

SUMMONS

STATE OF MINNESOTA
DISTRICT COURT
COUNTY OF BENTON
SEVENTH JUDICIAL
DISTRICT
Court File # 05-CV-18-533

CASE TITLE:
CarCo Motors Holding Corporation
Plaintiff,
vs.
Yahya Iman,
Defendant.

may not yet be filed with the Court and there may be no court file number on this summons.

2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed the summons a written response called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:
Chad A. Staul
Quinlivan & Hughes
PO Box 1008
St. Cloud, MN 56302-1008

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in

your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint. If you do not want to contest the claims stated in the complaint, you do not need to respond. A default judgement can then be entered against you for the relief requested in the complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written**

answer to protect your rights or you may lose the case.

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use an alternative means of resolving this dispute.

QUINLIVAN & HUGHES, P.A.

Dated: 3-21-18
By: /s/ Chad A. Staul #0394948
Attorneys for Plaintiff PO Box 1008 St. Cloud, MN 56302-1008 (320) 251-1414 (320) 251-1415 (Fax) cstaul@quinlivan.com F-13-3B

**DOCUMENT 00 11 13
ADVERTISEMENT FOR BIDS
2018 Dewey Street, 2nd Avenue, 3rd Avenue, and Gopher Avenue Improvements
Foley, Minnesota
SAP No. 005-627-004
SEH No. 138502**

Notice is hereby given that sealed Bids will be received by the City Administrator until 9:00 a.m., Friday, April 27, 2018, at the City Hall at 251 Fourth Avenue North, PO Box 709, Foley, MN 56329-0709, at which time they will be publicly opened and read aloud, for the furnishing of all labor and material for the construction of 2018 Dewey Street, 2nd Avenue, 3rd Avenue, and Gopher Avenue Improvements. Major quantities for the Work include:

4,600	LIN FT	Remove Curb and Gutter
24,000	SQ YD	Remove Bituminous Pavement
16,000	CU YD	Common Excavation
10,300	CU YD	Aggregate Base (CV) Class 5 (P)
5,000	TON	Bituminous
700 LIN FT	6-Inch	PVC Pipe Sewer
2400	LIN FT	8-Inch PVC Pipe Sewer
800 LIN FT	10-Inch	PVC Pipe Sewer
17000	LIN FT	10-Inch Water Main Ductile Iron
2400	LIN FT	8-Inch Water Main Ductile Iron
1000	LIN FT	6-Inch Water Main Ductile Iron
4,000	LIN FT	12- to 33-Inch RCP Storm Sewer
46,000	SQ FT	Concrete Walk
8,200	LIN FT	Concrete Curb and Gutter
9 EACH	Lighting Unit	Type Special
5,600	LIN FT	Striping

Bids shall be on the form provided for that purpose and according to the Bidding Requirements prepared by Short Elliott Hendrickson Inc. (SEH®) dated February 6, 2018.

The Bidding Documents may be seen at the Issuing Office of Short Elliott Hendrickson Inc. located at 1200 25th Avenue South, P.O. Box 1717, St. Cloud, MN 56302-1717, 320.229.4344

The Bidding Documents may be viewed for no cost at http://www.sehinc.com by selecting the Project Bid Information link at the bottom of the page and the View Plans option from the menu at the top of the selected project page.

Digital image copies of the Bidding Documents are available at http://www.sehinc.com for a fee of \$30. These documents may be downloaded by selecting this project from the PROJECT BID INFORMATION link and by entering eBidDocTM Number 5664112 on the SEARCH PROJECTS page. For assistance and free membership registration, contact QuestCDN at 952.233.1632 or info@questcdn.com.

Paper copies of the Bidding Documents may be obtained from Docunet Corp. located at 2435 Xenium Lane North, Plymouth, MN 55441 (763.475.9600) for a fee of \$110.

Bid security in the amount of 5 percent of the Bid must accompany each Bid in accordance with the Instructions to Bidders.

A Contractor responding to these Bidding Documents must submit to the City/Owner a signed statement under oath by an owner or officer verifying compliance with each of the minimum criteria in Minnesota Statutes, section 16C.285, subdivision 3.

This Work shall be subject to minimum wages and labor standards in accordance with the State of Minnesota.

Bids shall be directed to the City Administrator, securely sealed and endorsed upon the outside wrapper, "BID FOR 2018 DEWEY STREET, 2ND AVENUE, 3RD AVENUE, AND GOPHER AVENUE IMPROVEMENTS, FOLEY, MN, FOLEY 138502 (SAP 005-627-004)."

The Owner reserves the right to reject any and all Bids, to waive irregularities and informalities therein and to award the Contract in the best interests of the Owner.

Sarah Brunn
City Administrator
Foley, MN

Publish:
Benton County News: April 3, 10, and 17, 2018
QuestDCN: April 3, 2018
Foley Web Site www.ci.foley.mn.us: April 3, 2018

F-14-3B

SUMMONS

Termination of Parental Rights Matter or Other Permanent Placement Determination Matter

STATE OF MINNESOTA
DISTRICT COURT
BENTON COUNTY
SEVENTH JUDICIAL
DISTRICT
Court File Number:
05-JV-18-648

TINA AVALOS
MICHAEL AVALOS

In the Matter of the Welfare of the Child(ren) of: Tina Avalos and Michael Avalos (BA)

PLEASE TAKE NOTICE that on March 29, 2018, a Termination of Parental Rights Petition seeking to permanently sever the rights of the above-named parent(s) or another Permanency Pe-

tion seeking the permanent placement of the child(ren) of the above-named parent(s) was filed in the above-named court.

YOU ARE HEREBY SUMMONED AND REQUIRED TO APPEAR IN COURT at the following date, time, and place where a hearing regarding the Petition and the best interests of the child(ren) will be held:

**June 13, 2018
Admit/Deny Permanency Petition Hearing
9:00 AM**

**Robert Raupp
Benton County District Court
Courtroom 1
615 Highway 23, PO Box 189
Foley, MN 56329
(320) 968-5205**

YOU HAVE BEEN SERVED WITH THIS SUMMONS because, pursuant to statute or court rule:

- You are a parent to the

child(ren) named in the petition; or

- You are a party to this proceeding pursuant to Juvenile Protection Rule 21.01 or an attorney for a party; or
- You have legal custody of the child who is the subject of the Petition; or
- You are a person whose presence the court believes is important to a determination concerning the best interests of the child(ren) who are the subject of the Petition.

IF YOU FAIL TO APPEAR AT THE HEARING:

- The court may conduct the hearing without you; and
- The court may find that the factual allegations and statutory grounds set forth in the petition have been proved; and
- The court may enter an order granting the relief requested in the petition, which may include:
 - removing the child(ren)

from the home of the parent or legal custodian and placing the child(ren) in foster care;

- permanently severing the parent's rights to the children pursuant to a termination of parental rights petition;

- permanently transferring the child(ren)'s legal and physical custody to a relative; or

- an order for other permanent placement of the child(ren).

A STATEMENT OF YOUR RIGHTS AND RESPONSIBILITIES ATTACHED, including the right to be represented by an attorney as authorized under the statutes and court rules. It is your responsibility to immediately notify the court administrator if your address changes.

Dated: April 3, 2018
Cheryl Woehler
Court Administrator
F-15-3B

**BENTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MARCH 20, 2018**

The Benton County Board of Commissioners met in regular session on March 20, 2018 in the Benton County Board Room in Foley, MN with Commissioners Jim McMahon, Spencer Buerkle, Ed Popp and Warren Peschl present and Commissioner Jake Bauerly absent (excused). Call to order by Chair Popp was at 9:00 AM followed by the Pledge of Allegiance to the flag.

Peschl/Buerkle unanimous to approve the amended agenda: add items—discuss a Land Services Director (County Assessor) recruitment plan; discuss selecting a consulting firm to assist in the update of the Comprehensive Plan and Development Code.

No one was present to speak under Open Forum.

McMahon/Peschl unanimous to approve the Consent Agenda: 1) approve the Regular Meeting Minutes of March 6, 2018 as written; 2) accept and file Committee of the Whole Minutes of February 27, 2018 as written; 3) accept and file Management Team Meeting Minutes of February 8, 2018 as written; 4) approve two-year agreements with Attorneys Adam Brainard, Lisa Rutland, Sam Young and Cathleen Gabriel, effective April 1, 2018, for CHIPS and TPR representation, and authorize the Chair to sign; 5) approve Management Representation Letter for Auditor-Treasurer exit audit, and authorize the Chair to sign; 6) approve Application for Exempt Permit for Columns Resource Group Foundation, Inc., a non-profit organization, to hold a raffle at Wapicada Golf Club, 4498 – 15th St NE, Sauk Rapids, on June 4, 2018; 7) approve amendment to extend the contract for services with Crow River Water Organization, and authorize the Chair to sign; 8) approve inmate texting agreement with Reliance Systems Inc. and authorize the Chair to sign; and 9) approve 2018 Boat and Water Safety Grant Agreement, and authorize the Chair to sign.

Mark Loidolt, Assistant County Engineer, explained that project SAP 005-629-016/SAP 005-633-018 consists of the reconstruction of CSAH 29, including new storm sewer and bituminous pavement; the project also includes the reconstruction of the intersection with CSAH 33 and the addition of a traffic signal at the intersection. Loidolt noted that the City of Sartell is also replacing several city-owned utilities as part of the project. Peschl/McMahon unanimous to award a construction contract for project SAP 005-629-016/SAP 005-633-018 to C & L Excavating of St. Joseph, MN, as lowest responsible bidder.

The Regular County Board meeting was recessed at 9:09 AM to conduct a Human Services Board meeting.

The Regular County Board meeting was reconvened at 9:29 AM.

Monty Headley, County Administrator, presented two solar subscriber agreements with NRG Business Solutions for the Board's consideration—as previously discussed, the County would be a subscriber to two community solar facilities (40% of the capacity of a site in Stearns County and 11% of the capacity of a site in Sherburne County). He noted that the State solar subscriber program allows counties to subscribe to sites either within the county or in adjacent counties; NRG has no available capacity in Benton County sites. Headley explained that the proposed 25-year agreements yield estimated savings of \$984,000; savings are generated when the Xcel Energy "renewable energy credit" (per kilowatt) exceeds the monthly subscriber payment to NRG. Michelle Meyer, Assistant County Attorney, addressed her concerns with the proposed agreements, requesting clarification from NRG on a number of items, including termination fee and when the fee would apply, potential liabilities the County would be charged if the solar garden is not operational, and language referencing the "financing party". Sarah Spector from NRG commented "...other counties and municipalities have signed this document without any conditions..." She noted that the legal team from NRG would be happy to address those concerns raised by Michelle Meyer. Spector also confirmed that there are other customers "vying for the same capacity". McMahon/Buerkle unanimous to table this item to the next meeting after receiving a reply from the NRG legal team.

Roxanne Achman, Department of Development Director, explained that the Planning Commission reviewed and approved the preliminary plat of "Tasto Acres" in Glendorado Township; the plat meets the subdivision and zoning district requirements, as well as the density requirements. Achman stated that this plat consists of subdividing 41.72 acres into four single family lots, one with an existing home on it; lots 2 and 3 will have a shared access onto Ronneby Road. Peschl/McMahon unanimous to approve the final plat of "Tasto Acres" as recommended by the Planning Commission, and authorize the Chair to sign the plat.

Achman reported that the Anderson/Helmin gravel pit, located in Glendorado Township on County Road 9, has completed an Environment Assessment Worksheet (EAW) in order to expand their mining operation from 39 acres up to 90 acres; the EAW addresses potential impacts, mitigation methods and provides an

in-depth overview of the site and periphery. Achman stated that comments were received from the DNR and the MPCA during the 30-day public comment period; staff did not receive any comments outlining major environmental concerns with the project. She noted that staff finds no reason to order an Environmental Impact Statement; a public hearing before the Planning Commission will be held when the property owners/mine operators apply to amend their interim use permit for the expansion of a gravel pit. McMahon/Buerkle unanimous to accept a negative declaration for an Environmental Impact Statement based upon the noted Findings of Fact, Conclusions and Order, and authorize the Chair to sign Resolution 2018-#11.

A public hearing to consider Ordinance #462, amending the Benton County Development Code Ordinance #185, to amend the membership of the Planning Commission and Board of Adjustment, was opened at 9:45 AM. Achman pointed out that the intent of this ordinance is to provide for additional options for Planning Commission and Board of Adjustment membership; the Planning Commission is recommending approval of Ordinance #462. No one was present to speak in support or in opposition to the proposed ordinance; the public hearing was closed at 9:48 AM. Commissioner McMahon commented "...I thank the Department of Development...for working on this...I know we've had a hard time sometimes finding qualified people within the district to fill these slots...all the districts are represented by people that should have the entire county welfare in mind, not just their own district..." McMahon/Peschl unanimous to approve Ordinance #462, amending the Benton County Development Code Ordinance #185, and authorize the Chair to sign.

A public hearing to consider 2018 Solid Waste Facility Licenses for Waste Management, Republic Services (Minden Transfer Station), Henkemeyer Landfill Inc. and Tri-County Organics LLC, was opened at 9:51 AM. Achman noted that there are no proposed changes to the licenses or operations. No one was present to speak in support or in opposition; the public hearing was closed at 9:55 AM. Buerkle inquired of the expected life of the Henkemeyer Landfill; he also inquired if the monitoring well reports have been satisfactory. Achman stated "...we haven't had a reason to test...we haven't tested the wells in the past..." Buerkle stated his understanding that well monitoring was part of the annual license renewal requirements. Achman stated she will report back to the Board at the next meeting. Peschl/McMahon unanimous to approve 2018 Solid Waste Facility Licenses for Waste Management, Republic Services (Minden Transfer Station), Henkemeyer Landfill Inc. and Tri-County Organics LLC (requiring \$1.5 million in liability insurance and a \$10,000 bond), and authorize the Chair to sign the licenses.

Achman reported that six proposals were received for assistance in updating the County's Comprehensive Plan and Development Code; interviews were conducted with two of the six consulting firms and the selection committee is recommending HKGi. Peschl/McMahon unanimous to move forward with drafting a contract with HKGi (Hoisington Koegler Group Inc.) for the update of the Comprehensive Plan and Development Code, as recommended by the selection committee.

Administrator Headley explained that, with the additional turnover in the Land Services Office, he is recommending moving forward with the recruitment of a County Assessor/Land Services Director. He requested that the Board identify two Board members to serve on the selection committee, who will ultimately make a recommendation to the full County Board. Headley stated his intent to invite a neighboring County Assessor to be a part of the selection committee as well. Commissioners Buerkle and McMahon volunteered to serve on the selection committee. Headley stated that the position will be posted and open for three weeks, with interviews to follow. He noted that he will be meeting with interim County Assessor, Steve Behrenbrinker, to discuss any additional staffing resources he may need in the interim. Board members reported on recent meetings they attended on behalf of the county.

No Committees of the Whole were set. Peschl/Buerkle unanimous (at 10:28 AM) to conduct a closed session of the County Board under MN Statutes §13D.05, Subd. 3, to develop or consider offers or counteroffers for the purchase or sale of real or personal property; subject property is the BNSF rail spur right-of-way from the BNSF mainline in St. Cloud to the former Quad Graphics plant.

The Regular Board Meeting was reconvened at 10:46 AM. McMahon/Peschl unanimous to adjourn at 10:47 AM.

Edward D. Popp, Chair
Benton County Board of Commissioners
ATTEST:
Montgomery Headley
Benton County Administrator
R-14-1B

**BENTON COUNTY BOARD OF COMMISSIONERS
EMERGENCY MEETING MINUTES
MARCH 15, 2018**

The Benton County Board of Commissioners met in emergency session on March 15, 2018 in the Benton County Board Room in Foley, MN with Commissioners Jim McMahon, Spencer Buerkle, Ed Popp and Warren Peschl present and Commissioner Jake Bauerly absent (excused). Call to order by Chair Popp was at 1:00 PM followed by the Pledge of Allegiance to the flag.

Peschl/McMahon unanimous to approve the agenda as written.

Jolene Ellenbecker, Deputy Auditor-Treasurer, reported on a phone call she received from a member of the Clear Lake Lions; this group plans to hold a raffle at Jack & Jim's on Saturday, March 17th. Ellenbecker stated that although Clear Lake Lions and Jack & Jim's have an existing lease agreement, the member was not aware that the State requires a resolution from the County Board when an event is scheduled for a specific date (if two raffles were to be scheduled for the same day, the State requires a site map to assure that the monies don't cross between events). Peschl/Buerkle unanimous to adopt Resolution 2018-#10, approving the MN Lawful Gambling Application of Clear Lake Lions to conduct a raffle at Jack & Jim's, 11025 Duelm Road NE, Foley, on March 17, 2018, and authorize the Chair to sign.

Chair Popp adjourned the meeting at 1:04 PM.

Edward D. Popp, Chair
Benton County Board of Commissioners

ATTEST:
Montgomery Headley
Benton County Administrator
R-14-1B

NOTICE OF PROBATE

NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE AND NOTICE TO CREDITORS (INTESTATE)

STATE OF MINNESOTA
DISTRICT COURT
COUNTY OF BENTON
SEVENTH JUDICIAL DISTRICT
Court File No.:
05-PR-18-604

Estate of:
MICHAEL FRANK
NIERENHAUSEN,
Decedent

Notice is given that an application for informal appointment of personal representative has been filed with the Registrar. No will has been presented for probate. The application has been granted.

Notice is also given that the Registrar has informally appointed ROBERT CORNELIUS, as director of BENTON COUNTY HUMAN SERVICES, whose address is PO Box 740, Foley, MN 56329, as personal representative of the Estate of the Decedent. Any heir or other interested person may be entitled to appointment as personal representative or

may object to the appointment of the personal representative. Unless objections are filed with the Court (pursuant to Minn. Stat. 524.3-607) and the Court otherwise orders, the personal representative has full power to administer the Estate including, after 30 days from the date of issuance of letters, the power to sell, encumber, lease or distribute real estate.

Notice is also given that (subject to Minn. Stat. 524.3-801) all creditors having claims against the Estate are required to present the claims to the personal representative or to the Court Administrator within four months after the date of this Notice or the claims will be barred.

Dated: 3-23-18
/s/ Cheryl Woehler
Registrar
Dated: 3-23-18
/s/ Cheryl Woehler
Court Administrator
Attorney for Personal Representative
Name: Robert B. Anderson
Firm: Benton County Attorney's Office
Street: PO Box 189
City, State, ZIP: Foley, MN 56329
Attorney License No.: 209600
Telephone: 320 968 5175
FAX: 320 968 5346
F-14-4B