: Paramount Residential Mortgage Group, Inc. Residential Mortgage Servicer: PennyMac Loan Services, LLC COUNTY IN WHICH PROPERTY IS LOCATED: Benton Property Address: 191 Main St, Foley, MN 56329-4100 Tax Parcel ID Number: 1300154000 LEGAL DESCRIPTION OF PROPERTY: Lot Numbered Five (5), in Block Numbered Two (2), in Foley's Rearrangement of the Original Plat of the Town of Foley, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota AMOUNT DUE AND CLAIMED TO BE DUE AS OF DATE OF NOTICE: \$119,259.67 THAT all pre-foreclosure requirements have been complied with; that no action or proceeding has been instituted at law or otherwise to recover the debt secured by said mortgage, or any part thereof; PURSUANT to the power of sale contained in said mortgage, the above-described property

will be sold by the Sheriff of said county as follows: DATE AND TIME OF SALE: September 19, 2024 at 10:00 AM PLACE OF SALE: County Sheriff's office, 581 Highway 23, Foley, Minnesota to pay the debt secured by said mortgage and taxes, if any, on said premises and the costs and disbursements, including attorney fees allowed by law, subject to redemption within six (6) months from the date of said sale by the mortgagor(s), their personal representatives or assigns. If the Mortgage is not reinstated under Minn. Stat. §580.30 or the property is not redeemed under Minn. Stat. §580.23, the Mortgagor must vacate the property on or before 11:59 p.m. on March 19, 2025, or the next business day if March 19, 2025 falls on a Saturday, Sunday or legal holiday. Mortgagor(s) released from financial obligation: NONE THIS COMMUNICATION IS FROM A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THE RIGHT TO VERIFICATION OF THE DEBT AND IDENTITY OF

THE ORIGINAL CREDITOR WITHIN THE TIME PROVIDED BY LAW IS NOT AFFECTED BY THIS ACTION. THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVE 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 30, 2024 MORTGAGEE: PennyMac Loan Services, LLC Wilford, Geske & Cook, P.A. Attorneys for Mortgagee 7616 Currell Boulevard, Suite 200 Woodbury, MN 55125 (651) 209-3300 File Number: 051184-F2 F-32-6B

SUMMONS STATE OF MINNESOTA BENTON COUNTY DISTRICT COURT SEVENTH JUDICIAL DISTRICT

Court File Number: 05-FA-24-1232 Case Type: Dissolution without Children

of service. If you do not serve and file your Answer, the court may give your spouse everything he or she is asking for in the Petition for Dissolution of Marriage.

This proceeding does not involve real property.

NOTICE OF TEMPORARY RESTRAINING PROVISIONS

Under Minnesota law, service of this summons makes the following requirements apply to both parties to the action, unless they are modified by the court or the proceeding is dismissed:

- (1) Neither party may dispose of any assets except (a) for the necessities of life or for the necessary generation of income or preservation of assets, (b) by an agreement of the parties in writing, or (c) for retaining counsel to carry on or to contest this proceeding.
(2) Neither party may harass the other party.
(3) All currently available insurance coverage must be maintained and continued without change in coverage or beneficiary designation.
(4) Parties to a marriage dissolution proceeding are encouraged to attempt alternative dispute resolution pursuant to Minnesota law. Alternative dispute resolution includes mediation, arbitration and other processes as set forth in the district court rules. You may contact the court administrator about resources in your area. If you cannot pay for mediation or alternative dispute resolution, in some counties, assistance may be available to you through a non-profit provider or a court program. If you are a victim of domestic abuse or threats as defined in Minnesota Statutes, Chapter 518B, you are not required to try mediation and you will not be penalized by the court in later proceedings.

IF YOU VIOLATE ANY OF THESE PROVISIONS, YOU WILL BE SUBJECT TO SANCTIONS BY THE COURT. Dated: 7/18/2024

LEGAL NOTICE

The following individual who was convicted of crime(s) in Benton County has applied for relief from the Clemency Review Commission. The application will be considered at a meeting scheduled for Oct. 4, 2024, commencing at 8:30 a.m. at 1450 Energy Park Dr., St. Paul, MN:

Khaoidang Kum
Drugs - 4th Degree Sale
Convicted: 5/25/2011

Victims of this individuals' crimes have a right to submit an oral or written statement at this meeting summarizing the harm suffered as a result of the crime and make a recommendation as to whether Clemency should be granted or denied. To submit an oral or written statement, or to obtain additional information, email the Clemency Review Commission at clemency.review.commission@state.mn.us or call 651-539-2610.

F-35-1B

SUMMONS Without Real Estate

In Re the Marriage of: Kallie Elizabeth Braun Name of Petitioner and Andre Jamal Davis Name of Respondent THE STATE OF MINNESOTA TO THE ABOVE-NAMED RESPONDENT: WARNING: YOUR SPOUSE (HUSBAND OR WIFE) HAS FILED A LAWSUIT AGAINST YOU FOR DISSOLUTION OF YOUR MARRIAGE. A COPY OF THE PAPERWORK REGARDING THE LAWSUIT IS SERVED ON YOU WITH THIS SUMMONS. THIS SUMMONS IS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. The Petitioner (your spouse) has filed a lawsuit against you asking for dissolution of your marriage (divorce). A copy of the Petition for Dissolution of Marriage is attached to this Summons. 2. You must serve upon Petitioner and file with the court a written Answer to the Petition for Dissolution of Marriage, and you must pay the required filing fee. Answer forms are available from the court administrator's office. You must serve your Answer upon Petitioner within thirty (30) days of the date you were served with this Summons, not counting the day

/s/ Kallie Braun F-34-3P