

**City Council Meeting Agenda
City Council Chambers
November 7, 2016**

Page		Action Requested
	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 Additions? <input type="checkbox"/> None 1. _____ 2. _____ Any Consent Agenda items to be moved to a regular agenda item? Approval of Agenda ____ as Presented or ____ Revised	Action Requested
	4. Consent Agenda:	Action Requested
	a. Minutes:	
2-4	▪ 10.18.16 City Council Minutes	
5	▪ 10.25.16 Special City Council Minutes	
6	▪ 10.3.16 Planning Commission Minutes	
	b. Correspondence:	
7	▪ Thank-You Letter to Agralite	
8-9	▪ Countryside Public Health 2017 Annual Tobacco Compliance Agreement	
10-12	▪ FAA Permit for the Helipad	
	5. Persons with unscheduled Business to Come Before the City Council	
13-14	6. Department of Health Tap Water Monitoring Report	Information Only
15-18	7. MnDOT 2017 Highway Project Update	Information Only
	8. Set Special Joint City Council/School Board Meeting – November 15, 2016	Action Requested
19-33	9. Data Practices Policy Update	Action Requested
34	10. Demo Proposal – 1620 Atlantic Avenue	Action Requested
35-36	11. Consider Resolution - 1004 13 th Street North	Action Requested
	12. Civic Center Roof Specification Advertisement for Bids	Action Requested
37	13. Consider Change Order – Diesel Tank Replacement Project - \$521.69	Action Requested
38-39	14. Pay Request #1 – O’Day Equipment – Diesel Tank Replace.-\$35,217.15	Action Requested
	15. Adjourn: Mayor	

DRAFT

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
OCTOBER 18, 2016**

The meeting was called to order at 5:30 p.m. by Mayor Pro-Tem Heinzig. Members present: Terri Collins, Jack Evenson, & Stephanie Heinzig. Members Absent: Gary Landmark & Sue Fitz. Also present: City Manager Rob Wolfington, Justin Knopf from MnDOT, Ashley Johnson & Melissa Brehmer-Hamblin with Countryside Public Health, Police Chief Ian Hodge, Jan Trinkle, Eric Musser and Charity Tofte.

The Council recited the Pledge of Allegiance.

Mayor Pro-Tem Heinzig asked for any additions to the agenda to which there were none. 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 presented. It was moved by Collins, Seconded by Evenson and carried unanimously to approve the following items on the Consent Agenda:

- October 3, 2016 City Council Minutes
- September 6, 2016 Planning Commission Minutes
- Police Report
- Public Works Report

Mayor Pro-Tem Heinzig asked for people with unscheduled business, to which there were none.

Justin Knopf with MnDOT approached the Council with waiver of municipal consent for the 2017 road project to approve altered access to roads during construction. After discussion Councilmember Collins offered the following resolution:

**RESOLUTION FOR WAIVER OF MUNICIPAL CONSENT
(RESOLUTION NO. 2016-30)**

WHEREAS, the Commissioner of Transportation has prepared a final Request for Proposal for State Project 7608-19 on Trunk Highway 9 from West of the Chippewa River to Sunwall Avenue, Trunk Highway 12 from West of 19th Street to West of Swift County CSAH 25 and Trunk Highway 29 Clark Avenue to Wood Avenue within the City of Benson for pedestrian and sidewalk improvements, drainage modifications, geometric modifications at two intersections and traffic signal work ; and seeks the approval thereof, as described in Minnesota Statutes 161.162 to 161.167: and

WHEREAS, said final Request for Proposal is on file in the District 4 Minnesota Department of Transportation office, Detroit Lakes, Minnesota, being marked as S.P. 7608-19; and

Municipal approval is required for any trunk highway project that results in any of the following actions occurring: altered access, increased or reduced traffic capacity and acquisition of permanent right of way. SP 7608-19 requires permanent right of way to be acquired to improve turning movements at the intersections of Atlantic Avenue and 13th Street and also Minnesota Avenue and Church Street. By waiving municipal consent for said project SP 7608-19, the city of Benson agrees with the decision for the Minnesota Department of Transportation to acquire permanent right of way for the said intersections and forgoes the process of a public hearing on the issue.

NOW, THEREFORE, BE IT RESOLVED that the City Council waives the municipal consent approval action, described in Minnesota Statutes 161.162 to 161.167, of the final Request for Proposal for SP 7608-19 for the improvement of said and Trunk Highway 9, 12 and 29 within the corporate limits.

Councilmember Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Collins, Heinzig, Evenson. NAYES: None. Thereupon the Mayor declared Resolution 2016-30 duly passed and adopted.

Next Wolfington presented a temporary permit to construct for the 2017 highway project. It will give MnDOT permission to enter stated properties to construct, maintain and operate the highways that are under construction. It was moved by Evenson, seconded by Collins and carried unanimously to approve the temporary permit.

Justin Knopf gave an update on the 2017 highway project.

Ashley Johnson from Countryside Public Health came forward with changes to the proposed amended Tobacco Ordinance. Wolfington stated a copy of the ordinance was sent to all licensed tobacco retailers in town, with no comment or feedback. Johnson stated Swift County's tobacco ordinance will supersede ours if they are different. The items addressed were E-cigarettes, and stipulating the distance a retailer can sell tobacco from a school, or school function or pharmacy. After discussion, it was decided by the council to table the 2nd reading of the ordinance until there is more information on how these stipulations would affect existing businesses. It will be reviewed at the November 7, 2016 Council Meeting.

Next the Council reviewed the temporary family health care dwellings ordinance. It was moved by Collins, seconded by Evenson and carried unanimously to approve the 2nd reading of an Ordinance Opting-Out of the Requirements of Minnesota Statutes Section 462.3593 .

Wolfington presented a Conditional Use Permit for William Sondag at 1330 Nevada Ave. to move in a second ancillary building into his back yard. He went on to explain there is a utility pole with electric, TV and telephone lines coming from it to Sondag's house. At the Planning Commission meeting today it was discussed the utilities must clear the peak of the roof according to code, 2' for electric and 1' for TV and telephone. Evenson asked who would pay for modifying the utilities? Wolfington stated it would be at the homeowners expense. If he adds a mast to the roof, it will cost about \$1800. If he has to go underground, it will cost up to \$30,000. Findings of fact are there are utility lines in the way of the garage that the home owner will have to raise or bury services at his expense. The building is in character with the neighborhood. After discussion, it was moved by Collins to approve the Conditional Use Permit with the condition relocation of utilities will be at the home owners expense. The motion was seconded by Evenson and the motion was carried unanimously.

Next was a Conditional Use Permit from Mark Hanson at 206 – 15th St. S. he owns the house to the south of him, 210 – 15th St. S. He would like to demolish the blighted home, add on to the garage and put an office in the garage at 206 – 15th St. S. Findings of Facts are the property at 210 – 15th St. S. is in disrepair, and by getting rid of the house and fixing up the garage it will improve the appearance of the neighborhood. The parcels of land are taxable and it will increase the value of the property. Wolfington explained the Planning Commission recommended approval with the condition the house is demolished by June 2017. After discussion, it was moved by Evenson, seconded by Collins and carried unanimously to approve the conditional use permit with the condition the blighted home is demolished by June 2017.

The next Conditional Use Permit was from Carl and Jan Trinkle at 723 – 12th St. S. to move a 14 x 32' garage onto their property. Findings of Facts are an oak tree is prohibitive in adding on to the current garage. Wolfington stated the Planning Commission recommended approval with the condition Trinkles follow the setback ordinance. It was moved by Evenson, seconded by Collins and carried unanimously to approve the conditional use permit with the condition setbacks are complied with.

Next was a request for financial support from the Prom Afterbash Committee. It was noted that the City already donates the use of the Armory for the week leading up to the Afterbash. It was moved by

Evenson, seconded by Collins and carried unanimously to limit support of the Afterbash to the Armory use for the 2017 Prom Afterbash.

Wolfington presented a request from the Heartland Girls Ranch asking to be annexed into the City of Benson. Wolfington explained there is an agreement in place with conditions for the Girls Ranch to be annexed, which they want to amend. By doing so, the City will have a “must serve” obligation to service the Girls Ranch. They already have city electric, sewer and water. Wolfington said it would add 40 people to the population of Benson. They are non-profit and therefore will not pay property taxes. He stated he isn’t sure how Torning Township feels about the annexation. After discussion, it was moved by Collins, seconded by Evenson and carried unanimously to approve the annexation of the Girls Ranch into the City of Benson.

Next Wolfington explained the Transmission Facilities Assignment Agreement along with Exhibits A & B with MRES. It was moved by Collins, seconded by Evenson and carried unanimously to approve the Transmission Facilities Assignment Agreement. It was moved by Evenson, seconded by Collins and carried unanimously to approve Exhibits A & B to the Agreement.

It was moved by Collins, seconded by Evenson and carried unanimously to approve pay request #1 from All Thigs Asphalt for bituminous work at the airport in the amount of \$73,700.05.

The Council reviewed the Budget report for September 2016.

It was moved by Evenson, seconded by Collins and carried unanimously to approve the bills and warrants in the amount of \$535,172.31.

Mayor Pro-Tem Heinzig recognized Charity Tofte. She addressed the Council on her concerns of lack of day care in the Benson area. With a 3 year old, she is struggling to find day care while she works. She was looking for direction as to where to go to get answers on how to bring daycare to the Benson area. Wolfington said the daycare issue is a problem common with small towns in the area as well as in Benson. He said daycares are regulated by the County and the City is more in the business of City services. Heinzig referred Ms. Tofte to Jen Frost at the RDC. She is working on how to help solve the daycare dilemma in Swift County. Wolfington discussed options on ways to help providers with local subsidies, or tax abatement or small business loans to get their homes up and running to meet code for opening an in home daycare. After more discussion, Ms. Tofte thanked the Council for their time.

There being no other business, a motion was made by Collins, seconded by Evenson and carried unanimously to adjourn the meeting at 6:22 p.m.

Mayor

City Clerk

DRAFT

BW
10/27/16

**MINUTES - BENSON CITY COUNCIL - SPECIAL MEETING
OCTOBER 25, 2016**

The meeting was called to order at 5:30 p.m. by Mayor Landmark. Members present: Terri Collins, Jack Evenson, Stephanie Heinzig, Sue Fitz and Gary Landmark. Members Absent: None. Also present: City Manager Rob Wolfington, Police Chief Ian Hodge, and Director of Finance Glen Pederson.

The Council recited the Pledge of Allegiance.

City Clerk Glen Pederson administered the Oath of Office to newly appointed council member Sue Fitz.

Mayor Landmark asked for any additions to the agenda to which there were none. A motion was made by Evenson, seconded by Collins and carried unanimously to approve the agenda as presented.

The City Manager summarized the three sites for the City Hall and Police Department projects and estimated construction costs (new construction costs are estimated at \$150-\$190 per sq ft):

- Captain Eaton Park site for both City Hall and Police Dept. \$2,012,500
- Armory site for both City Hall and Police Dept. \$2,457,600
- Loen Electric site for Police Dept. only \$390,000

Initial discussion focused on the Armory and the need to do something with that building even if it is not used for either of these two projects. Discussion focused on using the entire office and gym space for both city hall and police department. The City Manager expressed concern about the structural stability of the building and putting a large amount of money into a 90 year old structure. The Council discussed needing a structural report before making any decisions. Consensus was to recess the meeting at 6:08 p.m. for a short time in order to walk over to the Armory and go through the building.

The meeting was called back to order at 6:42 p.m. Discussion was held on obtaining a structural and environmental review of the building along with any government restrictions that might be in place from when the city acquired the Armory.

Motion was made by Fitz seconded by Evenson and carried unanimously to direct staff to obtain a structural engineering report of the Armory to include a full environmental analysis and also to review any legal restrictions in place from when it was purchased from the State of Minnesota.

There being no other business, a motion was made by Evenson, seconded by Collins and carried unanimously to adjourn the meeting at 6:50 p.m.

Mayor

City Clerk

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MINUTES – BENSON PLANNING COMMISSION – REGULAR MEETING
October 3, 2016 AT 12:00 NOON

Members Present: Mark Schreck, Jack Evenson, Kathy Polzin, Sue Fitz, Ron Laycock and Lyle Popma
Members Absent: None
Also Present: City Manager Rob Wolfington & Assistant City Attorney Ben Wilcox, William Sondag.

Vice Chairman Polzin called the meeting to order at 12:01 p.m.

Wolfington informed the Planning Commission of Chairman Ulmaniec's resignation on the Planning Commission due to taking a job out of town.

It was moved by Evenson, seconded by and carried unanimously to approve the September 6, 2016 minutes.

Public Hearing – Conditional Use Permit for 1330 Nevada Ave.

Vice Chair Polzin opened the public hearing at 12:04 p.m. Wolfington discussed homeowner Sondag's desire to move a pre-built 16' x 20' garage to be placed on a floating cement pad as a second detached garage in his back yard. Wolfington stated there is a utility pole to the east of his current garage with 7 wires radiating from it. There are electric, television and telephone lines on the pole, and it would have to be moved at the home owner's expense to prevent the wires from hanging too close to the new garage roof. There was concern about clearance above the garage with possible firefighters needing to be on the roof in case of a fire. Sondag stated there will be power to the garage. Popma asked who would be responsible for resetting pole. Wolfington stated the City Line Crew is busy with City projects and trying to finish before winter, so the home owner would have to contract with a company to move the pole. After discussion, it was moved by Evenson, seconded by Schreck and carried unanimously to table the permit today and to have the home owner come back with pitch of roof and additional specs on the garage to the special October 18, 2016 meeting for further discussion.

Other Business

Wolfington discussed the purchase of the last elevator in town and the terms of purchase.

At the last City Council Meeting there was discussion of renovating the Armory as the new City Hall.

Wolfington discussed CVEC finding an alternative option to hooking into the City wastewater system.

The new Industrial Park is still in consideration

It was moved by Schreck, seconded by Popma and carried unanimously to close the Public Hearing at 12:48 p.m.

Adjournment

There being no other business, there was a motion by Evenson, seconded by Laycock and carried unanimously to adjourn the meeting at 12:49 P.M.



Police Department
1410 Kansas Avenue
Benson, MN 56215
320-843-4790
320-843-3769 (Fax)



November 1, 2016

Marissa Thompson
Agralite Electric Trust's Operation Round Up
320 Hwy 12 E
P.O. Box 228
Benson, MN 56215

Dear Marissa/Trust Board,

On behalf of the City of Benson and the Benson Police Department, thank you for your recent donation of \$1000.00. This money will be utilized to help offset the cost of body worn cameras for the officers.

The cameras will be excellent tools to aiding and enhancing community and officer safety, they will be utilized every day. Thank you for your commitment to helping to make the city of Benson a safer place to live.

Sincerely,

A handwritten signature in black ink, appearing to read "Ian D. Hodge". The signature is written in a cursive style and is followed by a long horizontal line that ends in an arrowhead.

Chief Ian D. Hodge
Benson Police Department
Benson, MN 56215



October 21, 2016

Hello,

Enclosed you will find the 2017 contract for services. Please, review the contract and sign both copies and make changes as you see fit. Then, if you will, send one copy back to me...

Countryside Public Health
201 13th St S
Benson, MN 56215

If you have any questions, please contact Elizabeth Auch, Administrator, or myself at 320.843.4546.

Thank you,

Julie Motzko
Acct Tech/HR

www.countrysidepublichealth.org

BIG STONE
342 2nd Street NW
ORTONVILLE, MN 56278
(320) 839-6135 V/TTY
866-277-5587

CHIPPEWA
719 No. 7th St. • Suite 308
MONTEVIDEO, MN 56265
(320) 269-2174 V/TTY
800-894-0192

LAC QUI PARLE
422 5th Avenue • Suite 305
MADISON, MN 56256
(320) 598-7313 V/TTY
800-255-0736

SWIFT
201 13th St. S.
BENSON, MN 56215
(320) 843-4546 V/TTY
800-657-3294

YELLOW MEDICINE
415 9th Avenue, Suite 106
GRANITE FALLS, MN 56241
(320) 564-3010 V/TTY
800-407-3628

AN EQUAL OPPORTUNITY EMPLOYER

AGREEMENT

THIS AGREEMENT is effective **January 1, 2017** between **City of Benson**, hereinafter called City, and Countryside Public Health, hereinafter called Countryside.

WITNESSETH:

WHEREAS, City has a youth anti-tobacco ordinance which requires yearly, mandatory compliance checks of tobacco retailers in City, and

WHEREAS, these mandatory compliance checks are to be conducted in order to ensure that City retail establishments are not selling tobacco products to minors, and

WHEREAS, Countryside is in the business of providing compliance check services to Counties,

NOW, THEREFORE, In consideration thereof, the parties hereto agree as follows:

1. City agrees to retain Countryside for the purpose of assisting the County Sheriff's Office with compliance checks.
2. Countryside will conduct compliance checks and administer all services necessary to successfully implement the compliance checks program including but not limited to: i) recruitment and training of youth compliance checkers, and ii) follow-up activities surrounding the compliance checks. City will pay Countryside One Hundred and twenty-five dollars (\$125.00) per retail establishment licensed to sell tobacco products in the City. This One Hundred and twenty-five dollars (\$125.00) payment will cover an unlimited number of compliance checks in a licensed retail establishment, but a compliance check must be completed at least once yearly for each licensed retail establishment in the City. The One Hundred and twenty-five dollars (\$125.00) payment for each retail establishment will come due after completion of at least one compliance check in a respective establishment and under no circumstance shall City be required to pay Countryside prior to any services rendered. If a retail establishment has been issued a license for less than a full year's term, Countryside shall charge City a prorated fee.
3. Countryside agrees to itemize all bills for services sent to City.
4. This agreement shall be effective through **December 31, 2017**.

IN WITNESS WHEREOF. The parties have executed this agreement the day and year first above written.



Authorizing Representative



Elizabeth Auch, Administrator/DON
Countryside Public Health



Federal Aviation Administration
 Minneapolis Office
 6020 28th Avenue South, Suite 102
 Minneapolis, MN 55450

Dakota-Minnesota Airports District Office

October 28, 2016

TO:
 City of Benson
 Attn: Dan Gens, Public Works
 Director
 1410 Kansas Ave
 Benson, MN 56215
 dan.gens@city.co.swift.mn.us

**NOTICE OF HELIPORT AIRSPACE ANALYSIS DETERMINATION
 ESTABLISH PRIVATE USE HELIPORT
 CONDITIONAL NO OBJECTION**

The Federal Aviation Administration(FAA) has conducted an aeronautical study under the provisions of Title 14 of the Code of Federal Regulations, Part 157, concerning:

RE: *(See attached Table 1 for referenced case(s))*

Table 1 - Letter Referenced Case(s)

ASN	Prior ASN	Heliport Name	Description	Location	Latitude (NAD83)	Longitude (NAD83)	Heliport Elevation (feet)
2015-AGL-4586-NRA		BENSON HELIPORT	Establish privatey-owned, private use hospital heliport. TLOF 45' x 45'; FATO 85' x85'. Temporary LOCID 5145	Benson, MN	45-18-51.00N	95-36-50.00W	1033

We have completed an airspace analysis to establish the subject private use heliport. As studied, the location is approximately 0 nautical miles N of Benson, MN.

Our aeronautical study has determined that the private use heliport will not adversely affect the safe and efficient use of airspace by aircraft provided the following conditions are met and maintained. Reference FAA Advisory Circular (AC) 150/5390-2, Heliport Design (Current version).

The proponent must meet all state and local requirements.

The landing area must be limited to private use only.

All operations must be conducted visually.

Because this is a private use heliport, all operators proceed at their own risk, and to enhance the safety of operations, we recommend:

1. If the power poles and lines are removed / buried as planned, all helicopter approach / departure route operations should be conducted on a 150 degree clockwise to 220 degree egress heading / 330 degree clockwise to 040 degree ingress heading using the center of the heliport as the reference point. Operations may also be conducted on a 320 degree egress heading / 140 degree ingress heading using the center of the heliport as the reference point.
2. A wind indicator is installed and maintained adjacent to the heliport, away from the approach and departure routes, and outside the safety area as planned.
3. No night helicopter operations are conducted unless the heliport and wind indicator are lit in accordance with AC 150/5390-2C, paragraphs 216 and 212c.
4. Due to the close proximity of the Benson Airport (BBB), operators should monitor and provide traffic advisories on the BBB common traffic advisory frequency 122.80. 5. The takeoff/landing area is appropriately marked in accordance with AC 150/5390-2C, paragraph 215 as planned.
6. The heliport proponent will reexamine obstacles in the vicinity of the approach/departure paths on an annual basis in accordance with AC 150/5390-2C, paragraph 210e. Any new obstacles noted will be forwarded to the Airport District Office, Flight Standards District Office or Regional Flight Standards Division.
7. Unauthorized persons are restrained from access to the takeoff/landing area during helicopter flight operations.
8. Fire protection is provided in accordance with the NFPA 418, local fire code and AC 150/5390-2C.
9. The proponent refers to AC 150/5390-2C, in establishing an acceptable level of safety for helicopter operations at this heliport.
10. Publish and distribute helicopter operational procedures to heliport operators and users.
11. Contact the Minneapolis Flight Standards District Office (612-253-4400) within 15 days of completion of construction to arrange a final heliport evaluation.

This determination does not mean FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of the navigable airspace by aircraft and with respect to the safety of persons and property on the ground. In making the determination, the FAA has considered matters such as the effect the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA) and known natural objects within the affected area would have on the heliport proposal.

The FAA cannot prevent the construction of structures near a heliport. The heliport environment can only be protected through such means as local zoning ordinances or acquisitions of property in fee title or aviation easements, letters of agreement, or other means. This determination in no way preempts or waives any ordinances, laws, or regulations of any government body or agency.

> 1 ASSOC CITY: Benson 4 STATE: MN LOC ID: FAA SITE NR: 0.
> 2 AIRPORT NAME: BENSON HELIPORT 5 COUNTY: Swift
3 CBD TO AIRPORT (NM): 0 N 6 REGION/ADO: AGL/DMA 7 SECT AERO CHT: TWIN CITIES

<u>GENERAL</u>		<u>SERVICES</u>	<u>BASED AIRCRAFT</u>
10 OWNERSHIP:	PR	70 FUEL:	90 SINGLE ENG: 0
11 OWNER:	City of Benson		91 MULTI ENG: 0
12 ADDRESS:	1410 Kansas Ave Benson MN 56215		92 JET: 0
13 PHONE NR:	320-846-4775		TOTAL: 0
14 MANAGER:	Dan Gens, Public Works Director		93 HELICOPTERS: 0
15 ADDRESS:	1410 Kansave Ave Benson MI 56215		94 GLIDERS: 0
16 PHONE NR:	320-843-5444		95 MILITARY: 0
17 ATTENDANCE SCHEDULE:			96 ULTRA-LIGHT: 0

MONTHS DAYS HOURS

		<u>FACILITIES</u>
18 AIRPORT USE:	Private	> 80 ARPT BCN:
19 ARPT LAT:	45-18-51.0000N	> 81 ARPT LGT SKED:
20 ARPT LONG:	95-36-50.0000W	> 82 UNICOM: 0.0
21 ARPT ELEV:	1033.0	83 WIND INDICATOR:
22 ACREAGE:	0	84 SEGMENTED CIRCLE:
> 23 RIGHT TRAFFIC:		85 CONTROL TWR: NO
24 NON-COMM LANDING:		86 FSS:
		87 FSS ON ARPT: NO
		88 FSS PHONE NR:
		89 TOLL FREE NR:

RUNWAY DATA

> 30 RUNWAY IDENT:	H1
> 31 LENGTH:	45
> 32 WIDTH:	45
> 33 SURF TYPE-COND:	

LIGHTING/APCH AIDS

> 40 EDGE INTENSITY:
> 42 RWY MARK TYPE-COND:

OBSTRUCTION DATA

50 FAR 77 CATEGORY:
51 DISPLACED THR:
52 CTLG OBSTN:
53 OBSTN MARKED/LGTD:
54 HGT ABOVE RWY END:
55 DIST FROM RWY END:

(-) ARPT MGR PLEASE ADVISE FSS IN ITEM 86 WHEN CHANGES OCCUR TO ITEMS PRECEDED BY >

111 OWNER/MANAGER SIGNATURE 113 DATE:

Do you request charting? Yes ___
No ___ (charting request dependent
on chart clutter)



Minnesota
Department
of Health

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

October 21, 2016

Benson City Council
c/o Mr. Rob Wolfington, City Manager
Benson City Hall
1410 Kansas Avenue
Benson, Minnesota 56215

Dear Council Members:

SUBJECT: Lead/Copper Tap Water Monitoring Report, PWSID 1760008

This letter is to report the results of your recent lead/copper monitoring that is required by the Safe Drinking Water Act. The results revealed the following 90th percentile levels:

90th percentile lead level = 2 $\mu\text{g/l}$ (rounded as 0.002 mg/l).
The action level for lead is 15.0 $\mu\text{g/l}$.

90th percentile copper level = 1650 $\mu\text{g/l}$ (rounded as 1.650 mg/l).
The action level for copper is 1300 $\mu\text{g/l}$.

Based on these results, your public water system **has not exceeded** the action level for lead and **has exceeded** the action level for copper.

By federal rule, 40 CFR 141.85, you are required to provide the lead/copper results to persons served at the sites that were tested. In addition, you must provide them with an explanation of the health effects of lead/copper, list steps consumers can take to reduce exposure to lead/copper in drinking water, and water utility contact information. The notification must also provide the maximum contaminant level goals, the action levels for lead/copper, and the definitions for these two terms.

Notification must be made within 30 days by U.S. Mail, hand/direct delivery, or posting. Please refer to the enclosed Lead/Copper Results Delivery Certification form for delivery method requirements. If the residence is a rental property, both the occupant(s) of the residence and rental property owner must be notified. To assist you in meeting the notification requirements, we have enclosed the results notification letters which must be delivered to the homeowners along with a copy of the fact sheet on lead/copper in drinking water.

The lead/copper sampling site addresses are private data. This information was classified as "nonpublic" by the Minnesota Department of Administration in October 2004, upon the request of Minnesota Department of Health (MDH) and Minnesota community water supply systems. When notifying the persons served at the sites that were tested, provide them with the results for that address only.

Benson City Council
Page 2
October 21, 2016
PWSID 1760008

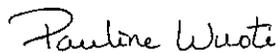
Within 10 days after notifying the residents of their results, you must complete the enclosed Lead/Copper Results Delivery Certification form and return it to us. If you chose not to use the results notification letters MDH sent to you and created your own results notification letters, you must submit a copy of one of the letters along with this certification form. The letter you create must contain the same language as the enclosed results notification letters as this is EPA required language. A return envelope is enclosed for your convenience.

Please note that all enclosures are sent to the addressee of this letter. Persons receiving a copy (cc) of the letter do not receive any enclosures. It is the responsibility of the addressee to follow through with the requirements.

A sampling kit will be sent to you prior to your next scheduled sampling date. The enclosed report should be placed in your records and a copy maintained on or near the water supply premises and available for public inspection for not less than ten (10) years.

If you have any questions, please contact me at 651/201-4674, or Anna Schliep at 651/201-4667.

Sincerely,



Pauline A. Wuoti
Community Public Water Supply Unit
Environmental Health Division
P.O. Box 64975
St. Paul, Minnesota 55164-0975

PAW
Enclosures
cc: Water Superintendent

Rob Wolfington

From: Reed Anfinson <reed@monitor-news.com>
Sent: Friday, October 28, 2016 8:55 AM
To: Rob Wolfington
Subject: FW: RELEASE: House Republicans Block \$105 Million in Federal Transportation Funding for More Than 28 Road and Bridge Projects Across Minnesota

Rob,

Here is the AP story and what Dayton's office sent. The Benson project says MN 29, but it is all three highways. It is at the bottom of this email.

Reed

\$105M for roads, bridges held up as Dayton and GOP squabble
Received by Newsfinder from AP
Oct 26 2016, 15:57 Eastern Time

Editors Note Updates with quotes, details.

By KYLE POTTER

Associated Press

ST. PAUL, Minn. (AP) _ Minnesota officials' years-long fight over transportation funding took another turn Wednesday when Gov. Mark Dayton blamed House Republicans for blocking more than \$100 million in federal funding for road and bridge repairs. Dayton said the move threatens to delay two dozen projects.

It's another consequence of the messy end to the 2016 legislative session that adjourned without a long-term transportation package or a tax relief bill because of Dayton's vetoes. Another bill that failed would have authorized using \$105 million in federal funds on 28 transportation construction projects slated to begin next spring, including road resurfacing statewide and bridge repairs in Virginia, Winona and Bloomington.

State departments need legislative approval to spend federal money, and when the Legislature isn't in session, that authority falls to a small group of lawmakers. But Rep. Tim Kelly, a top House Republican, blocked the state's request to use the \$105 million in a letter earlier this month, arguing that the entire Legislature should have oversight for such a large sum.

On Wednesday, the Democratic governor called it "a senseless interruption" and urged Kelly to reconsider. Department of Transportation Commissioner Charlie Zelle said lawmakers could authorize the money early in 2017 to keep the projects on track, but he said the impasse would likely delay the start of construction.

"Here we've got transportation projects that they (lawmakers) are just sitting on and preventing from going ahead because of their own failure to act responsibly during the legislative session," Dayton said.

The clash is part of an ongoing struggle between Dayton's administration, which has tried to move forward with its own project schedules based on studies of need, and lawmakers who believe they should take a more direct role in determining which roads and bridges are funded.

In his letter denying the federal funding, Kelly wrote that "these funds have always been a direct appropriation by the Legislature."

"This would be unprecedented for the Legislature to give up this oversight authority, especially for this large of an expenditure," Kelly wrote.

Asking lawmakers to unleash federal funds is routine when the Legislature isn't in session. Although Kelly blocked the road funding, he and other lawmakers on the committee making such decisions allowed the state to spend more than \$43 million in other federal dollars in other areas.

Republican House Speaker Kurt Daudt said the funds don't need to be unleashed this year. He accused Dayton of trying to shift attention away from the state's rising health care costs.

From: Dayton Media <dayton.media@state.mn.us>

Date: Wednesday, October 26, 2016 at 11:39 AM

To: Dayton Media <dayton.media@state.mn.us>

Subject: RELEASE: House Republicans Block \$105 Million in Federal Transportation Funding for More Than 28 Road and Bridge Projects Across Minnesota



STATE OF MINNESOTA
L'Étoile du Nord

Office of Governor Mark Dayton
& Lt. Governor Tina Smith

FOR IMMEDIATE RELEASE

October 26, 2016

Contact: Sam Fettig

651-201-3408 office

612-214-2886 cell

sam.fettig@state.mn.us

House Republicans Block \$105 Million in Federal Transportation Funding for More Than 28 Road and Bridge Projects Across Minnesota

Governor calls objections “lacking in substance and merit,” stresses the impact on local roads, bridges, and communities across Minnesota

ST. PAUL, MN – Governor Mark Dayton last night [issued a letter to Representative Tim Kelly](#), Chair of the House Transportation Policy and Finance Committee, calling out House Republicans for blocking \$105 million in transportation investments funded by the federal FAST Act. This move will block more than 28 highway, road, and bridge projects in over a dozen communities across Minnesota.

In his letter, Governor Dayton calls the objections from House Republicans to the Minnesota Department of Transportation’s recent Legislative Advisory Commission request to be “lacking in substance and merit,” noting that the House Republican Transportation Chair failed to produce a significant transportation funding package to utilize these federal dollars and provide a long-term transportation solution for the state.

“As Chair of the House Transportation Committee for the past two years, you have had ample opportunity to work with your colleagues in the Senate and send to my desk a significant transportation funding package that not only utilizes these federal dollars, but provides a long-term approach to fix our crumbling highway road and bridge infrastructure for the next generation,” wrote Governor Dayton. “Unfortunately for Minnesota, you have wasted your opportunity as Chair to act in that regard.”

The Governor's letter stresses that, due to this funding being blocked by House Republicans, road and bridge projects in communities like Forest Lake, Bagley, New Ulm, Winona, Pine River, Hallock, Fairmont, Worthington, Foley, New Richland, Farmington, Savage, and Shakopee, among others, will now face delays.

“In order for the residents of these communities to enjoy the benefits of improved transportation infrastructure, I call on you to be responsible, withdraw your objection to this LAC request, and allow these projects to proceed on schedule,” wrote Governor Dayton. **“Do not end your legislative career acting as an obstructionist to needed progress on highways, roads and bridges.”**

The Governor's letter comes in response to a letter sent [by the House Republican Transportation Chair to the administration](#) last week, laying out the Representative's opposition to approving and investing these federal funds in transportation projects throughout Minnesota communities.

About FAST Act Funding

Under the federal FAST Act passed in December, 2015, Minnesota received an increase in funding for our highway construction program. This increase will amount to a \$105 million reimbursement of federal funding for the 2016-2017 biennium.

Federal law requires states to commit to the increase, or lose the federal funding. However, the Minnesota Legislature must authorize the Minnesota Department of Transportation (MnDOT) to participate in this reimbursement. Because the 2016 legislature failed to pass a transportation bill that would authorize this funding, MnDOT requested that the Legislative Advisory Commission (LAC) approve this federal funding. House Republicans have now blocked this request.

Roads, Bridges, and Communities Affected

Under the obstruction of House Republicans, the \$105 million in rejected federal funding could delay needed highway, road, and bridge projects in communities across Minnesota. Below, see some of the projects that would be affected.

Route System	City	County	Project	Description
US 169	Virginia	St. Louis	US 169 NB & SB, IN VIRGINIA, FROM .07 MI W CR-109 TO JCT 53 (HOOVER RD)	Bridge Work
MN 11	International Falls	Koochiching	MN 11, FROM W JCT MN 71 TO 0.3 MI W JCT CSAH 332	Road Work
MN 175	Hallock	Kittson	MN 175, FROM E END BR 35005 OVER THE RED RIVER TO S. EMERSON AVE IN HALLOCK, & ON US 75, FROM 4TH ST TO 110' N OF 8TH ST, IN HALLOCK	Road Work
MN 197	Bemidji	Beltrami	MN 197, NB & SB FROM 7TH ST SW TO 3RD ST NW	Road Work
US 2	Bagley, Wilton	Clearwater	US 2, EB & WB FROM BAGLEY TO WILTON	Road Work
MN 6	Remer	Cass, Itasca	MN 6, FROM JCT MN 200 IN REMER TO CASS/ITASCA CO LINE	Road Work
MN 84	Pine River	Cass	MN 84, IN PINE RIVER, FROM CASS CSAH 1 TO JCT MN 200	Road Work
MN 25	Foley	Benton, Morrison	MN 25, FROM JCT MN 23 IN FOLEY TO BENTON/MORRISON CO LINE	Road Work
MN 25	Genola	Benton, Morrison	MN 25, FROM BENTON/MORRISON COUNTY LINE TO 123 ST IN GENOLA	Road Work
US 59	Montevideo	Swift	ON US 59, FROM TH 119 TO TH 12, AND AT BRIDGE #76002	Road Work
MN 29	Benson	Swift	ON TH 29, FROM S OF OAKWOOD	Road Work

			AVE. TO CHIPPEWA RIVER, ON TH 9, FROM CHIPPEWA RIVER TO N OF CSAH 104. ON TH 12, FROM 181/2ND ST S TO W OF CSAH 25	
MN 43	Winona	Winona	WORK PACKAGE #6 - COMPLETE ROADWAY APPROACHES FOR BRIDGES 85851 AND 5900, RECONSTRUCTION BRIDGE 5900 AND COMPLETE BRIDGE 85851	Road Work
US 14	Winona	Winona	ON US 14, REPLACE PEDESTRIAN BRIDGE 85003 NEAR ST MARY'S UNIVERSITY CAMPUS IN WINONA	Bridge Work
MN 15	Fairmont	Martin	MN 15, FROM JOHNSON STREET TO 0.05 MI S OF GOEMANN RD IN FAIRMONT	Road Work
US 14	New Ulm	Brown	US 14, FROM 0.1 MI E OF CSAH 27 TO THE WEST LIMITS OF NEW ULM	Road Work
US 59	Worthington	Nobles	US 59, FROM N JCT TH 60 TO I90 IN WORTHINGTON	Road Work
MN 4	Sleepy Eye	Nicollet, Renville	MN 4, FROM JCT TH 68 TO THE NICOLLET/RENVILLE COUNTY LINE	Road Work
MN 13	New Richland	Waseca	MN 13, TH 30 IN NEW RICHLAND TO 0.9 MI S OF JCT TH 14, REHAB BR#81001 & 81002	Road Work
US 71	Willmar	Kandiyohi	US 71, N OF JCT MN 23 TO N OF JCT MN 9	Road Work
US 71	Willmar	Kandiyohi	US 71, JCT US 71/KANDIYOHI CSAH 40 & ALSO AT US 71/CSAH 29	Road Work
US 71		Kandiyohi	US 71, JCT US 71/MN 9	Road Work
MN 4	Fairfax	Renville	MN 4, MN 68 TO MN 19 (FAIRFAX)	Road Work
US 59	Marshall	Lyon	US 59, US 59 & LYON CSAH 6	Road Work
I 35W	Bloomington	Hennepin	I35W, 86TH STREET BRIDGE OVER I35W IN BLOOMINGTON-REPLACE OLD BRIDGE #9039 WITH NEW BRIDGE # 27W40	Bridge Work
MN 50	Farmington, Hampton	Dakota	MN50, FROM MN3 IN FARMINGTON TO US52 IN HAMPTON	Road Work
MN 13	Savage, Burnsville, Shakopee	Scott	MN13, FROM JCT OF TH 901B IN SAVAGE TO 0.4 MI E WASHBURN AVE IN BURNSVILLE AND ON TH 901B, FROM 0.1 MI W OF TH 169 IN SHAKOPEE TO JCT WITH MN13	Road Work
US 52	Coates, Hampton	Dakota	US52, FROM JCT WITH CSAH 86 TO CSAH 46 IN DAKOTA COUNTY	Grade and Surface
MN 97	Forest Lake	Washington	MN97, AT 11ST (MSAS 135) IN FOREST LAKE	Grade and Surface

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Office of the Governor & Lt. Governor, Communications Department
116 Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155
T: 651-201-3400 | E: Dayton.Media@state.mn.us

City of Benson

Data Practices Policy for Members of the Public

Right to access public data

The Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data is a term that means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

The Government Data Practices Act also provides that the City of Benson must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to make a data request

You can look at data, or request copies of data that the City of Benson keeps. Make your request for data to the appropriate individual listed in the Data Practices Contacts on page 5. You may make your request for data by mail, fax or email using the data request form on page 7.

If you choose not use to use the data request form, your request should include:

- That you are making a request for public data under the Government Data Practices Act (Minnesota Statutes, Chapter 13);
- Whether you would like to inspect the data, have copies of the data, or both; and,
- A clear description of the data you would like to inspect or have copied.

The City of Benson cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

How we respond to a data request

Upon receiving your request, we will work to process it.

- If we do not have the data, we will notify you, in writing, as soon as reasonably possible.
- If it is not clear what data you are requesting, we will ask you for clarification.
- If we have the data, but the data are not public, we will notify you as soon as reasonably possible and state which specific law says the data are not public.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
 - Arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - Provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on page 4. We will provide notice to you about our requirement to prepay for copies.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement (for example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request). If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

Requests for summary data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. We will prepare summary data if you make your request in writing and pre-pay/pay for the cost of creating the data. Upon receiving your written request – you may use the data request form on page 7 – we will respond within ten business days with the data or details of when the data will be ready and how much we will charge.

Data Practices Contacts

Responsible Authority

Name: Glen Pederson, City Clerk

Address: 1410 Kansas Avenue, Benson, MN 56215

Phone number: 320-843-4775

Fax number: 320-842-7151

email address: glen.pederson@city.co.swift.mn.us

Data Practices Compliance Official

Name: Glen Pederson, City Clerk

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Data Practices Designee(s)

Name: Robert Wolfington, City Manager

Address: 1410 Kansas Avenue, Benson, MN 56215

Phone number: 320-843-4775

Fax number: 320-842-7151

email address: rob.wolfington@city.co.swift.mn.us

Name: Val Alsaker, Administrative Assistant

Address: 1410 Kansas Avenue, Benson, MN 56215

Phone number: 320-843-4775

Fax number: 320-842-7151

email address: val.alsaker@city.co.swift.mn.us

Copy Costs – Members of the Public

The City of Benson charges for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).

You must pay for copies before we will give them to you

For 100 or fewer paper copies – 25 cents per page

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

Most other types of copies – actual cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

City of Benson Data Request Form – Members of the Public

Request date: _____

I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

Note: Inspection is free but we will charge for copies as indicated on page 4

[These are the data I am requesting:](#)

Describe the data you are requesting as specifically as possible. If you need more space please use the back of this form.

We will respond to your request as soon as reasonably possible.

Contact information

Name: _____

Address: _____ Phone number: _____

email address: _____

Note: You do not have to provide any contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.



City of Benson

Data Practices Policy for Data Subjects

Data about you

The Government Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

Classification of data about you

The Government Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for some examples.

Public data

We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data. The following is an example of public data about you: Names of employees of the City of Benson

Private data

We cannot give private data to the general public, but you can have access to private data when the data are about you. We can share your private data with you, with someone who has your permission, with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. The following is an example of private data about you: Social Security Numbers.

Confidential data

Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. We cannot give you access to confidential data. The following is an example of confidential data about you: The identity of the subject of an active criminal investigation.

Your rights under the Government Data Practices Act

The City of Benson must keep all government data in a way that makes it easy for you to access data about you. Also, we can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights.

Access to your data

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the City of Benson not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests. Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

When we collect data from you

When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Tennessean warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person you must use the consent form we provide.

Protecting your data

The Government Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

When your data are inaccurate and/or incomplete

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to make a request for your data

You can look at data, or request copies of data that the City of Benson keeps about you, your minor children, or an individual for whom you have been appointed legal guardian. Make your request for data to the appropriate individual listed in the Data Practices Contacts on page 5. You may make your request by mail, fax or email using the data request form on page 7.

If you choose not use to use the data request form, your request should include:

- That you are making a request, under the Government Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you.
- Whether you would like to inspect the data, have copies of the data, or both.
- A clear description of the data you would like to inspect or have copied.
- Identifying information that proves you are the data subject, or data subject's parent/guardian.

The City of Benson requires proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity located on page 8.

How we respond to a data request

Once you make your request, we will work to process your request.

- If we do not have the data we will notify you, in writing, within 10 business days.
- If it is not clear what data you are requesting, we will ask you for clarification.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you within 10 business days and state which specific law says you cannot access the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
 - Arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - Provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on page 6.

After we have provided you with access to data about you, we do not have to show you the data again for 6 months unless there is a dispute or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement (for example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request). If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

Data Practices Contacts

Responsible Authority

Name: Glen Pederson, City Clerk

Address: 1410 Kansas Avenue, Benson, MN 56215

Phone number: 320-843-4775

Fax number: 320-842-7151

email address: glen.pederson@city.co.swift.mn.us

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Phone number: 320-843-4775

Fax number: 320-842-7151

email address: rob.wolfington@city.co.swift.mn.us

Name: Val Alsaker, Administrative Assistant

Address: 1410 Kansas Avenue, Benson, MN 56215

Phone number: 320-843-4775

Fax number: 320-842-7151

email address: val.alsaker@city.co.swift.mn.us

Copy Costs – Data Subjects

The City of Benson charges data subjects for copies of government data. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3.

You must pay for the copies before we will give them to you.

Actual cost of making the copies

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, flash drive, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to make copies is based on the hourly rate of the employee. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

For black and white, letter or legal size paper copies, the cost is \$.25 for a one-sided copy or \$.50 for a two-sided copy.

City of Benson Data Request Form – Data Subjects

To request data as a data subject, you must show a valid state ID, such as a driver's license, military ID or passport as proof of identity.

Contact information

Data subject name:

Parent/Guardian name (if applicable):

Address:

Phone number/email address:

Staff verification

Request date:

Identification provided:

I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

Note: Inspection is free but we will charge for copies as indicated on page ___.

These are the data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space please use the back of this form.

We will respond to your request within 10 business days.

Standards for Verifying Identity

The following constitute proof of identity.

- An adult individual must provide a valid photo ID, such as
 - a state driver's license
 - a military ID
 - a passport
 - a Minnesota ID
 - a Minnesota tribal ID
- A minor individual must provide a valid photo ID, such as
 - a state driver's license
 - a military ID
 - a passport
 - a Minnesota ID
 - a Minnesota Tribal ID
 - a Minnesota school ID
- The parent or guardian of a minor must provide a valid photo ID and either
 - a certified copy of the minor's birth certificate or
 - a certified copy of documents that establish the parent or guardian's relationship to the child, such as
 - a court order relating to divorce, separation, custody, foster care
 - a foster care contract
 - an affidavit of parentage
- The legal guardian for an individual must provide a valid photo ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
 - court order(s)
 - valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide either notarized or certified copies of the documents that are required or an affidavit of ID.

Proposal

- GENERAL EXCAVATING
- GRAVEL
- BLACK DIRT
- BACK HOE WORK

T & K KENNEDY EXCAVATING, INC.

250 Hwy. 12 SE, Benson, MN 56215
OFFICE 320-842-4911 FAX 320-843-4727

Licensed Designer & Installer of Septic Systems

- SNOW REMOVAL
- CAT WORK
- DEMOLITION
- WATER AND SEWER

PROPOSAL SUBMITTED TO: City of Benson		PHONE:	DATE: 9/13/16
STREET: 1410 Kansas Ave		JOB NAME: house demolition	
CITY, STATE, AND ZIP CODE: Benson, MN 56215		JOB LOCATION: 1620 Atlantic Ave, Benson, MN 56215	
ARCHITECT:	DATE OF PLANS:		JOB PHONE:

We hereby submit specifications and estimates for:

- Complete demolition, removal and disposal to a Certified Landfill of the house located at 1620 Atlantic, Benson, MN**
- Capping of water and sewer at property line**
- Fill material to bring site to existing grade**

Owner's Responsibilities

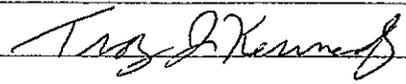
- Permits if applicable
- Removal of all hazardous and non hazardous materials prior to demolition

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Eight thousand seven hundred sixty dollars and 00/100 dollars (\$ **8,760.00**).

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature 

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____
Signature _____

RESOLUTION NO. _____

RESOLUTION TO IMMEDIATELY ABATE PUBLIC NUISANCE

WHEREAS, the City Council of the City of Benson was presented with an inspection report drafted by Mike Jacobson, City Building Inspector, regarding the structures on the above described property; and,

WHEREAS, the City Building Inspector's report relates to the property located at 1004 13th St. N. in Benson, legally described as Part of the NE ¼ of the NW ¼ of Section 5, Township 121, Range 39 beginning at a point 833.6 feet N from the NW corner of Block 9, Second Railway Addition to the City of Benson; thence E 300 feet; thence S 60 Feet; thence E 20.1 feet; thence N 212.9 feet; thence W 111.4 feet; thence S 18.1 feet; thence W 208.7 feet; thence S 134.8 feet to the point of beginning, Swift County, Minnesota; and,

WHEREAS, the Inspector's Report shows that the structures on the above described property are in a state of advanced disrepair to the point of creating a public nuisance which poses an imminent and serious hazard to human life or safety. The report also shows that unauthorized persons have been entering the structures; and,

WHEREAS, City of Benson Code section 93.08 allows the City, without notice or process, to immediately abate any condition which poses an imminent and serious hazard to human life or safety;

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 the conditions on the above-described property constitute a public nuisance which poses an imminent and serious hazard to human life or safety.
2. That the City is authorized to immediately abate this public nuisance without notice or process.

Adopted by the Planning Commission of the City of Benson, Minnesota on October 7, 2013.

Approved:

Mayor

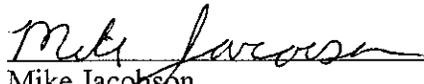
Attested:

Inspector's Report

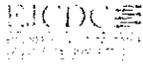
I have inspected the buildings located on the property of Willard Knutson at 1004 13th St. N. in Benson. Based on this inspection, it is my opinion that:

- A. The structures on the property pose an imminent and serious hazard to human life or safety due to structurally unsound walls, floors and roofs and other potential hazards.
- B. There is evidence that unauthorized persons have been entering the property.

Based on these findings, I believe a public nuisance exists and would advise the City Council to immediately abate this nuisance.



Mike Jacobson
City Building Official



Change Order No. 1

Date of Issuance: 10/25/16	Effective Date: 10/25/16
Owner: City of Benson	Owner's Contract No.: N/A
Contractor: O'Day Equipment, LLC	Contractor's Project No.: N/A
Engineer: DGR Engineering	Engineer's Project No.: 419013
Project: Fuel Tank Replacement Project	Contract Name: Fuel Tank Replacement Project

The Contract is modified as follows upon execution of this Change Order:

Description: Change Order #1 includes the supply and install of a 3" drylock adaptor with dust cap to replace the 2" adaptor inside the existing remote fill box. The overall change order amount is an adder of \$521.69.

Attachments: None.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 144,649.60	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>-</u> to No. <u>-</u> : \$ 0	[Increase] [Decrease] from previously approved Change Orders No. <u>-</u> to No. <u>-</u> : Substantial Completion: _____ Ready for Final Payment: _____ _____ days
Contract Price prior to this Change Order: \$ 144,649.60	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ _____ days or dates
[Increase] [Decrease] of this Change Order: \$ 521.69	[Increase] [Decrease] of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ _____ days or dates
Contract Price incorporating this Change Order: \$ 145,171.29	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ _____ days or dates

RECOMMENDED: By: <u>[Signature]</u> Engineer (if required)	ACCEPTED: By: _____ Owner (Authorized Signature)	ACCEPTED: By: <u>[Signature]</u> Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: _____	Title: <u>VICTOR RODRIGUEZ</u>
Date: <u>10-31-16</u>	Date: _____	Date: <u>10-28-16</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

PAY ESTIMATE No. 1
 FUEL TANK REPLACEMENT PROJECT
 CITY OF BENSON
 DGR Project Number 419013

For Period From: 7/18/16 To: 10/27/16
 Contractor: O'Day Equipment, LLC
 Bid Date: 7/14/16



SUMMARY

VALUE OF WORK COMPLETED TO DATE	\$37,070.68	ORIGINAL CONTRACT PRICE.....	\$144,649.60
LESS RETAINAGE... (5%).....	\$1,853.53	EXPECTED FINAL CONTRACT COST (w/C.O.s, Additions & Deletions).....	\$144,649.60
TOTAL AMOUNT DUE INCLUDING THIS PAYMENT.....	\$35,217.15	LESS TOTAL PAYMENTS, INCLUDING THIS PAYMENT.....	\$35,217.15
LESS ESTIMATES PREVIOUSLY APPROVED.....		EXPECTED CONTRACT BALANCE AFTER THIS PAYMENT.....	\$109,432.45
Pay Estimate No. 1.....		% OF EXPECTED FINAL CONTRACT PRICE PAID, INCL. THIS PAYMENT.....	24%
Pay Estimate No. 2.....			
Pay Estimate No. 3.....			
Pay Estimate No. 4.....			
Pay Estimate No. 5.....			
Pay Estimate No. 6.....			
Pay Estimate No. 7.....			
Pay Estimate No. 8.....			
Pay Estimate No. 9.....			
Pay Estimate No. 10.....			
Pay Estimate No. 11.....			
Pay Estimate No. 12.....			
Pay Estimate No. 13.....			
Pay Estimate No. 14.....			
Pay Estimate No. 15.....			
TOTAL AMOUNT DUE THIS ESTIMATE.....	\$35,217.15		

The undersigned Contractor hereby certifies that payment has been made in full for all labor and materials incorporated in the project to date, in accordance with the terms of the Construction Contract.

By O'Day Equipment, LLC, Contractor

By [Signature] Date 11/01/2016

CERTIFICATE

THE AMOUNT OF \$35,217.15 IS APPROVED FOR PAYMENT ACCORDING TO THE TERMS OF THE CONTRACT.

 CITY OF BENSON, Owner

By _____

Title _____

Date _____

 DGR ENGINEERING, Engineer

By [Signature]

Date 11-2-16

PAY ESTIMATE No. 1
 FUEL TANK REPLACEMENT PROJECT
 CITY OF BENSON
 DGR Project Number 419013

For Period From: 7/18/16 To: 10/27/16
 Contractor: O'Day Equipment, LLC
 Bid Date: 7/14/16



Unit No.	Name and Description of Construction Unit	No. of Units	UNIT PRICE				WORK COMPLETED TO DATE (Including this Pay Period)			WORK COMPLETED THIS PERIOD		
			Labor	Material	L & M	Ext. Price L & M	Units Comp.	% Comp.	Value of Comp. Work	Units Comp.	% Comp.	Value of Comp. Work
E1	Electrical, Demolition (as req'd.)	1	\$ 2,182.90	\$ -	\$ 2,182.90	\$ 2,182.90						
E2	Electrical, Installation (as req'd.)	1	19,445.18	19,445.19	38,890.37	38,890.37						
M1	Mechanical, Demolition (as req'd.)	1	1,874.88	188.56	2,063.44	2,063.44						
M2	Mechanical, Installation (as req'd.)	1	13,869.24	39,183.07	53,052.31	53,052.31						
S1	Structural, Foundation - Fuel Tank Support Per Footing (ea.)	2	15,280.32	3,255.02	18,535.34	37,070.68	2	100%	37,070.68	2	100%	37,070.68
S2	Structural, Bollards (ea.)	13	280.13	269.87	550.00	7,150.00						
U1	Mobilization (as req'd)	1	3,348.00	891.90	4,239.90	4,239.90						

TOTAL CONTRACT PRICE:	<u>\$144,649.60</u>	TOTAL TO DATE:	<u>\$37,070.68</u>	CONTRACT TOTAL THIS PERIOD:	<u>\$37,070.68</u>
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