

**City Council Meeting Agenda  
City Council Chambers  
November 4, 2019**

**City of Benson Mission Statement**

Benson is a forward looking community that values public safety,  
Quality of life and treats people with dignity and respect.

Page			
	1.	5:30 p.m. Call the Meeting to Order at the Benson City Council Chambers (Mayor)	
	2.	Pledge of Allegiance	
	3.	Approval of Agenda	
		<b>Additions?</b> <input type="checkbox"/> None <b>1.</b> _____ <b>2.</b> _____	
		Any Consent Agenda items to be moved to a regular agenda item?	
		Approval of Agenda ____ as Presented or ____ Revised	<b>Action Requested</b>
	4.	Consent Agenda:	<b>Action Requested</b>
2-4	a.	Minutes: ▪ 10.21.2019 City Council Meeting	
	b.	Donations: ▪ Shirley Ferguson - \$50 – Beautify Benson	
	c.	Electronic Transfers: Payroll: October 24, 2019 - \$89,847.08 Journal: \$0	
	5.	Persons With Unscheduled Business to Come Before the Council	
5-7	6.	Variance Application for 810 Kansas Ave.	<b>Action Requested</b>
8-9	7.	League of MN Cities Liability Coverage – Waiver Form	<b>Action Requested</b>
10	8.	Consider Authorizing the Purchase of a John Deere Tractor Mower	<b>Action Requested</b>
	9.	Golf Club Operating Deficit Transfer for 2019 - \$35,800	<b>Action Requested</b>
	10.	Civic Center Final Bond Payment Transfer – \$24,000	<b>Action Requested</b>
11-11	11.	Consider Resolution Transferring \$33,040 from General to Sewer Fund	<b>Action Requested</b>
	12.	Adjourn: Mayor	<b>Action Requested</b>

<p>In compliance with the American Disability Act, if you need special assistance to participate in this meeting, please contact the City Manager's office at 320-843-4775. Notification 48 hours prior to the meeting will enable the City of make reasonable arrangements to ensure accessibility to this meeting.</p>
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**DRAFT**

**MINUTES - BENSON CITY COUNCIL MEETING  
OCTOBER 21, 2019**

The meeting was called to order at 5:30 p.m. by Mayor Collins. Members present: Jack Evenson, Terri Collins, Jon Buyck, Mark Schreck & Lucas Olson. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Police Chief Ian Hodge, Director of Public Works Dan Gens, Nathan Miller, Jon Hawley and Bob Erdman from the Racquetball Club and Scott Collins.

The Council recited the Pledge of Allegiance.

Mayor Collins asked for any changes or additions to the agenda. The Mayor added Emergency Elm Tree to the agenda. It was moved by Buyck, seconded by Schreck and carried unanimously to approve the amended agenda.

It was moved by Evenson, seconded by Schreck and carried unanimously to approve the following items on the consent agenda:

- 10.7.2019 City Council Meeting
- 10.3.2019 Safety Committee Meeting
- 6.19.2019 Cemetery Board Meeting

**Donations:**

- Library Patrons - \$8.01
- Fire Department – Appleton Ridge Runners - \$100
- Fire Department – Clayton Dale - \$20
- Mayor’s Mingle – MacKenzsie Dokkebakken - \$20
- Beautify Benson Tee – Deborah Berry - \$12
- Beautify Benson Tee – Patron - \$24

**Electronic Transfers:**

Payroll: \$101,139.85 October 10, 2019  
Journal: \$2,124,097.32 September 2019

The Mayor asked for people with unscheduled business. Nathan Miller approached the Council. He was concerned about the parking ordinance the Council is having a second reading on today. He asked the Council how they can tell citizens where to park on their property. He said he doesn’t have anywhere else to park in the winter but his yard. He lives on a corner lot and doesn’t want to prepare a gravel lot for his trailer and car. The Mayor drew a picture of his lot and explained where he can and cannot park. They came to an understanding, and the Mayor thanked Nathan for coming in with his concern.

Gens approached the Council with a thank you for the Mayor for her efforts in coordinating “Operation Snowflake”. She coordinated volunteers to help change out light bulbs in the lighted snow flake decorations to LED bulbs. Wolfington estimated there were 26,000 bulbs handled that day.

Next Hawley & Erdman from the Racquetball Club reported on the activity at the Racquetball Club. They recapped the upgrades they have made over the years. Hawley said this winter and spring some of the projects they plan to work on is repairing the women’s shower and painting. They hoped they won’t have to ask for any support from the City. Hawley then thanked the City for the in kind electrical labor, mowing, snow removal and for paving the parking lot this past summer.

It was moved by Schreck, seconded by Evenson and carried unanimously to approve the 2<sup>nd</sup> Reading of An Ordinance to Amend Title VII: Traffic Code, Chapter 71: Parking Offenses of the Benson City Code of 2003.

Wolfington explained Swift Machine is expanding their building and they will need more electrical service there. He presented three quotes for a transformer as follows:

Irby Utilities	\$14,463.60
Dakota Supply Group	\$ 9,270.00
City of Chaska	\$ 8,393.97

The Irby and Dakota quotes are new transformers, but they have long lead times. The City of Chaska uses the same voltage as we do and we can buy it out of their inventory. It was moved by Evenson, seconded by Olson and carried unanimously to approve the quote from the City of Chaska in the amount of \$8,393.97.

Next were pay requests from O'Day Equipment on the new fueling system at the airport. Wolfington said they have completed the work and are requesting payment. It was moved by Evenson, seconded by Schreck and carried unanimously to approve pay request #3 in the amount of \$100,000 as presented. It was then moved by Evenson, seconded by Schreck and carried unanimously to approve pay request #4 in the amount of \$25,000 as presented.

Wolfington said the tractor at the airport is not in working order. He said Gens is applying for a grant from MnDOT to help replace the tractor. The Grant is a 75% State share and 25% Local match. The total cost will be \$108,746. The City's share will be \$27,186.56. Councilmember Buyck offered the following resolution:

**AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT  
OF TRANSPORTATION GRANT AGREEMENT FOR AIRPORT IMPROVEMENT  
EXCLUDING LAND ACQUISITION  
(RESOLUTION 2019-24)**

It is resolved by the **City of Benson** as follows:

1. That the state of Minnesota Agreement No. **1035662**, "Grant Agreement for Airport Improvement Excluding Land Acquisition," for State Project No. **A7601-37** at the **Benson Municipal Airport** is accepted.
2. That the City Manager and Finance Director are authorized to execute this agreement and any amendments of behalf of the City of Benson

Councilmember Olson seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Collins, Olson, Buyck, Schreck. NAYES: None. Thereupon the Mayor declared Resolution 2019-24 duly passed and adopted.

Next was a pay request from Ferguson Asphalt Paving. It was moved by Olson, seconded by Evenson and carried unanimously to pay Ferguson Asphalt Paving in the amount of \$82,715.13. A portion of this bill will be reimbursed by the Benson Hockey Association and Runnings Inc.

The Council reviewed the September 2019 Budget Report.

Wolfington said there is a property owner who was sent a diseased elm removal letter in July. There are 4 small elms on the property, and it is on private property, which means the landowner must pay to have them removed. They had not removed the trees, and in September they were issued another letter asking their intentions. There has been no response from the property owner. Today, the neighbor

had part of one of the diseased trees break off in the wind and land on his garage. He went on to say these trees are hazardous and is asking for authorization from the Council to remove them immediately. It was moved by Schreck, seconded by Evenson and carried unanimously to remove the dangerous trees from vacant lot parcel #23-0156-000.

It was moved by Evenson, seconded by Schreck and carried unanimously to approve bills and warrants in the amount of \$512,830.55

There being no further business to come before the Council upon motion by Evenson, seconded by Buyck and carried unanimously to adjourn the Council meeting at 5:57 p.m.

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Mayor

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City Clerk

Application for Variance from Provisions of Zoning Ordinance

Planning Commission  
City of Benson  
Benson, MN 56215

Number: 2019-01  
Date of Application: Oct. 1, 2019 *EC'd*  
Application Fee: \$250.00

NAME OF APPLICANT Helen Flodstrom ZONE \_\_\_\_\_

ADDRESS 402 Cottonwood - BN, MN PARCEL NO. 23-1383-000

PROPERTY AT 810 Kansas LOT # — BLOCK — ADDITION pt SE-SW 5-121-39

Applications for variance shall be filed with the Zoning Administrator who shall refer all applications to the Planning Commission at their next regular meeting or at some other time. The Planning Commission shall recommend such conditions so as to adjust the hardship or deny the request within 60 days of referral. The City Council shall take up with the Planning Commission's recommendations and the application at the next regular meeting of the Council, however, it has 60 days to call hearing or act if necessary.

1. REASON FOR GRANTING A VARIANCE:

The City Council may grant variances from the strict application of the application of the provisions of this code and impose conditions and safeguards in the variances granted when it is in the public's interest to grant such a variance. Variances may be granted:

- Yes  No (A) By reason of narrowness, shallowness, or odd size or shape of the lot;
- Yes  No (B) By reason of exceptional topographic conditions, water conditions, or other extraordinary and exceptional conditions of the lot;
- Yes  No (C) By reason that the strict application of this Chapter would result in peculiar and practical difficulties or exceptional or undue hardship upon the owner developing or using such lot in a manner customary and legally permissible in the zoning district in which the lot is located;
- Yes  No (D) By reason that the owner can show that the strict compliance with the zoning regulations is unreasonable.

2. I am requesting a variance to: keep the 3 season porch as constructed

3. Statement showing hardship or reason listed above for requesting a variance: the structure has been there for over 10 yrs.

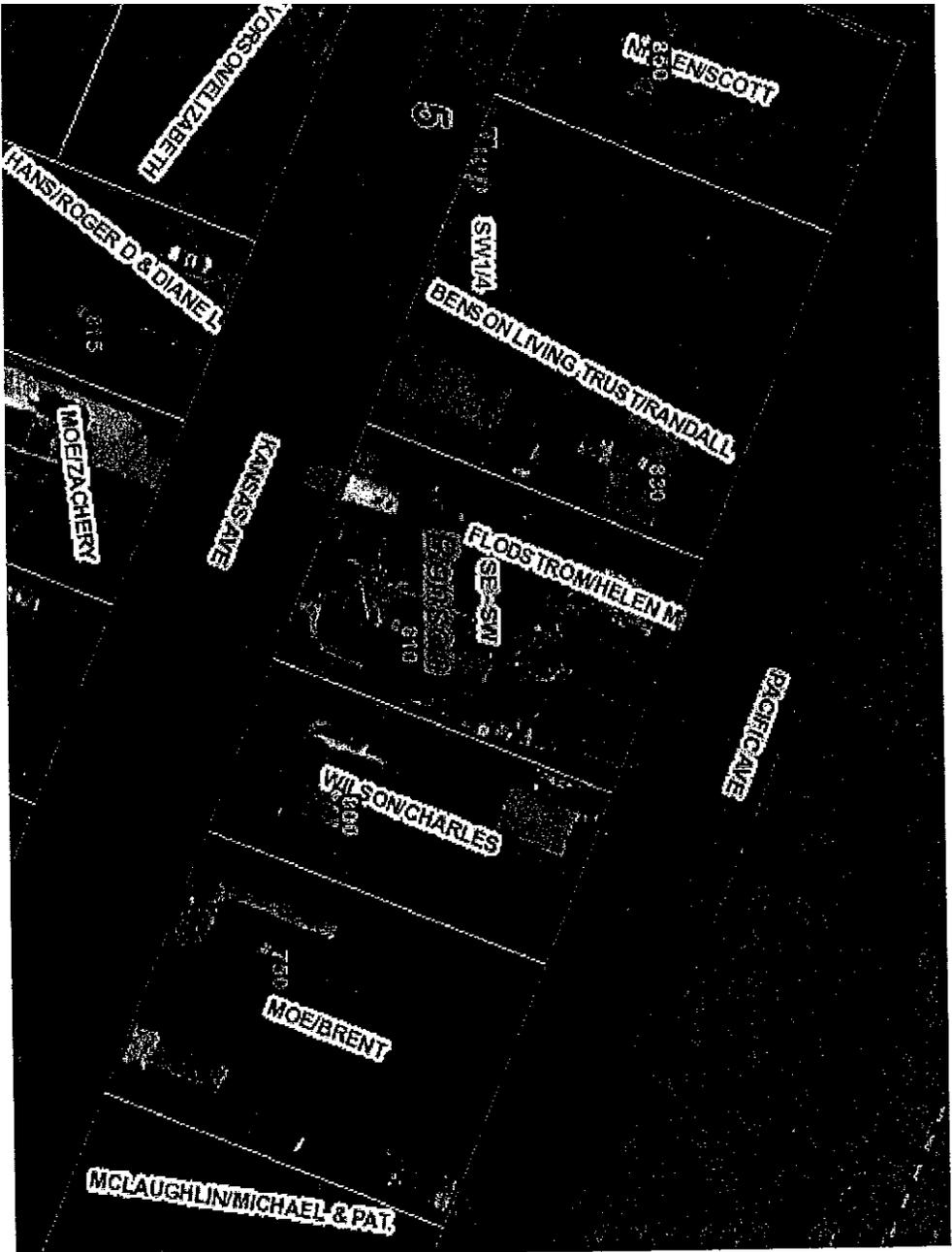
4. Attach one Plot Plan to scale showing present and proposed improvement.

CERTIFICATE

I certify that I am the applicant named herein; that I have familiarized myself with the rules and regulations with respect to preparing and filing this application; that the foregoing statements and answers herein contained and the information on the attached maps or plot plans and any other papers submitted herewith are in all respects true and accurate to the best of my knowledge and belief.

SIGNATURE: Helen Flodstrom PHONE: 843-3803

ADDRESS: 402 Cottonwood Benson MN



M & ENSCOTT

5

SM/1A

BENSON LIVING TRUST RANDALL

HANS/ROGER D & DANIEL

MOE/ZACHERY

KANSAS AVE

FLOBSTROM HELEN M

EMERSON

WILSON CHARLES

MOE/BRENT

MCLAUGHLIN/MICHAEL & PAT

CONNECTEXPLORER



map: Auto (Ortho)    Dates: All    image 1 of 31    04/23/2018



## LIABILITY COVERAGE – WAIVER FORM

**Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to [ustech@lmc.org](mailto:ustech@lmc.org).**

*The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.*

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.*
- *If the member waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.*
- *If the member waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.*

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

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LMCIT Member Name:

City of Benson

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*Check one:*

The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.

The member **WAIVES** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: \_\_\_\_\_

Signature: \_\_\_\_\_ Position: \_\_\_\_\_

## Val Alsaker

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**From:** Bahneman, Jennifer (DOT) <jenny.bahneman@state.mn.us>  
**Sent:** Tuesday, October 29, 2019 7:28 PM  
**To:** Dan Gens; Val Alsaker  
**Subject:** RE: Aero Agmt #1035662 executed

Hello,

The grant is now fully executed, and notice to proceed with ordering the equipment is hereby given.

If you have any questions, please e-mail me. Thank you.

Jenny

Jenny Bahneman  
Grants Specialist  
Minnesota Department of Transportation  
Office of Aeronautics  
222 East Plato Boulevard  
Saint Paul, Minnesota 55107-1618  
1-800-657-3922 toll free  
[jenny.bahneman@state.mn.us](mailto:jenny.bahneman@state.mn.us)

**From:** [workflow@state.mn.us](mailto:workflow@state.mn.us) [mailto:[workflow@state.mn.us](mailto:workflow@state.mn.us)]  
**Sent:** Tuesday, October 29, 2019 7:23 PM  
**To:** [dan.gens@city.co.swift.mn.us](mailto:dan.gens@city.co.swift.mn.us); [val.alsaker@city.co.swift.mn.us](mailto:val.alsaker@city.co.swift.mn.us)  
**Cc:** Bahneman, Jennifer (DOT) <[jenny.bahneman@state.mn.us](mailto:jenny.bahneman@state.mn.us)>  
**Subject:** Aero Agmt #1035662 executed

Attached you will find Aeronautics Grant Agreement #1035662. We have obtained all necessary signatures and this contract has been executed.

The attached Grant Agreement is approved and ready for use, please retain for your records. Please follow the directions below for the appropriate type of Grant Agreement that has been executed. **AIRPORT**

### **CONSTRUCTION GRANTS**

You may now submit eligible incurred expenditures associated with the agreement for reimbursement. Costs submitted must include a Credit Application and supporting documentation (copies of invoices / copies of executed contract amendments). A Credit Application can be found online at:  
<http://www.dot.state.mn.us/aero/airportdevelopment/documents/creditapp.pdf>

When submitting a paper Credit Application for payment, one copy must contain original signatures. A second copy may be submitted if you would like it returned with the payment for your records. Please indicate whether any requested payment is a **partial** or **final** payment.

Please note that MnDOT now has an online credit application submittal. Information and instructions can be found on our website. Look for "Construction ePayments".

**RESOLUTION TRANSFERRING FUNDS FROM THE GENERAL FUND TO THE  
SANITARY SEWER COLLECTION FUND FOR THE SECOND OF THREE ANNUAL  
PAYMENTS FOR THE CONNECTION FEE OF SCANDI HAVEN VILLAGE  
(RESOLUTION 2019- )**

Whereas, a senior assisted living facility is being built by Swift County-Benson Health Services, and,

Whereas, the City of Benson acknowledges the impact of having such a facility located within the City, and,

Whereas, the City was requested to participate in the funding of the project by reducing the cost of the building permit, and,

Whereas, a portion of the building permit is for utility fund connection fees that are an integral part of the rate setting for those services, and,

Whereas, the City agreed to waive the \$99,120 sewer connection fee and increase the property tax levy by one third that amount over a three year period.

Now therefore be it resolved that the City Council approves a transfer from the General Fund to the Sanitary Sewer Fund in the amount of \$33,040.