

**MINUTES - BENSON CITY COUNCIL REGULAR MEETING  
CITY HALL  
DECEMBER 20, 2021**

The meeting was called to order at 5:30 p.m. by Mayor Collins. Members present: Terri Collins, Mark Schreck, Jack Evenson and Lucas Olson. Members Absent: None. Jon Buyck via teleconference. Also Present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Police Chief Ian Hodge, Public Works Director Dan Gens, CEDA Representatives Hillary Tweed & Sarah Weese and Swift County Monitor Editor Reed Anfinson,

The Council recited the Pledge of Allegiance.

The Mayor asked for any changes to the agenda. An application to the EDA Board was added. It was moved by Evenson seconded by Schreck and carried unanimously to approve the amended agenda.

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

- December 6, 2021 City Council Minutes
  - League of MN Cities Insurance Trust Dividend Returned
  - Senior Officials Emergency Management Training
- Electronic Transfers:
- Payroll: \$128,602.98 – December 16, 2021
  - Journal Entries: \$1,579,120.73 – November 2021
  - Magney Construction Pay Request #2 - \$34,571.30 – Balance to Finish - \$825,665.16

There was no one with unscheduled business to come before the Council.

Motion was made by Evenson, seconded by Schreck and carried unanimously to approved the following dates as city council meeting dates for 2022:

January 3	July 5 (Tues)
January 18 (Tues)	July 18
February 7	August 1
February 22 (Tues)	August 15
March 7	September 6 (Tues)
March 21	September 19
April 4	October 3
April 18	October 17
May 2	November 7
May 16	November 21
June 6	December 5
June 20	December 19

Gens approached the Council to discuss the Clear Well project. He said the Utility Board met and discussed going out for bids again. He said we will go through Stantec for the bidding process, and we are starting the process earlier in hopes of receiving lower bids than before. After discussion it was moved by Olson, seconded by Evenson and carried unanimously to approve rebidding the Clear Well project.

Next Gens provided quotes to reroof the line garage. He had two quotes as follows:

- Buttweiler’s Do-All Inc. \$75,430.00
- West Central Roofing Contractors, Inc. \$65,241.46

Gens said Buttweiler’s said they cannot guarantee their quote because of the volatile materials market. Pederson said the West Central Roofing quote stated if we put 40% down now, and the balance due upon completion of the project, they can guarantee material prices. It was then moved by Olson, seconded by Schreck and carried unanimously to approve the quote from West Central Roofing Contractors, Inc. in the amount of \$65,241.46.

Gens then presented reroofing quotes for the digester building as follows:

- Buttweiler’s Do-All Inc. \$24,820.00
- West Central Roofing Contractors, Inc. \$19,700.91

The same terms apply on these quotes as the previous quotes. It was moved by Evenson, seconded by Schreck and carried unanimously to approve the quote from West Central Roofing Contractors, Inc. in the amount of \$19,700.91.

Wolfington presented a memo and a resolution of support from Minnesota Attorney General Keith Ellison asking for support from Cities and Counties in the settlements with opioid companies. The settlement will be disbursed as follows: 75% to local governments, including all counties and 33 cities and 25% to the State to be overseen and distributed by the Opioid Epidemic Response Advisory Council. Wolfington explained when Swift County received their settlement, they will disburse to local cities to aid in the fight against the opioid epidemic. After discussion Councilmember Schreck offered the following resolution:

**APPROVING THE MEMORANDUM OF AGREEMENT (moa) BETWEEN HE STATE OF MINNESOTA AND LOCAL GOVERNMENTS AND AUTHOARIZING PARATICIPATION IN NATIONAL OPIOID SETTLEMENTS  
(RESOLUTION 2021-43)  
A RESOLUTUION APPROVING PARTICIPATION IN OPIOID LITIGATION SETTLEMENTS**

WHEREAS, the State of Minnesota, Minnesota counties and cities, and their people, have been harmed by misconduct committed by certain entities that engage in the manufacture, marketing, promotion, distribution, or dispensing of opioids; and

WHEREAS, the State of Minnesota and numerous Minnesota cities and counties joined with thousands of local governments across the country to file lawsuits against opioid manufacturer and pharmaceutical distribution companies and hold those companies accountable for their misconduct; and

WHEREAS, representatives of local Minnesota governments, the League of Minnesota Cities, the Association of Minnesota Counties, the Coalition of Greater Minnesota Cities, the State of Minnesota, and the Minnesota Attorney General’s Office have negotiated and prepared a Memorandum of Agreement (MOA) to provide for the equitable distribution of proceeds to the State of Minnesota and to individual local governments from recent settlements in the national opioid litigation; and

WHEREAS, by signing onto the MOA, the state and local governments maximize Minnesota’s share of opioid settlement funds, demonstrate solidarity in response to the opioid epidemic, and ensure needed resources reach the most impacted communities; and

WHEREAS, it is in the best interests of the State of Minnesota and the residents of the City of Benson, and the County of Swift, that the City participate in the national opioid litigation settlements.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY BENSON, MINNESOTA AS FOLLOWS:**

1. Participation in the opioid litigation settlements promotes the public health, safety, and welfare of the residents of the City of Benson.
2. The City of Benson supports and opts-in to the national opioid litigation settlements with the Distributors McKesson, Cardinal Health, and Amerisource Bergen, and with the Manufacturer Johnson & Johnson.
3. The Memorandum of Agreement (MOA) between the State of Minnesota and Local Governments relating to the distribution of settlement funds is hereby approved by the City of Benson.
4. City Staff is hereby authorized to take such measures as necessary to sign the MOA and otherwise participate in the national opioid settlements, including executing the Participation Agreement and accompanying Release.

Councilmember Olson seconded the foregoing resolution and the following vote was recorded: AYES: Schreck, Olson, Collins, Evenson. NAYS: None, Thereupon the Mayor declared Resolution 2021-43 duly passed and adopted.

Tweed presented the Small Cities Grant policies for the upcoming grant. It was moved by Evenson, seconded by Schreck and carried unanimously to approve and direct the Mayor to sign the policies on behalf of the City of Benson.

Tweed presented a policy revision for the CDBG-CV/SCDP Policy previously approved in September 2021. She said the State made some changes to the policy which requires approval. It was moved by Schreck, seconded by Evenson and carried unanimously to approve the policy changes as presented.

Councilmember Schreck offered the following resolution:

**A RESOLUTION DESIGNATING POLLING PLACE FOR 2022 ELECTIONS  
(RESOLUTION NO. 2021- 44)**

**WHEREAS**, Minnesota Statutes 204B.175, subd 1a requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year; and

**WHEREAS**, changes to the polling places locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

**WHEREAS**, changes to the polling place locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting; and

**THEREFORE, BE IT RESOLVED:** That the Benson City Council hereby designates the following polling place for elections conducted in the city in 2022:

Precincts 1 & 2  
McKinney's On Southside  
300 – 14<sup>th</sup> Street South  
Benson, MN 56215

**AND BE IT FURTHER RESOLVED**, that the city Clerk is hereby authorized to designate an emergency replacement polling place meeting the requirements of the Minnesota Election law for any polling place designated in the Resolution when necessary to ensure a safe and secure location for voting.

**AND BE IT FURTHER RESOLVED**, that the City Clerk is directed to send a copy of this resolution and any subsequent polling place designations to the Swift County Elections office.

Councilmember Olson seconded the foregoing resolution and the following vote was recorded: AYES: Schreck, Olson, Collins, Evenson. NAYS: None, Thereupon the Mayor declared Resolution 2021-44 duly passed and adopted.

Councilmember Evenson offered the following resolution:

**RESOLUTION SETTING ASSESSMENTS FOR CURRENT SERVICES  
BY THE CITY OF BENSON, MINNESOTA FOR 2020 PAYABLE 2021  
(RESOLUTION NO. 2021-45)**

BE IT RESOLVED, by the Benson City Council that the following assessments for 2021 as prepared by the City Manager are hereby approved and made a part thereof; and,

BE IT FURTHER RESOLVED, that the assessments hereinafter noted shall be submitted to the County Auditor on or before December 22, 2021 and placed on the tax roll for collection with the taxes collectable in 2022.

<b>Charges</b>	<b>Name &amp; Mailing Address</b>	<b>Legal Description &amp; Parcel No.</b>	<b>Amount Due</b>
Mowing Charges 810 – 13 <sup>th</sup> St. N.	Dale Klassen 101 E. Atlantic Ave. DeGraff, MN 56271	Benson Acre Lots 23-1364-000	\$342.00
Mowing Charges 201 – 11 <sup>th</sup> St. N.	Luke Frank P.O. Box 52 Benson, MN 56215	Lots 8, 9 & 10, Block 15 City of Benson Addn. 23-0086-000	\$85.50
Mowing Charges 726 – 12 <sup>th</sup> St. S.	Ruby Higdon 726 – 12 <sup>th</sup> St. S. Benson, MN 56215	Benson Acre Lots 23-1443-000	\$513.00
Mowing Charges 316 – 12 <sup>th</sup> St. S.	Susan Marie McCall P.O. Box 751303 Pataluma, CA 94975-1303	Lots 8, 9, & S.2' Lot 7, Block 3 Railway 1 <sup>st</sup> Addition 23-0337-000	\$555.75
<b>TOTALS</b>			<b>\$1,496.25</b>

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Schreck, Olson, Collins, Evenson. NAYS: None, Thereupon the Mayor declared Resolution 2021-45 duly passed and adopted.

Councilmember Schreck offered the following resolution:

**RESOLUTION SETTING ASSESSMENTS FOR WATER AND  
SEWER SERVICES RENDERED BY THE CITY OF  
BENSON, MINNESOTA FOR 2021 PAYABLE 2022  
(RESOLUTION NO. 2021-46)**

BE IT RESOLVED, by the Benson City Council that pursuant to Minnesota Statutes Chapter 444 that the assessment roll for 2021 Sewer and Water Bills as prepared by the City Manager is hereby approved and made a part therefore; and,

BE IT FURTHER RESOLVED that the assessments hereinafter noted shall be submitted to the County Auditor on or before December 31, 2021 and placed on the tax roll for collection with the taxes collectible in 2022.

<b>Account Number, Name &amp; Address</b>	<b>Legal Description &amp; Parcel No.</b>	<b>Water</b>	<b>Sewer</b>	<b>Totals</b>
102-0009-00-09 314 10th St North Glenda Wince	City of Benson Lts 14, 15, & 16 Blk 2 23-0012-000	\$27.57	\$606.50	\$634.07
102-0053-00-05 511 10 <sup>th</sup> St North Justin Jensen	Lynn Park Addition Lot 8 & N1/2 Lot 9 Blk 2 23-0649-000	\$29.81	\$47.83	\$77.64
202-0072-00-07 315 19 <sup>th</sup> St North Jacob Johnson	Mckinney's 3rd Addition N 34 Ft Of Lt 1 Blk 4 23-0528-000	\$4.86	\$435.00	\$439.86
202-0097-00-19 2104 Atlantic Ave Apt#1 Gene Weber	Alton Hume Addition Lot 8 Blk 1 23-0772-000	\$38.34	\$57.58	\$95.92
202-0097-00-21 2104 Atlantic Ave Apt#1 Gene Weber	Alton Hume Addition Lot 8 Blk 1 23-0772-000	\$2.32	\$3.50	\$5.82
202-0097-00-23 2104 Atlantic Ave Apt#1 Gene Weber	Alton Hume Addition Lot 8 Blk 1 23-0772-000	\$25.20	\$29.00	\$54.20
302-0114-00-27 1615 Pacific Ave Gene Weber	Morris & Payte's Addition Lts 8 & 9 Blk 44 23-0282-000	\$14.19	\$22.58	\$36.77
401-0003-00-02 704 12 <sup>th</sup> St South Aaron Ross	Sunnyside 2nd Addition Lots 3 & 4 Blk 6 23-0610-000	\$77.02	\$72.50	\$149.52
401-0013-00-03 726 12 <sup>th</sup> St South Ruby Higdon	Benson-Acre Lots 23-1443-000	\$4.23	\$435.00	\$439.23
<b>TOTALS</b>		<b>\$223.54</b>	<b>\$1,709.49</b>	<b>\$1,933.03</b>

Councilmember Olson seconded the foregoing resolution and the following vote was recorded: AYES: Schreck, Olson, Collins, Evenson. NAYS: None, Thereupon the Mayor declared Resolution 2021-46 duly passed and adopted.

Motion was made by Evenson seconded by Olson and carried unanimously to write off the annual Utility Fund bad debt list in the amount of \$19,623.08.

Councilmember Evenson offered the following resolution:

**CITY OF BENSON  
RESOLUTION ACCEPTING DONATIONS  
(RESOLUTION NO. 2021-47)**

**WHEREAS**, The City of Benson is generally authorized to accept gifts and bequests pursuant to Minnesota Statutes Section 465.03 and Minnesota Statutes Section 471.17 for the benefit of its citizens; and

**WHEREAS**, the following persons and entities have offered to contribute the cash amounts set forth below to the city:

**Jim Mills Memorial - \$1,000 – Beautify Benson**  
**Benson Residents - \$288.00 - Beautify Benson Shirts**  
**Carol Rohloff - \$25.00 – Cemetery Memorial - Giese**  
**James Johnson - \$125.00 – Fire Department Memorial - Erenberg**  
**Appleton Ridge Runners - \$200 - Fire Department**

**WHEREAS**, all such donations have been contributed to assist the various city departments and programs as allowed by law; and

**WHEREAS**, The City Council finds that it is appropriate to accept the donations offered.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BENSON, MINNESOTA, AS FOLLOWS:**

1. The donations described above are accepted and shall be used to benefit the departments listed above, as allowed by law.

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Schreck, Olson, Collins, Evenson. NAYS: None, Thereupon the Mayor declared Resolution 2021-47 duly passed and adopted.

Councilmember Evenson offered the following resolution:

**RESOLUTION AUTHORIZING TRANSFER OF XCEL ENERGY GRANT DOLLARS FOR ECONOMIC DEVELOPMENT PURPOSES (RESOLUTION 2021-48)**

**WHEREAS**, the City Council of the City of Benson, County of Swift, State of Minnesota, received grant dollars from Northern State Power (Xcel Energy) as part of the Benson Power LLC biomass plant closing, and;

**WHEREAS**, these grant dollars are limited in use for the purposes of economic development, and;

**WHEREAS**, the Council has determined that Sanitary Sewer Collection and treatment improvements qualify as an economic development purpose, and;

**WHEREAS**, the following project is authorized use of grant dollars:

<b>Name</b>	<b>Budget</b>	<b>Transfer Out</b>
2020 Deferred Maintenance	\$1,442,600	\$34,571.30

**NOW, THEREFORE, BE IT RESOLVED** that \$34,571.30 as itemized on the attached invoices to be transferred from the NSP Grant Fund to the Sewer Fund.

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Schreck, Olson, Collins, Evenson. NAYS: None, Thereupon the Mayor declared Resolution 2021-48 duly passed and adopted.

Councilmember Olson offered the following resolution:

**RESOLUTION ADOPTING FINAL 2021 PROPERTY  
TAX LEVY, COLLECTIBLE IN 2022  
(RESOLUTION NO. 2021-49)**

BE IT RESOLVED by the City Council of the City of Benson, County of Swift, Minnesota that the following sums of money be levied for the current year, collectible in 2022, upon the taxable property in the City of Benson, for the following purposes:

General Fund Levy	\$408,027
Police Personnel	779,973
Library Fund Levy	123,724
G.O. CIP Bonds 2014 – Street Garage	69,169
G.O. CIP Bonds 2017 – Police Department	<u>85,549</u>
<b>TOTAL</b>	<b>1,466,442</b>

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Schreck, Olson, Collins, Evenson. NAYS: None, Thereupon the Mayor declared Resolution 2021-49 duly passed and adopted.

Councilmember Evenson offered the following resolution:

**RESOLUTION CERTIFYING THE FINAL GENERAL AND LIBRARY OPERATING BUDGET  
AND GENERAL CAPITAL OUTLAY BUDGET  
FOR THE CALENDAR YEAR 2022 FOR THE CITY OF BENSON, MINNESOTA  
(RESOLUTION NO. 2021-50)**

BE IT RESOLVED, that the Final General and Library Operating Budget and General Capital Outlay Budget for the City of Benson, Minnesota, for the fiscal year beginning January 1, 2022 and ending December 31, 2022 is hereby approved.

BE IT FURTHER RESOLVED, that the Budget is summarized as follows:

**Revenues**

Taxes - General Fund	1,188,000
Taxes – Library	123,724
State Grants and Aids	1,413,293
Other Revenues	<u>1,199,449</u>
<b>Total Revenues</b>	<b>3,924,466</b>

**Expenditures**

General Government	490,218
Public Safety	1,355,708
Highways, Streets and Roads	692,175
Parks and Recreation	567,860
Library	127,174
Capital Outlay	508,850
Other Expenditures	<u>182,481</u>
<b>Total Expenditures</b>	<b>3,924,466</b>

**Excess (Deficiency) of Revenues over Expenditures** **\$0**

BE IT FURTHER RESOLVED, that the City Manager shall cause the entire final Operating Budget to be printed and filed in the City Office for inspection and reference by the public.

Councilmember Olson seconded the foregoing resolution and the following vote was recorded: AYES: Schreck, Olson, Collins, Evenson. NAYS: None, Thereupon the Mayor declared Resolution 2021-50 duly passed and adopted.

Motion was made by Evenson seconded by Schreck and carried unanimously to approve bills and warrants in the amount of \$414,538.87.

It was moved by Evenson, seconded by Schreck and carried unanimously to approve an application to the EDA Board by Pat Hawley with his term ending December 31, 20, 2025.

There being no further business to come before the Council a motion was made by Evenson seconded by Schreck and carried unanimously to adjourn the Council meeting at 5:50 p.m.

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Mayor

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City Clerk