

**MINUTES - BENSON CITY COUNCIL MEETING
FEBRUARY 18, 2020**

The meeting was called to order at 5:30 p.m. by Mayor Collins. Members present: Jack Evenson, Terri Collins, Mark Schreck & Lucas Olson. Members Absent: Jon Buyck. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Police Chief Ian Hodge, Public Works Director Dan Gens, Fire Chief Jeff Reuss, Fire Department Secretary Tom Foley, Swift County Emergency Manager Bill McGeary, UMVRDC Planner Kirk Bustron, Police Officer Brennen McAlpin and Benson Public Schools Superintendent Dennis Laumeyer.

The Council recited the Pledge of Allegiance.

Mayor Collins added a pay request from MN Mechanical Solutions, a zoning request change from Stony Ridge Foods and flooring request for the Benson Liquor Store. It was moved by Schreck, seconded by Evenson and carried unanimously to approve the agenda as amended.

Next was the consent agenda. The Mayor removed the February 3, 2020 City Council Minutes from the Consent Agenda. It was moved by Evenson, seconded by Schreck and carried unanimously to approve the following items on the consent agenda:

- January 6, 2020 Planning Commission Minutes
- Gambling Permit for NWTF Swift County Gobbler for March 20, 2020

The Mayor called for anyone with unscheduled business, to which there was no one.

McGeary and Bustron approached the Council to discuss a FEMA requirement that all county jurisdictions adopt and read their local All Hazards Mitigation Plan. McGeary said he and Bustron have a 662 page plan in place. McGeary said if the City of Benson does not adopt a plan, they will not be eligible for FEMA reimbursement in the event of a disaster. After discussion, Councilmember Schreck offered the following resolution:

**ADOPTION OF THE
SWIFT COUNTY ALL-HAZARD MITIGATION PLAN
(RESOLUTION 2020-05)**

WHEREAS, the City of Benson has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000, and

WHEREAS, the Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan; and

WHEREAS, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses; and

WHEREAS, the Swift County Plan includes a risk assessment including past hazards, hazards that threaten the County, an estimate of structures at risk, a general description of land uses and development trends; and

WHEREAS, the Swift County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and

WHEREAS, the Swift County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Swift County will maintain public participation and coordination; and

WHEREAS, the Plan has been shared with the Minnesota Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for review and comment; and

WHEREAS, the Swift County All-Hazard Mitigation Plan will make the county and participating jurisdictions eligible to receive FEMA hazard mitigation assistance grants; and

WHEREAS, this is a multi-jurisdictional Plan and cities that participated in the planning process may choose to also adopt the County Plan.

NOW THEREFORE BE IT RESOLVED that the City of Benson supports the hazard mitigation planning effort and wishes to adopt the Swift County All-Hazard Mitigation Plan.

Councilmember Olson seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Olson. NAYS: None. Thereupon the Mayor declared Resolution 2020-05 duly passed and adopted.

Fire Chief Jeff Reuss approached the Council and presented the 2019 Fire Report.

Reuss presented a capital authorization request for new pagers for the firemen. He stated the current pagers are anywhere from 8-12 years old. The cost of repairing the pagers is getting more expensive. He went on to say he is also asking for 5 new hand-held radio batteries. There will be a \$1,950 credit for pager trade in. After discussion, it was moved by Evenson, seconded by Schreck and carried unanimously to approve the purchase of 26 pagers and 5 radio batteries from West Central Communications in the amount of \$10,070.25 after trade-in.

Next Chief Hodge approached the Council with a capital authorization request for a new 2020 Dodge Ram SSV on state bid to replace the 2016 squad car. He said the old squad has 80,000 miles on it and pretty much never stops patrolling. He said the radar from the 2016 squad cannot be moved over to the new vehicle, as it is past its useful life. After discussion, it was moved by Evenson, seconded by Olson and carried unanimously to approve the purchase of a 2020 Dodge Ram SSV and equipment as presented in the amount of \$42,460.00.

Schreck discussed the Benson School's plan for a gymnastic facility and activity center. He said he and Councilmember Buyck met with members of the School Board and they came up with a proposal of a City contribution of \$500,00 to the project. He went on to say the next day the ask was \$975,000. He and Buyck are recommending the City not proceed with participating in the project due to the increased cost. Wolfington went on to say he had attended 3 meetings with School Board members in the last two weeks, and if the City did participate it would take transferring money from several funds to cover the cost. Collins asked if the community center group from the Strategic Planning session in 2019 had any interest in participating with the school. Evenson said their interest waned over time. It was moved by Schreck, seconded by Evenson and carried unanimously to decline participating in the activity center with Benson Public Schools.

Next was a request for support from the First Evangelical Free Church for the annual Easter Egg Hunt. It was moved by Schreck, seconded by Olson and carried unanimously to approve financial support in the amount of \$600 to the First Evangelical Free Church's annual Easter Egg hunt.

Pederson approached the Council with a request for new flooring at the Benson Municipal Liquor Store. Countryside Public Health said the concrete floor needs to be covered. The quote includes covering all the concrete floors in the building as well as replacing the tile floors in the bathrooms. He went on to say he received quotes from two companies and recommended going with Molden Concrete Construction.

After discussion, it was moved by Olson, seconded by Evenson and carried unanimously to approve a quote from Molden Concrete Construction in the amount of \$12,074.00.

Wolfington shared a conversation he had with Brian Grogan, our attorney we have used in the Charter Communications franchise fee agreement. He updated the Council on how the franchise fee is being charged is being contested in court. It is time to extend the franchise fee agreement with Charter Communications in hopes this issue will be resolved yet this year. After discussion Councilmember Schreck offered the following resolution:

**A RESOLUTION GRANTING CHARTER COMMUNICATIONS
A FRANCHISE EXTENSION TO DECEMBER 31, 2020
(RESOLUTION NO. 2020-06)**

WHEREAS, on or about July 14, 2003, the City of Benson, Minnesota (“City”) granted a Cable Television Franchise Ordinance (“Franchise”) to Spectrum Mid-America, LLC, d/b/a Charter Communications (“Charter”); and

WHEREAS, the initial term of the Franchise expired on or about September 18, 2013; and

WHEREAS, the City adopted Resolution No. 2013-14 on August 19, 2013 extending the term of the Franchise through and including September 19, 2014; and

WHEREAS, Charter executed said Resolution No. 2013-14 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2014-13 on September 8, 2014 extending the term of the Franchise through and including March 31, 2015; and

WHEREAS, Charter executed said Resolution No. 2014-13 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2015-04 on March 2, 2015 extending the term of the Franchise through and including August 31, 2015; and

WHEREAS, Charter executed said Resolution No. 2015-04 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2016-06 on February 22, 2016 extending the term of the Franchise through and including July 18, 2016; and

WHEREAS, Charter executed said Resolution No. 2016-06 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2016-18 on July 18, 2016 extending the term of the Franchise through and including December 31, 2016; and

WHEREAS, Charter executed said Resolution No. 2016-18 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2016-41 on December 19, 2016 extending the term of the Franchise through and including June 30, 2017; and

WHEREAS, Charter executed said Resolution No. 2016-41 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2017-12 on July 10, 2017 extending the term of the Franchise through and including December 31, 2017; and

WHEREAS, Charter executed said Resolution No. 2017-12 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2018-03 on January 2, 2018 extending the term of the Franchise through and including June 30, 2018; and

WHEREAS, Charter executed said Resolution No. 2018-03 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2018-14 on August 6, 2018 extending the term of the Franchise through and including December 31, 2018; and

WHEREAS, Charter executed said Resolution No. 2018-14 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2018-24 on November 19, 2018 extending the term of the Franchise through and including June 30, 2019 and

WHEREAS, Charter executed said Resolution No. 2018-24 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2019-12 on July 1, 2019 extending the term of the Franchise through and including January 31, 2020 and

WHEREAS, Charter executed said Resolution No. 2019-12 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, both the City and Charter desire to extend the term of the Franchise to facilitate renewal negotiations under state and federal law.

NOW, THEREFORE, the City Council of the City of Benson, Minnesota hereby resolves as follows:

1. The Franchise is hereby amended by extending the term of the Franchise from February 1, 2020 through the date on which Charter's Franchise is either renewed or until and including December 31, 2020.
2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.
3. The City and Charter hereby agree that neither waives any rights either may have under the Franchise or applicable law.
4. This Resolution shall become effective upon the occurrence of both of the following conditions: (1) The Resolution being passed and adopted by the Benson City Council; and (2) Charter's acceptance of this Resolution.

Councilmember Evenson seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Olson. NAYS: None. Thereupon the Mayor declared Resolution 2020-06 duly passed and adopted.

It was moved by Evenson, seconded by Olson and carried unanimously to approve a pay request from Stantec engineering for Wastewater Treatment Plant flood protection in the amount of \$17,068.00.

It was moved by Schreck, seconded by Evenson and carried unanimously to approve a pay request from Stantec engineering for sewer extension to the old Fibrominn site in the amount of \$553.50.

It was moved by Evenson, seconded by Olson and carried unanimously to approve a pay request from Stantec Engineering for work on the comprehensive plan in the amount of \$2,389.50.

It was moved by Schreck, seconded by Evenson and carried unanimously to approve a pay request from Stantec Engineering for work on the water treatment plant chlorine remediation in the amount of \$2,943.00.

It was moved by Evenson, seconded by Olson and carried unanimously to approve a pay request from Stantec Engineering for work on the Wastewater Treatment Plant filter replacement in the amount of \$5,066.81.

Next Wolfington presented a study done by Stantec Engineering on flood protection of the wastewater plant. He said this is the study the Council approved from last fall. He said this is strictly a feasibility study for review.

It was moved by Schreck, seconded by Olson and carried unanimously to approve a pay request from Ziegler for power plant generator maintenance in the amount of \$11,997.42.

Gens approached with a capital authorization request to replace the transfer pump for the wastewater plant. The pump is used to move sludge to the digesters, and it burned out. After discussion, it was moved by Olson, seconded by Schreck and carried unanimously to approve the purchase of a transfer pump from Goetsch Associates, Inc. in the amount of \$12,900.

Wolfington presented a request from Stony Ride Foods through their lawyer Fluegel, Anderson, McLaughlin & Brutlag for a zoning change request for some property they are interested in across from their current plant on Hwy 12 east. He went on to say the request will go to the Planning Commission and a public hearing process before coming back to the Council. A decision must be reached within 60 days.

Wolfington presented a pay request that came in for work on the water plant chlorine damage. After discussion, it was moved by Evenson, seconded by Olson and carried unanimously to approve pay request #1 from MN Mechanical Solutions in the amount of \$86,996.25. Wolfington said this will be paid out of the insurance proceeds received from the chlorine leak damage.

It was moved by Evenson, seconded by Schreck and carried unanimously to approve the bills and warrants in the amount of \$1,168,966.63.

Mayor Collins said the Council will tour the water and wastewater plants. Gens gave a synopsis of what the Council is going to see and the progress on the projects in the plants.

There being no further business to come before the Council upon motion by Olson, seconded by Evenson and carried unanimously to adjourn the Council meeting at 6:14 p.m.

Mayor

City Clerk