

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
MARCH 18, 2019**

The meeting was called to order at 5:30 p.m. by Mayor Collins. Members present: Jack Evenson, Terri Collins, Jon Buyck. Members Absent: Mark Schreck & Lucas Olson. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Public Works Director Dan Gens, Assistant City Attorney Don Wilcox, Chief of Police Ian Hodge, Fire Chief Jeff Reuss, Jen & Terry Sullivan, Cory Claussen, Mike Holte and Greg Zniwski.

The Council recited the Pledge of Allegiance.

Mayor Collins asked for any changes or additions to the agenda. A pay request from Craig's Inc. was added to the agenda. It was moved by Buyck, seconded by Evenson and carried unanimously to approve the amended agenda.

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

- March 4, 2019 City Council Minutes
- February 4, 2019 Planning Commission Minutes
- Gambling Permit to the Benson Golf Club May 7, 2019
- The following liquor licenses effective April 13, 2019 contingent upon receiving the necessary paperwork:

Club On-Sale Liquor License:

Benson VFW

Sunday Liquor License:

Benson VFW
Benson Bowler
Benson Golf Club
Patrick's Pub & Grill
McKinney's on Southside

Off-Sale 3.2 Malt Beverage License:

Holiday Stationstore, LLC

- The following General licenses effective April 1, 2019:

Roller skating License:

Svor's Family Roller Rink

Garbage Collection License:

Mattheisen Disposal

On-Sale Liquor License:

Benson Bowler
Benson Golf Club
Patrick's Pub & Grill
Mi Mexico
McKinney's on Southside

Sidewalk Café Permit

Patrick's Pub & Grill, LLC

Sewer Tap License:

Grossman Plumbing and Heating
Hawley's Inc.
Craig's Refrigeration
Rapid Response Plumbing & Heating
T & K Kennedy Inc.

There were no persons with unscheduled business.

Jen & Terry Sullivan from Patrick's Pub and Grill approached the City Council about Kid Day weekend, and the desire to hold a street dance on Friday, July 19th, 2019. They are also holding a bean bag tournament the following Saturday. They requested closing 13th St. S. between Kansas and Pacific

Avenues Friday and Saturday of Kid Day weekend. Per last year's agreement, it is suggested Sullivans talk to the neighboring businesses, about the times they would like to close the street and suggested they bring a certificate of liability insurance in to City Hall. After discussion, it was moved by Evenson, seconded by Buyck and carried unanimously to approve Patrick's Pub and Grill's request to close 13th St. S. between Kansas & Pacific Avenues from 6am July 19 – 8am July 20, 2019 for their street dance and bean bag tournament.

Wolfington discussed a flood tour for the Council by the Wastewater Treatment Plant and to the cauld de sac at the end of Meadow Lane to discuss the topography and plans with the residents there. He asked the Council to use judgement and give direction after visiting the site. He said the wastewater treatment plant has minimal protection. He presented a grading plan. He said currently there are no flood predictions for Swift County. Wolfington said in preparation, all the storm water drains have been cleaned, an excavator is positioned at the Hwy 9 bridge ready to clear the bridge of debris and keep the water flowing, and constructing a structure at Hawleywood is being discussed. The base flood elevation is 1032'. He said the City can reasonably fight it up to 1033'. Using bagsters to build up the golf course road is doable. However constructing a permanent structure outside the City limits to the north of houses at the end of Meadow Lane and Sanford Road is not an option as Agralite Cooperative and Great River Energy Services has an easement with power lines running through this area.

The Council recessed to the bus tour at 5:32 p.m.

The Council reconvened at 6:21 p.m.

Swift County Benson Hospital Foundation requested a donation of a pool pass from the City for their annual Emerald Eve fundraising event. After discussion, it was moved by Evenson, seconded by Buyck and carried unanimously to approve donating a pool pass for the 2019 season to the Emerald Eve fundraising event.

Mayor Collins discussed her flower baskets and pots program for 2019. She said she wrote a grant for \$5,000. She ordered 17 more pots and 60 hanging baskets. She discussed several light poles have state signs on them and will not be able to hold a basket, but hoping to plant 30 pots this year. She is currently looking for volunteer groups to water the plants this summer.

The Christmas lights on the buildings were next. After further research, it will cost an additional \$6,817.50 to cover new buildings. After discussion it was moved by Evenson, seconded by Buyck and carried unanimously to approve total Christmas lighting in the amount of \$42,196.30.

Next was a request to purchase 10 new street lights. Gens stated these lights will be more cost effective as they will be LED. After discussion it was moved by Evenson, seconded by Buyck and carried unanimously to approve the purchase of 10 new street lights in the amount of \$17,428.20.

Gens presented the 2019 overhead to underground project and costs. This year the area to be buried will be the northwest part of town, from Sanford Road to 16^h St. N. along Utah Avenue, then going north to Nevada Avenue. It will affect 35 homes. He went on to say this is part of the 20 year overhead to underground plan. After discussion it was moved by Evenson, seconded by Buyck and carried unanimously to approve the materials in the amount of \$107,253.00.

Assistant City Attorney Don Wilcox approached the Council to review the Xcel/Benson Power purchase agreement. The agreement is between NSP/Xcel Energy and the City of Benson to buy the land, buildings and equipment in the amount of \$1,711,000. The buildings and equipment left will be at a cost of \$611,000, and 77 acres of land is valued at \$1.1 million. Once the agreement is signed, there will be a 75 day inspection period and earnest money placed down by Brightmark Energy in the amount of \$320,000 which is non-refundable. If the project goes through there will be a \$450,000 credit against the agreement with NSP paid out by MRES. If the project does not go through, the City will be out the \$450,000. He went on to say it is possible to generate 3.5 megs of power from Brightmark Energy when it

is up and operational. He went on to say once the development agreement is done, the City will have a better idea on the sewer and water needs for Brightmark Energy's project. No action was taken.

The letter of intent with Brightmark Energy will expire this month, and they have asked to extend the letter of intent for another 90 days. Wolfington said he feels confident this deal will go through with Brightmark Energy. He said if it does not, he has had several parties interested in the land. After discussion, it was moved by Evenson, seconded by Buyck and carried unanimously to approve extending the letter of intent with Brightmark Energy for 90 days and authorize the Mayor to execute the agreement.

Wolfington called to the attention of the Council the MRES 54th Annual Meeting. He said anyone interested in attending should contact staff.

Wolfington asked for direction on how to approach a possible flood fight. Public works said they can deploy the bagster sand bags on the golf course maintenance road in about 4 hours. Custom Roto Mold has plastic flood barriers that can be placed quickly. Also keeping the railroad bridge on highway 9 clear of ice and debris is a major factor. Mayor Collins asked the three homeowners about how they see the possible flood fight. Claussen asked if it is feasible to keep the bridge clear, to which Wolfington said yes. He said BNSF Railroad likes us to keep debris from the bridge to take pressure off the railroad bridge. Claussen asked in 1997 if flood water breached the golf course maintenance road, to which Wolfington replied no. He went on to say the City will no doubt give a flood a good fight, but does not feel placing bagsters to the north would be successful as equipment will get stuck, and he went on to say he feels they would have to place the bagsters 4 high to be effective. Wolfington said maybe a levee could be reviewed. Claussen and Zniwski both agreed it would be better to manage home by home by sand bagging or placing flood structures around the house, not the entire property. After discussion Buyck offered the following resolution:

**RESOLUTION TO CONTRACT DURING SPECIAL EMERGENCY
(RESOLUTION 2019-06)**

WHEREAS, with a pending threat of 2019 Spring flooding in our community, the City Council of the City of Benson has declared that a special emergency is in effect; and,

WHEREAS, immediate action to respond to the situation is needed in order to protect the health, safety and welfare of the community; and,

WHEREAS, the immediate purchase of flood fight materials and hiring of contractors capable of assisting the public works department with flood fight operations, the cleanup of debris and restoration of essential services is required in order to effectively respond to the emergency; and,

WHEREAS, Minnesota statutes sections 365.37 and 415.01 provide that an emergency contract is not subject to the normal purchasing and competitive bidding requirements because of the emergency.

NOW THEREFORE IT IS HEREBY RESOLVED that the city manager is authorized, without requirement of notice or competitive bidding, to enter into a contract with a qualified contractor of his choice for flood fight operations and to assist with cleanup of debris and restoration of essential services as needed to respond to the emergency that is in effect and to purchase such materials as may be necessary.

Councilmember Evenson seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Collins, Buyck. NAYES: None. Thereupon the Mayor declared Resolution 2019-06 duly passed and adopted.

Next was a bill for the 3 new boilers for the swimming pool. It was moved by Evenson, seconded by Buyck and carried unanimously to approve the bill for swimming pool boilers from Craig's Inc. in the amount of \$80,000.00.

It was moved by Evenson, seconded by Buyck and carried unanimously to approve bills and warrants in the amount of \$415,559.40.

There being no further business to come before the Council upon motion by Evenson, seconded by Buyck and carried unanimously to adjourn the Council meeting at 7:07 p.m.

Mayor

City Clerk