MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
MAY 1, 2017

The meeting was called to order at 5:30 p.m. by Mayor Landmark. Members present: Terri Collins, Jack Evenson, Gary Landmark, Stephanie Heinzig & Lucas Olson. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Director of Public Works Dan Gens, Police Chief Ian Hodge, Police Sergeant Paul Larson, Fire Chief Jeff Reuss, City Attorney Don Wilcox, Xcel Energy Representatives Pat Cline and James Pearson, Juan Reyes and School Superintendent Dennis Laumeyer.

The Council recited the Pledge of Allegiance.

Mayor Landmark asked for any changes to the agenda. Wolfington asked to remove City Council Training from the agenda. No consent agenda items were moved to the regular agenda. A motion was made by Collins, seconded by Evenson and carried unanimously to approve the agenda as amended.

Wolfington introduced Pearson and Cline from Xcel Energy to the Council. Wolfington stated they are here in hopes of executing an agreement with the City of Benson pertaining to the closing of Benson Power. Cline expressed his appreciation for the cooperation and partnership with the City over the last month. He said his role is public relations and Pearson is Xcel’s representative at the State legislature. Pearson went on to explain the anticipated time line. At the end of June, Xcel will ask the Public Utility Commission to approve the purchase of Benson Power by Xcel. The request will be filed for a public comment period. The discussion will continue through 2017. If approved, Xcel will be the owner of Benson Power. At that time they will have a second filing asking the Grid Operator to take the plant off line. This will take about 4 months. Xcel will honor all contracts in the meantime. In 2018 they would probably cease plant operation and move forward with public safety and decommissioning the plant. Because of economics to run the plant, the grid operator probably won’t chose to use Benson Power’s electricity on the grid as it has become so expensive to produce. Xcel’s plan is to replace biomass with wind energy.

The legislative time line is they are scheduled to adjourn in 3 weeks. Xcel would give the City of Benson $20 million in economic development funds. Getting approval from the legislature and Governor are critical. When asked if the Benson Power plant could be repurposed for another fuel, Cline stated not likely but needs to look at it further.

Other terms in the agreement are property taxes will be paid for two years after final removal notice. Other contracts will be paid up to $200,000. The current building will be taken down to 4’ below grade. Benson will have first right of refusal to purchase the land. Employees at Benson Power will be offered the opportunity to apply for openings at Xcel.

Wolfington presented the contract between Xcel and the City of Benson and recommended approval. It was moved by Evenson, seconded by Heinzig and carried unanimously to approve the Xcel contract as presented.

It was moved by Evenson, seconded by Collins and carried unanimously to approve the following items on the Consent Agenda:

- April 17, 2017 City Council Minutes
- Notice of MRES Settlement with the EPA on Regional Haze
- Public Works Report
- Thank you from the Evangelical Free Church
Benson Hockey Association Gambling Permit for July 16, 2017

The Mayor asked for people with unscheduled business which there was no one.

The Mayor called for a motion to open the Public Hearing on nuisance houses. It was moved by Evenson, seconded by Heinzig and carried unanimously to open the public hearing at 5:55 p.m. Juan Reyes and Sergeant Larson approached the Council. Larson presented pictures of Reyes yard and stated which items were in violation of the nuisance ordinance. Mayor Landmark told Reyes he had to license the trailer in his yard. Councilmember Collins offered the following resolution:

RESOLUTION TO ABATE NUISANCE AND ASSESS COSTS
RESOLUTION NO. 2017-08

WHEREAS, the City Council has heard the report of the Benson Police Department regarding nuisance conditions on the property located at 406 12th St. South in Benson, Minnesota, legally described as follows:

Lots Fifteen (15) and Sixteen (16), Block Three (3) and the North Six Feet (N 6’) of Lot Seventeen (17), Block Three (3), Railway First Addition to the City of Benson, Swift County, Minnesota

WHEREAS, the City Council has reviewed said report, and based on this report makes the following findings of fact:

1. The owner of record of the above described property is Mireya De Dios Reyes. The resident of the above described property is Juan De Dios Reyes.

2. On April 7, 2017, the resident was served a notice of public hearing to determine whether junk and refuse items on the property at 406 12th St. South in Benson constitute a public nuisance. “Junk” includes all unregistered, unlicensed or inoperable motor vehicles, motorized vehicles or equipment, bicycles, boats, outboard motors, trailers, or parts or components thereof, inoperable agricultural implements or parts or components thereof, machines and mechanical equipment of all kinds or parts or components thereof, by-products or waste from manufacturing operations of all kinds, used lumber or waste resulting from building construction, renovation, remodeling, or demolition, felled trees and tree branches. “Refuse” includes all organic or inorganic material resulting from the manufacture, preparation or serving of food or food products, spoiled, decayed or waste feed from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, discarded clothing, tree, lawn or brush clippings and weeds, furniture, household furnishings or appliances or parts or components thereof, scrap metal, wood, glass, paper, rubber, concrete, or human or household waste of all kinds not included in any other part of this definition. The conditions present at 406 12th St. South are evidenced by photographs included as part of the public record.

3. Said public hearing was held May 1, 2017, at which time the City Council heard the report of Sgt. Paul Larson of the Benson Police Department regarding the property.

4. The conditions present on the above described property constitute a public nuisance as defined in Chapter 93 of the City of Benson Code of Ordinances.

5. As of May 1, 2017, the nuisance conditions still exist on the above described property. The specific items that must be abated are:
a. Lawn mower with flat tires covered in clear plastic on south side of residence
b. Debris and small car parts near the car port
c. Car hood leaning up against the shed
d. Concrete debris in northwest corner of yard
e. Engine and transmission along north side of residence
f. Small pieces of garbage throughout yard (i.e. empty cans, empty laundry soap container, small piece of old laminate flooring, etc.)

NOW THEREFORE, pursuant to Chapter 93 of the City of Benson Code of Ordinances, The City Council of the City of Benson, Minnesota resolves:

1. That a public nuisance exists on the above described property.

2. That unless the public nuisance conditions are removed by June 5, 2017, the City of Benson will hire a contractor to remove and/or abate the nuisance conditions. Any content removed from the property in this manner will be disposed of at a proper landfill or similar site.

3. That the costs incurred by the City of Benson relating to the removal and/or abatement of the nuisance conditions be assessed against the above described property.

4. That the reasonable minimum amount of this special assessment is $1,000.00.

Councilmember Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Collins, Heinzig, Olson, Evenson, Landmark. NAYS: None. Thereupon the Mayor declared Resolution 2017-08 duly passed and adopted.

Next a second nuisance home was discussed. This home is located at 600 – 12th St. S. Sergeant Larson presented pictures and a report. Councilmember Evenson offered the following resolution:

RESOLUTION TO ABATE NUISANCE AND ASSESS COSTS
RESOLUTION NO. 2017-09

WHEREAS, the City Council has heard the report of the Benson Police Department regarding nuisance conditions on the property located at 600 12th St. South in Benson, Minnesota, legally described as follows:

Lots One (1) and Two (2), Block One (1), Sunnyside First Addition to the City of Benson, Swift County, Minnesota

WHEREAS, the City Council has reviewed said report, and based on this report makes the following findings of fact:

6. The owners of record of the above described property are Laurie Wrobleski and Jason Bartz.

7. On April 7, 2017, the property owners were served a notice of public hearing to determine whether junk and refuse items on the owners’ property at 600 12th St. South in Benson constitute a public nuisance. “Junk” includes all unregistered, unlicensed or inoperable motor vehicles, motorized vehicles or equipment, bicycles, boats, outboard motors, trailers, or parts or components thereof, inoperable agricultural implements or parts or components thereof, machines and mechanical equipment of all kinds or parts or components thereof, by-products or waste from manufacturing operations of all kinds, used lumber or waste resulting from building construction,
renovation, remodeling, or demolition, felled trees and tree branches. “Refuse” includes all organic or inorganic material resulting from the manufacture, preparation or serving of food or food products, spoiled, decayed or waste feed from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, discarded clothing, tree, lawn or brush clippings and weeds, furniture, household furnishings or appliances or parts or components thereof, scrap metal, wood, glass, paper, rubber, concrete, or human or household waste of all kinds not included in any other part of this definition. The conditions present at 600 12th St. South are evidenced by photographs included as part of the public record.

8. Said public hearing was held May 1, 2017, at which time the City Council heard the report of Sgt. Paul Larson of the Benson Police Department regarding the property.

9. The conditions present on the above described property constitute a public nuisance as defined in Chapter 93 of the City of Benson Code of Ordinances.

10. As of May 1, 2017, the nuisance conditions still exist on the above described property. The specific items that must be abated are:
   a. Small pieces of garbage throughout yard
   b. Small motor that appears inoperable
   c. Vacuum hose going from garage gutters to trash can
   d. Old shingles lying next to the west side of the residence
   e. Old lumber lying in the back yard near the deck
   f. Garbage and garbage can on deck in back yard
   g. Barbecue grill, barrel, and rolled rubber mat in back yard
   h. Old bicycle missing wheel in back yard
   i. Lumber on ground in back yard
   j. Bucket with garbage netting in it, old garbage cans, and tarp over golf cart in back yard.

NOW THEREFORE, pursuant to Chapter 93 of the City of Benson Code of Ordinances, The City Council of the City of Benson, Minnesota resolves:

5. That a public nuisance exists on the above described property.

6. That unless the public nuisance conditions are removed by June 5, 2017, the City of Benson will hire a contractor to remove and/or abate the nuisance conditions. Any content removed from the property in this manner will be disposed of at a proper landfill or similar site.

7. That the costs incurred by the City of Benson relating to the removal and/or abatement of the nuisance conditions be assessed against the above described property.

8. That the reasonable minimum amount of this special assessment is $1,000.00.

   Councilmember Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Collins, Heinzig, Olson, Evenson, Landmark. NAYS: None. Thereupon the Mayor declared Resolution 2017-09 duly passed and adopted.
It was moved by Evenson, seconded by Olson and carried unanimously to close the Public Hearing at 6 p.m.

School Superintendent Laumeyer approached the Council to discuss the day care center the school intends to open. The budget analysis best case scenario is a program that runs in the black. Worst case scenario, especially starting up is a $47,000 operating deficit. The school board intends to operate it, approved budgeting 21% or $10,000 plus in-kind payment of space, utilities, etc. toward the daycare. Swift County Health Care Services governing board has committed $10,000 annually to the daycare center. Laumeyer is asking the Council to budget annually at least 20% or up to $10,000 toward the daycare operations if there is a deficit, and appoint a Council representative to the daycare oversight committee. There was discussion where the money would come from. Collins stated she feels this is an economic development issue and would like to see the money come from the EDA. Pederson stated it could come from the Economic Development Account, but not the Revolving Loan Fund. After discussion, it was moved by Collins to commit 20% of the operating budget, not to exceed $10,000 annually for up to five years. The motion was seconded by Evenson and the motion carried unanimously. Olson volunteered to sit on the daycare oversight committee representing the Benson City Council.

Next was a request to forgive a fire/rescue squad bill in the amount of $750 for removal of a body last winter which required assistance from the Fire Department. After discussion, it was moved by Heinzig, seconded by Evenson and carried unanimously to deny the request to forgive the fire call charge.

Fire Chief Reuss approached the Council requesting to sell the old ladder truck. It has been advertised on an on-line auction site. An individual has agreed to buy the truck, and has sent in a non-refundable down payment in the amount of $500, and has made an offer of $10,000 for the truck. After discussion, it was moved by Evenson, seconded by Olson and carried unanimously to approve the sale of the old ladder truck.

Gens approached the Council to present bituminous bid clarification. The bid was changed for 750 tons, and a couple bidders did not correct the amount on the bid. The bids are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Description</th>
<th>Est. Qty</th>
<th>Cost</th>
<th>Total Bid</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duininck Inc.</td>
<td>Paver laid bituminous</td>
<td>750 Ton</td>
<td>$71.00/Per Ton</td>
<td>$53,250</td>
<td>2nd lowest bid</td>
</tr>
<tr>
<td>Mark Lee Asphalt</td>
<td>Paver laid bituminous</td>
<td>750 Ton</td>
<td>$79.50/Per Ton</td>
<td>$59,625</td>
<td>3rd lowest bid</td>
</tr>
<tr>
<td>Riley Brothers</td>
<td>Paver laid bituminous</td>
<td>750 Ton</td>
<td>$64.15/Per Ton</td>
<td>$96,225</td>
<td>Lowest bid recommend approval</td>
</tr>
<tr>
<td>Central Specialties</td>
<td>Paver laid bituminous</td>
<td>1,500 Ton</td>
<td>$81.65/Per Ton</td>
<td>$122,475</td>
<td>Highest bid at any tonnage</td>
</tr>
</tbody>
</table>

Riley Brothers understood the bid was for 750 Ton before the bid. They just didn’t correct the mark from the original bid sheet. Every company was called before the bids were due. Gens said he doubled checked with Riley Brothers and they stand behind the original bid price per ton.

After discussion, it was moved by Collins, seconded by Heinzig and carried unanimously to approve the bid from Riley Brothers in the amount of $64.15 per ton.

Gens presented a request to purchase a large scanner. This would enable us to scan all of our old maps into the computer. After discussion, it was moved by Evenson, seconded by Heinzig and carried unanimously to approve the purchase of the Contex IA 2490 24” large format scanner in the amount of
Gens gave an update of the 2017 Highway project that is under way in town. It will affect highways 12, 9 and 29. The curb and gutter work will be done first along with complete storm sewer replacement at the intersections of Atlantic Ave. and 13th St. N. and Atlantic Ave. and 14th St. N. Also the turn lanes will be widened at Atlantic Ave. and 13th St. N. and Minnesota and Hwy 29 S. The project will run until September.

Next was a pay request from ALT Tree Service for tree work. It was moved by Collins, seconded by Evenson and carried unanimously to approve the pay request to ALT Tree Service in the amount of $8,790.00.

Wolfington presented a pay request from Widseth, Smith and Nolting for the contracted City Hall design. It was moved by Collins, seconded by Evenson and carried unanimously to approve payment to Widseth, Smith and Nolting in the amount of $9,805.00.

Wolfington presented a second pay request from Widseth, Smith and Nolting for design work on the new Police Department building. It was moved by Evenson, seconded by Collins and carried unanimously to approve payment to Widseth, Smith and Nolting in the amount of $11,462.00.

The Council reviewed the March 2017 budget report.

Next were two requests for tourism dollars. Wolfington presented a request from the Benson Golf Club. They are requesting $325.97 for new Golf Course brochures, $50 for postage to mail them out and $500 toward a new web page. They are requesting partial help or help for all of it. After discussion, it was moved by Evenson, seconded by Collins and carried unanimously to reimburse the Golf Club in the amount of $875.97.

Next was a tourism request from the Upper Minnesota Valley Regional Development Commission for support of the Meander Art Crawl which is held every fall. Support as a business sponsor would advertise businesses in town that would be participating in the Meander. After discussion, it was moved by Evenson, seconded by Olson and carried unanimously to approve support for the Meander in the amount of $200.

It was moved by Heinzig, seconded by Collins and carried unanimously to adjourn the Council meeting at 6:44 p.m.

_____________________________________
Mayor

_____________________________________
City Clerk