

**City Council Meeting Agenda**  
**City Council Chambers**  
**April 2, 2018**

**City of Benson Mission Statement**

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

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?**  **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:
    - 3.19.18 City Council Meeting
    - 1.22.18 Park Board Meeting
    - 2.20.18 EDA Meeting
    - 3.5.18 Safety Committee Meeting
  - b. Application:
    - New Cigarette License – Dooley Petroleum
  - c. Coorespondance:
    - MnDOT Office of Aeronautics Inspection for the Benson Airport
    - Order for Dismissal - Detachment Petition
    - Benson Food Shop Ownership Change
    - Nelson Auto Center – Refund on Police Vehicles
    - Meander Request for Support
5. Persons With Unscheduled Business to Come Before the City Council
6. MPCA Inspection of the Wastewater Facility **Information Only**
7. Biomass Conference in Atlanta **Action Requested**
8. City Wide Tagged Item Pickup – May 2-4, 2018 **Action Requested**
9. Tour of City Projects **Information Only**
10. Adjourn: Mayor

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

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
MARCH 19, 2018**

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: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, City Attorney Ben Wilcox, Public Works Director Dan Gens, Police Chief Ian Hodge, Fire Chief Jeff Reuss, Terry & Nate Sullivan and Jeff Becthold with Missouri River Energy Services.

The Council recited the Pledge of Allegiance.

Mayor Collins moved the 2017 Fire Report and Letter on Detachment Agreement up before unscheduled business. It was moved by Evenson, seconded by Schreck and carried unanimously to approve the amended agenda.

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

- February 20, 2018 City Council Minutes
- January 17, 2018 EDA Minutes
- October 16, 2017 Special Planning Commission Minutes
- December 4, 2017 Planning Commission Minutes
- Pioneer Land Band Festival Committee Request for Support
- Police Report
- Public Works Report
- Lois Mitteness to the HRA Board her Term Expiring 12/31/2022
- Bloodmobile Thank you
- The following liquor licenses effective April 13, 2018 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

**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

**Off-Sale 3.2 Malt Beverage License:**

Holiday Stationstore, LLC

- The following General licenses effective April 1, 2018:

**Roller skating License:**

Svor's Family Roller Rink

**Garbage Collection License:**

Mattheisen Disposal

**Sewer Tap License:**

Grossman Plumbing and Heating

Hawley's Inc.

Craig's Refrigeration

Rapid Response Plumbing & Heating

T & K Kennedy Inc.

The Mayor asked for people with unscheduled business to which there was none.

Fire Chief Jeff Reuss approached the Council and reviewed the 2017 Benson Fire Department Report.

Wilcox approached the Council to discuss a request from Paul, Lori, Kaleb and Jessica Schwendemann to detach 48 acres from the City of Benson. They filed a petition with the State of Minnesota. There was a hearing March 16, 2018. Schwendemann's withdrew the petition. A tentative agreement has been reached between Torning Township and the City of Benson to possibly detach the 48 acres in exchange for attaching 240 acres on the south east edge of town. Stipulations placed on the agreement with Schwendemann's are no hunting or billboards on the property and if a building goes onto the property it will be annexed back into the City of Benson. Wolfington said he will be negotiating with Torning Township tonight at their meeting.

Mayor Collins opened the Public Hearing at 5:38 p.m. for vacation of a utility easement south of Scofield Place. Wolfington informed the Council the City has sent a check to CenturyLink for \$38,121.96 to move their services from the utility easement. An agreement will need to be signed. Wolfington stated the City will bill the assisted living project for reimbursement which will be paid back with TIF monies. There being no one present for the hearing, it was moved by Evenson, seconded by Schreck and carried unanimously to close the public hearing at 5:45 p.m.

Councilmember Olson offered the following resolution:

**RESOLUTION VACATING UTILITY EASEMENT  
(RESOLUTION NO. 2018-08)**

**THE CITY COUNCIL OF THE CITY OF BENSON, MINNESOTA DOES HEREBY RESOLVE AS FOLLOWS:**

**WHEREAS**, the City Council received a petition of Residential Options, Inc., being the sole owner of real property in Block Four (4), McKinney's First Addition to the City requesting the vacation, pursuant to Minnesota Statute §412.851 and §462.358 subd. 7, of the following utility easement:

Commencing at the Southeast (SE) corner of Lot Seven (7), Block Four (4), McKinney's First Addition to the City of Benson; thence Southeasterly on the prolongation of the South line of said Lot Seven (7) a distance of seven and one-half (7½) feet; thence Northeasterly on a line parallel to the east line of said Lot Seven (7) a distance of one hundred sixty (160) feet to a point on the Easterly prolongation of the South line of Lot Thirteen (13) of said Block Four (4); thence Northwesterly along said prolongation of the South line of Lot Thirteen (13) a distance of Seven and one-half (7½) feet to the Southeast (SE) corner of said Lot Thirteen (13); thence Southwesterly a distance of Twenty (20) feet to the Northeast corner of said Lot Seven (7); thence Southwesterly along the east line of said Lot Seven (7) a distance of one hundred forty (140) feet to the point of beginning.

and, at its meeting held on February 20, 2018, confirmed the sufficiency of the petition and, by motion duly made, seconded and approved, agreed to begin the process of such vacation and set a public hearing to consider the vacation of such easement; and

**WHEREAS**, a public hearing to consider the vacation of such street was held on the 19<sup>th</sup> day of March, 2018 before the City Council in the City Hall located at 1410 Kansas Avenue, Benson, Minnesota at 5:30 o'clock p.m. after duly published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk and all interested and affected persons, including any

person, corporation or public body owning or controlling easements contained upon the property vacated, were given an opportunity to voice their concerns and be heard; and,

**WHEREAS**, the Council in its discretion has determined that the vacation will benefit the public interest because it will allow for the construction of a facility for the provision of housing-with- services to the citizens of the city and the surrounding area and that alternate routes for the affected utilities currently located within the easement are available and suitable arrangements for the relocation of said utilities have been made with all parties currently making use of the easement; and,

**WHEREAS**, a majority of the members of the City Council present concur in this resolution;

**NOW THEREFORE, BE IT RESOLVED**, that the above described utility easement is hereby vacated effective upon the relocation of the utility lines currently located within the easement.

**BE IT FURTHER RESOLVED**, that the Mayor and City Manager are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2018-08 duly passed and adopted.

Nate & 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 20<sup>th</sup>, 2018. They are also holding a bean bag tournament the following Saturday. After discussion, they requested closing 13<sup>th</sup> St. S. between Kansas and Pacific Avenues Friday and Saturday of Kid Day weekend. Police Chief Hodge 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 Schreck, seconded by Evenson and carried unanimously to approve Patrick's Pub and Grill's request to close 13<sup>th</sup> St. S. between Kansas & Pacific Avenues from 8am July 20 – 8am July 22, 2018 for their street dance and bean bag tournament.

It was moved by Schreck, seconded by Olson and carried unanimously to approve a pool pass for the 2018 season to be used at the SCBH Foundation Fundraiser April 13, 2018.

Next was a request from the Benson Chamber of Commerce for support of their annual fundraising chili cook-off event. It was moved by Olson, seconded by Evenson and carried unanimously to approve donating a pool pass for the 2018 season.

Wolfington gave a legislative update on Xcel, discussing other industries lobbying for compensation when Benson Power closes down. He also discussed a hospital bill before the State Pension Commission for the Benson Hospital. It provides a similar retirement plan to PERA for hospitals that are sold or leased to another entity.

Wolfington presented plans to reconstruct sewer and water under two blocks of 14<sup>th</sup> Street North. He stated he wishes to use quotes and do as much of the work in house as possible. The plan is to start after Flag Day, but may not be done by Kid Day. After discussion, it was moved by Evenson, seconded by Olson and carried unanimously to approve the plans and specs as presented and to authorize going out for quotes for the project.

Public Works Director Gens presented a capital authorization request for a new line department truck with tool box. It is in the budget for this year. He presented a state bid to the Council. He said the old truck will be scrapped as it is in such bad shape. It was moved by Evenson, seconded by Schreck and carried unanimously to approve the purchase of a 2018 Ford F-250 truck and utility box from Midway Ford Commercial Fleet & Government Sales and ABM Equipment in the amount of \$47,043.00.

It was moved by Evenson, seconded by Olson and carried unanimously to award the chip seal quote to Caldwell Asphalt in the amount of \$35,201.25.

It was moved by Schreck, seconded by Evenson and carried unanimously to award the tire quote to Glacial Plains Coop in the amount of \$10,770.63.

It was moved by Evenson, seconded by Olson and carried unanimously to award the Bituminous bid to Central Specialties in the amount of \$102,600.00.

It was moved by Schreck, seconded by Olson and carried unanimously to award the concrete bid to BG Amundson Construction Inc. in the amount of \$47,303.00.

It was moved by Evenson, seconded by Schreck and carried unanimously to award the water tower cleaning quote to Water Tower Clean & Coat in the amount of \$8,300.00.

It was moved by Evenson, seconded by Olson and carried unanimously to award the mosquito quote to Univar in the amount of \$30 per gallon.

It was moved by Schreck, seconded by Olson and carried unanimously to approve the purchase of crack sealant from Brock White in the amount of \$5,062.50.

Wolfington discussed the airport engineering bids required by State mandate every five years. Two bids were compared and reviewed objectively. After discussion, it was moved by Evenson, seconded by Schreck and carried unanimously to award the bid to TKDA as the City airport engineer for the next five years. Wolfington informed the Council the City has approval through the FAA for fuel tank replacement with a 95% federal and 5% City match of funds which will happen this fall. Next year we have approval for a new arrival and departure building.

Police Chief Hodge approached the Council with a capital outlay request for a new Police vehicle. The 2012 Ford Taurus has had many repairs and is in need of replacing. He presented a state bid for the vehicle through Ford of Hibbing, and a list of items he would like to outfit the vehicle with through Squads Inc. He would like to sell the Taurus after it is decommissioned. It was moved by Evenson, seconded by Schreck and carried unanimously to approve the purchase of a 2018 Ford AWD Police interceptor and equipment for the vehicle in the amount of \$42,101.13.

It was moved by Evenson, seconded by Schreck and carried unanimously to approve pay request #7 from Marcus Construction Co., Inc. for general contract work at the Police Department in the amount of \$3,212.14.

It was moved by Schreck, seconded by Evenson and carried unanimously to approve pay request #6 from Chester Contracting Inc. for carpentry work at the new Police Department in the amount of \$16,861.55.

It was moved by Evenson, seconded by Schreck and carried unanimously to approve bills and warrants in the amount of \$530,006.11.

Mayor Collins presented a thank you from Swift County Health Services Administrator Kurt Waldbillig to City Manager Rob Wolfington for all his help with the assisted living project and for waiving the building permit fees for the project.

Mayor Collins discussed her Blandin Foundation retreat and her leadership goals to work on. She said she has met with four people about starting a fundraising program to beautify the downtown with flower pots. She would like to see the businesses adopt and care for the pots. She would like to hold a fundraiser at McKinney's, have the school make tickets to the event and pay the Flower Basket to plant the flowers. She estimates it will take \$5,000 for start-up funds. She has a musician from Nashville

coming to the event. She would like to apply for a \$50,000 grant. The fundraising event will be advertised in the paper.

There being no further business to come before the Council upon motion by Evenson, seconded by Schreck and carried unanimously to adjourn the Council meeting at 6:23 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**MINUTES - BENSON PARK BOARD - REGULAR MEETING  
JANUARY 22, 2018**

Present: Jan Baukol, Ron Hanson, Jack Evenson and Larry Smith.  
Absent: Doug Bangsund, Mike Berreau and Bill McGeary.  
Also Present: City Manager Rob Wolfington, Public Works Director Dan Gens and Parks Supervisor Duane Hopp

The meeting was called to order at 12:06 p.m. by Chairman Evenson.

1. It was moved by Baukol, seconded by Hanson and carried unanimously to approve the October 23, 2017 minutes.
2. Ashlie Johnson from the Countryside Public Health SHIP program approached the board to discuss a statewide health program grant that is available to communities and worksites to help motivate their citizens or employees to get moving. One example other towns are doing is putting a sign along a walking path or route that challenges walkers to stop and for example do 10 jumping jacks. Murdock has used SHIP to help with their Safe Routes to Schools signage. Ashlie said \$500 is set aside for the City of Benson if they are interested in partnering. Gens stated he is working on Safe Routes to Schools and he may be interested in using those program dollars for. Ashlie also said this grant is a 10% match, and the 10% can be in kind work. The signs cost \$90 each through Backstreet Printing. SHIP has a mini grant agreement and if we decided to participate we will have until August 1, 2018 to complete the project. The purpose of this program is to get people moving and aid in stress relief. The Park Board said they will discuss this and get back to her.
3. Rob discussed the school has signed a 5 year lease for the north end of the Civic Center. The school was informed the State Department of Education deemed the space to be educational space instead of the school's intention to make it recreational. There will need to be an evaluation and renovation to make it useable for their needs. The building is also in a flood plain, and the City is responsible to enforce the flood insurance code.
4. Rob discussed the last remaining dilapidated grain elevator on Atlantic Ave. There was an agreement with the company owning it we would pay them for the property - and they were supposed to tear the building down by last October. They have not done that and the City is faced with three options: 1) tear it down at our expense 2) enforce the agreement 3) do nothing. Rob also noted the City owns most of the green space on the south side of Atlantic Avenue between 10<sup>th</sup> & 12<sup>th</sup> St. N.
5. There is a request sent to the Park Board by the City Council to review re-naming Chief's Field (baseball field) at Northside Rec to Johnny Goggin Field. Ron Hanson submitted the request and explained many years ago Johnny Goggin and a few other citizens were responsible for constructing the field with the City's blessing. Ron recognized Jon Ahrndt's opinion no fields should be named after an individual and suggest the field be renamed "Veteran's Field" or "Memorial Park" instead of naming it after one person. Ron said he would like to see John Goggin's love for Benson and baseball carried on in remembrance. Jack stated there is a policy that states any City property named after an individual has a stipulation that individual must be deceased for at least 3 years. Ron stated he will be gone 3 years later this year. After discussion Ron made a motion to rename Chief's Field Johnny Goggin Field. It was seconded by

Jan. The following vote was recorded: AYES: Hanson, Baukol, Smith. NAYES: Evenson. The motion passed to recommend renaming Chief's Field to Johnny Goggin Field.

6. Rob discussed the deteriorating condition of the current community sign. He said there is \$40,000 in the budget to replace the sign. He would like to move the sign to the property across from NAPA as to remove the distraction from the intersection of 14<sup>th</sup> St. N. and Atlantic Ave. where it is currently at. There is discussion of granting a franchise to a local media company to run the sign with stipulations on advertising that would be put on the sign. After discussion, it was moved by Ron, seconded by Larry and carried unanimously to table the sign issue until the next meeting.

There being no additional items to come before the Board, it was moved by Jan, seconded by Larry and carried unanimously to adjourn the meeting at 1:28 p.m.

# **EDA Meeting**

## **February 20, 2018**

**Members Present:** Jack Evenson, Rick Horecka, Sheryl Madden, Mark Schreck and Rob Wolfington  
**Members Absent:** Dan Enderson  
**Also Present:** Jennifer Frost and Kelsey Baker

Chairman Evenson called the meeting to order at 7:32 a.m.

It was moved by Schreck seconded by Madden and carried unanimously to approve the January 17, 2018 EDA minutes.

### **Opportunity Zones**

Baker and Frost approached the board along with Wolfington and discussed a Federal program offered to the state of Minnesota that encourages businesses to invest in smaller communities. They can take money sheltered overseas and instead of paying capital gains tax from bringing that money back to the U.S. they can put the money into a hedge fund and invest in an opportunity zone. Wolfington discussed a webinar from last Friday asking counties to complete an application, send it into the State of Minnesota distinguishing their top 1, 2 & 3 picks to receive the opportunity zone distinction. Applications are due March 8, 2018. Swift County will apply for an extension. The Governor may use whatever criteria he wants to choose from. 491 Cities have been marked, but the bottom 250 cities have bonus points. The Appleton-Holloway area qualifies as one of the 250 and Benson does not. Benson's poverty is higher than Appleton, but the medium income is higher than Appleton's. Benson can still apply however. It was moved by Horecka, seconded by Madden and carried unanimously to support the county's effort to bring an Opportunity Zone to Swift County.

Mi Mexico is waiting for the State Fire inspector and the Department of Health to inspect their new restaurant. They hope to open this week.

### **Assisted Living Project**

The assisted living project is expecting to close on their loan tomorrow. Wolfington discussed the vacation of a utility easement ROI (assisted living group) is asking for. Costs to relocate Centurylink and Charter will be about \$55,000. Wolfington discussed the Council waiving the \$147,000 in building permit fees and electric utility relocation costs the City is already put into the project. Will ROI or the City of Benson pay for these relocation fees. This will be discussed at the City Council Meeting tonight. He went on to say the original plan to route the sewer for the project down McKinney has changed to come out on 17<sup>th</sup> St. S. and go down Wisconsin. We will have to redo some water valves on Wisconsin for the project.

### **Xcel Grant Update**

Wolfington gave an update on the Xcel Energy Grant. He said there have been 4-5 appeals to the Minnesota Public Utility Commission MNPUC). The MNPUC will hear all at once in two weeks. Brightmark was interested in talking to Xcel about repurposing Benson Power, but Xcel was not interested in the past. They are now meeting in Minneapolis soon.

The loan profile was reviewed noting the Flower Basket has not made a loan payment in quite a while.

There being no other business, it was moved by Madden, seconded by Horecka and carried unanimously to adjourn the meeting at 8:17 a.m.

\_\_\_\_\_

Treasurer

Attest: \_\_\_\_\_

Chairman



# **Safety Committee Meeting**

## **Monday, March 5, 2018**

### **9 AM**

**Members Present:** Shawn Wilson, Dave Johnson, Dan Gens, Preston Flolo and Val Alsaker

**Members Absent:** Kevin Thompson, Tom Lee, Rob Wolfington & Ian Hodge.

**Others Present:** Bruce with MMUA

#### **Old Business**

1. Check lists were turned in from Water Department with the notation the tube to the blower is in bad shape and we need to order a new one. Wastewater had no noted issues. There were no check lists from Power Plant, Line Department, Street Department, Liquor Store or Parks Departments.
2. The chlorine line in the water pump house was next. Dan said he hasn't addressed it. He said he received approval from the State to move it into the injector room. He said he will attempt to move it before spring.
3. Reflective break-away vests were discussed. Val will order new break-away vests and asks all old vests be replaced with them when they arrive.
4. Methane monitor was next. The manufacturer representative is working on it, Shawn said he needs to press him to finish. We have new sensors installed.

#### **New Business**

1. The 2017 accident summary was reviewed. One OSHA recordable was noted.
2. Val reminded the group of the upcoming safety classes.

#### **Other Business**

1. Water Department full face respirators was discussed amongst the group. Some felt it would be beneficial for the employees to use a full face respirator while changing a chlorine tank, others felt it was not necessary. Val reminded the group we used to have a self-contained breathing apparatus (SCBA), but with all the testing, it was agreed and a policy change was made to no longer use the SCBA, and if there was a significant chlorine leak, the fire department would be called in to handle any emergency. As for the full face respirator, Val suggested Rob, Dan and the water department meet with Rob, as if it is a suggested policy change that it is not mandatory, Rob needs to be involved in the decision.

There being no other business, the meeting was adjourned at 9:29 a.m.

March 21, 2018

Dan Gens  
Benson Municipal Airport - Veterans Field  
1410 Kansas Ave  
Benson MN 56215

**CERTIFIED MAIL**

Dear Dan Gens,

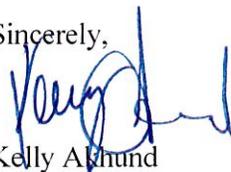
Re: 5010 Inspection for Benson Municipal Airport - Veterans Field

MnDOT completed a 5010 inspection at Benson Municipal Airport - Veterans Field on May 25, 2017. A letter detailing the inspector's findings was sent to you as the airport manager, City of Benson, and the FAA on June 12, 2017. MnDOT requested a response to the letter no later than 60 days after receiving it. As a reminder, we sent you an email on January 8, 2018 regarding this but still have not received the airport's plan to correct the items.

Enclosed is another copy of the 5010 inspection letter. Please review the letter and let us know within 30 days from the date of this letter how the airport will come into compliance with the State of Minnesota Rules.

If you have any questions, please contact our office.

Sincerely,



Kelly Akhund  
MnDOT Office of Aeronautics - Aviation Representative  
222 Plato Blvd E  
St. Paul, MN 55107  
[kelly.akhund@state.mn.us](mailto:kelly.akhund@state.mn.us)  
651-234-7234

Enclosures (3)

cc: City of Benson

June 12, 2017

Dan Gens  
Benson Municipal Airport - Veterans Field  
1410 Kansas Ave  
Benson MN 56215

Dear Dan Gens,

This year an on-site inspection of the Benson Municipal Airport - Veterans Field was conducted under the FAA's Airport Master Record (Form 5010) Program. The inspector collected the most current information concerning the physical condition or status of the facility, the visual landing aids, and the obstructions surrounding the airport. In Minnesota, the Department of Transportation, Office of Aeronautics performs many of these inspections under contract to the FAA.

The 5010 inspections are intended to enhance safety for the flying public. The data gathered forms the basis for the federally produced flight publications such as the Airport/Facility Directory, Aeronautical Charts, and instrument Terminal Procedures Publications.

Attached for your review is a copy of the revised Form 5010 which has been sent to the FAA. Data elements preceded by a ">" symbol are considered critical safety items. You should report *any* subsequent changes of these items to your Flight Service Station (telephone number in data element #88).

We have also enclosed an aerial view of the airport with inspection information overlaid for your reference. The numbers on this sheet correlate to the objects on the enclosed Survey Data Evaluation Reports. Some objects do not obstruct an airport surface and some obstructions might not be required to be removed. The second page of this report identifies the objects that are required to be addressed.

MnDOT uses handheld GPS units with local corrections and laser range-finders with inclinometers to collect airport data. While these devices are accurate, this is not survey grade data. Also, where one point is identified it may represent an entire group of trees. Further, the survey is done looking out from the airport and the objects we identify may be obscuring objects farther away that would also be obstructions. The airport sponsor has the option of obtaining survey data to verify our data and further define the objects in areas we have identified for action.

Your attention is directed to the conditions identified as safety discrepancies on the second page. We recommend that appropriate measures be taken to correct these problem areas in order to improve the condition of the airport and enhance safety. Further, it is the Airport Manager's responsibility to request a Notice-to-Airmen (NOTAM) be issued to advise pilots of any safety related problems that cannot be corrected immediately.

The Benson Municipal Airport - Veterans Field was inspected on May 25, 2017 and the inspector noted several trees penetrating the approach surface to Runway 32. The trees can be identified by Object ID 1, 2 and 6 on the aerial image. The approach surface starts 200 feet beyond the runway end, and widens as it extends up at a 34:1 slope. This surface needs to remain clear and maintained. Note that we collect data on the tallest tree in the area so when trimming please trim surrounding trees to a similar height. The trees that were collected penetrate by 10-20 feet.

Runway 32 approach surface is also obstructed by the road to the south of the airport. The road can be identified by Object ID 40 on the aerial image. MnDOT has granted a waiver to the Minnesota Rules for this particular road, therefore no action is necessary.

The inspector noted that there were obstructions penetrating the primary surface near the end of Runway 14. These obstructions can be identified by Object ID 7, 8, and 9. The primary surface is 500 feet wide, centered on the runway centerline, and extends 200 feet beyond the runway ends. Object ID 7 is brush, Object ID 8 is a non-frangible sign, and Object ID 9 was a group of trees. The primary surface area must be kept clear of non-essential equipment, as well as other hazards to aircraft such as brush and trees. Please clear these obstructions and maintain the primary surface.

There are transitional surface obstructions on both sides of the runway. These obstructions can be identified by Object ID 3, 4, and 10. The transitional surface starts at the end of the primary surface and rises one foot for every seven feet away from the runway centerline. While the State does not require clearing trees from the transitional surface, the FAA may require clearing these obstructions.

The taxiway was missing a blue reflective marker near the end of Runway 14. These are important for pilots to identify the taxiway, especially at night. Please replace the marker with a new one.

It was noted that the tiedown spots were missing rings or they had been filled in by dirt/asphalt. Per the Minnesota Rules, there should always be at least 3 tiedowns open and available to pilots. Please replace these rings, or clear out the holes so they are available to pilots tying down their aircraft.

The fence in-between the parking lot and the entrance to the hangars was open. There should be a gate or a sign similar to the one on accessing the ramp from the parking lot. Minnesota public airport licensing rules require that fencing or barriers be constructed to prevent persons not engaged in flight activities from having access to a position of danger. Please add fencing or a barrier that will prevent open access to the ramp. Please add a sign to the hangar entrance. The MnDOT sign shop has the ability to make signs at a reduced cost for airports.

The 100LL signs posted on the outside of the garage doors accessing the fuel pumps are worn and unreadable. Minnesota Rules require a sign noting the type of fuel being dispensed. Please replace the 100LL signs.

During our meeting, I provided you with a new traffic rules poster/map for the airport. This document and the current airport license are required to be posted at the airport to comply with the Minnesota airport rules. At the time of the inspection, the posted airport license was expired. The airport is up for renewal in August 2017. Once the new license is sent out to you, please replace the outdated document.

We recommend you place both of these items in frames to protect them. If there are any errors or changes which need to be made now or in the future, please notify me and I will send you a new copy.

Enclosed is the listing of aircraft based at the Benson Municipal Airport as reported to the FAA through the website [www.basedaircraft.com](http://www.basedaircraft.com). The last reported update was in March of 2012. This should be done at least annually to ensure that the FAA records are kept up to date with your based aircraft. Please review the report and visit the website to update the list of aircraft.

The Minnesota Department of Transportation and the FAA greatly appreciate your efforts to provide a safe general aviation facility for use by the flying community. Once you have a plan to correct the items which were identified during the inspection, notify our office in writing as soon as possible but no later than 60 days after this notification. If you need any assistance, please give me a call.

Sincerely,

*original Signed*

Kelly Akhund

Aviation Representative - MnDOT Aeronautics

[kelly.akhund@state.mn.us](mailto:kelly.akhund@state.mn.us)

651-234-7234

Enclosures (4)

cc: City of Benson

MnDOT Regional Airport Engineer

FAA, Minneapolis Airports District Office

# Survey Data Evaluation Report

*Airport* Benson Municipal Airport - Veterans Field

*Arpt\_ID* BBB

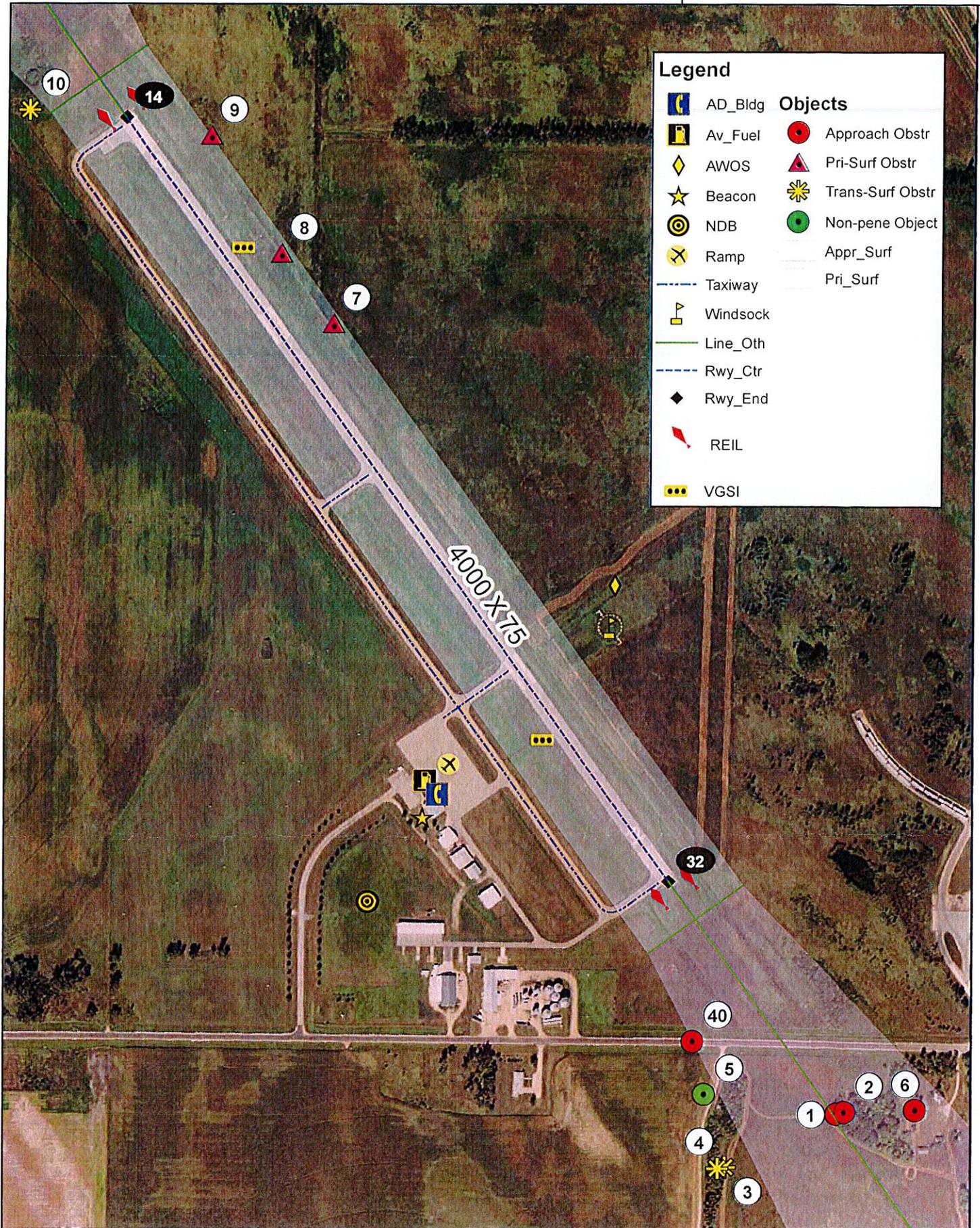
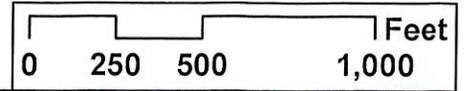
*FAASite*

10551.1\*A

		<i>Runway End: 14</i>			<i>Surface Type: ASPH-F</i>			<i>Primary Surface Width: 500</i>				
		<i>Aprr Cat: C</i>			<i>Reqd Slope: 34</i>			<i>Displaced Threshold Length: 0</i>				
<i>Obj ID</i>	<i>Object Type</i>	<i>Dist fm Runway End</i>	<i>Dist fm Center Line</i>	<i>Dir L/R</i>	<i>Dist Into Trans</i>	<i>Height Above Runway</i>	<i>Max Obj Ht</i>	<i>Pene in Feet</i>	<i>Slope</i>	<i>Surface Affected</i>	<i>Displ Thresh Slope</i>	<i>Object Notes</i>
7	BRUSH	-1229	209	L	0	5.3	0.0	5.3	0	Primary Surf	N/A	
8	SIGN	-853	200	L	0	8.3	0.0	8.3	0	Primary Surf	N/A	
9	TREE	-266	246	L	0	7.0	0.0	7.0	0	Primary Surf	N/A	
10	BRUSH	267	314	R	54	11.0	9.7	1.3	5	Transitional Surf	N/A	



# Benson Municipal Airport



**Legend**

	AD_Bldg		Approach Obstr
	Av_Fuel		Pri-Surf Obstr
	AWOS		Trans-Surf Obstr
	Beacon		Non-pene Object
	NDB		Appr_Surf
	Ramp		Pri_Surf
	Taxiway		
	Windsock		
	Line_Oth		
	Rwy_Ctr		
	Rwy_End		
	REIL		
	VGSI		

March 15, 2018

Richard G. Stulz  
Swenson, Nelson & Stulz, PLLC  
214 Sixth Ave  
Madison, MN 56256

Benjamin R. Wilcox  
Wilcox Law Office, PA  
PO Box 100  
Benson, MN 56215

City of Benson  
c/o Glen Pederson, Clerk  
Benson City Hall  
1410 Kansas Ave  
Benson, MN 56215

Torning Town Board  
c/o Roman Kalthoff, Clerk  
525 50<sup>th</sup> St SE  
DeGraff, MN 56271

Re: OAH 8-0330-35008 (MBAU D-584 Benson/Torning Township)

Dear Counsel, Mr. Pederson, and Mr. Kalthoff:

Enclosed and served upon you is Administrative Law Judge Eric L. Lipman's **ORDER OF DISMISSAL** in the above-entitled matter. The Office of Administrative Hearings' file in this matter is now closed.

Please contact me at 651-361-7909 or [star.holman@state.mn.us](mailto:star.holman@state.mn.us) if you have any questions.

Sincerely,



STARLENE J. HOLMAN  
State Program Administrator Senior

Attachment

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of Certain  
Real Property from the City of Benson to  
Torning Township (MBAU D-584)

**ORDER OF DISMISSAL**

On January 4, 2018, a Petition for Detachment was filed with the Office of Administrative Hearings.

During these proceedings, Richard G. Stulz, Swenson, Nelson & Stulz, PLLC, appeared on behalf of Paul and Lori Schwendemann and Kaleb and Jessica Schwendemann (Petitioners). Benjamin R. Wilcox, Wilcox Law Office, PA, appeared on behalf of the City of Benson (City). Roman Kalthoff, Township Clerk, appeared on behalf of the Torning Town Board (Township).

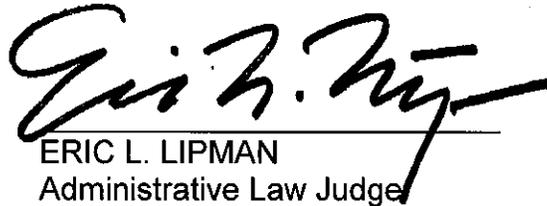
On March 14, 2018, Richard G. Stulz filed correspondence withdrawing the Petition for Detachment.

Based upon the filings to date, the Administrative Law Judge issues following:

**ORDER**

1. The hearing scheduled for March 16, 2018 is **CANCELLED**.
2. The Petition for Detachment in this matter is **DISMISSED**.

Dated: March 15, 2018

  
ERIC L. LIPMAN  
Administrative Law Judge

# Benson/Morris Food Shop

300 Atlantic Avenue  
Morris, MN 56267

1331 Minnesota Avenue  
Benson, MN 56215

To: Our Valued Vendors

Benson Food Shop and Morris Food Shop are pleased to announce some exciting changes that will take place on April 2, 2018. After putting much time and consideration into this decision, Chamberlain Oil Co and Dooley's Petroleum have decided to focus on their strengths and core business.

Dooley's Petroleum will be purchasing Benson Food Shop and Morris Food Shop, along with Chamberlain Oil's wholesale gasoline and fuel business. Chamberlain Oil will be purchasing Dooley's motor oil and DEF business.

We appreciate our business relationship and know that you are aware of Dooley's reputation of offering excellent customer service and quality products in their stores.

Our last business day of operation is April 1, 2018. All invoices/statements should be sent to:

**Morris Food Shop/Benson Food Shop**  
**PO Box 278**  
**Clontarf, MN 56226**

Or emailed to: [lwroblewski@chamberlainoil.com](mailto:lwroblewski@chamberlainoil.com).

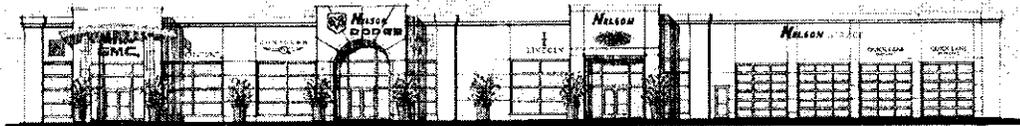
Any charges on April 2, 2018 or after will be billed to Dooley Petroleum and you will be contacted by them in the next few days to set up account information.

Again, we are grateful for our business relationship and look forward to Dooley's Petroleum working with you in the future.

Sincerely,

John & Carrie Chamberlain

Laura Rentz



2228 College Way • PO Box 635 • Fergus Falls, MN 56538-0635  
218-998-8878 • 800-477-3013 • Fax 218-998-8810 • www.nelsonfergusfalls.com

City of Benson  
Ian Hodge  
1410 Kansas Ave,  
Benson MN 56215

Rec'd #690  
GP

RE: Case Description: State of Minnesota vs Gerald Glen Worner  
Co. Atty. File: 17F-288EV  
Court File No: 56-CR-17-2211  
Charge(s): 5 Counts of Theft-By Swindle

Dear Valued Customer:

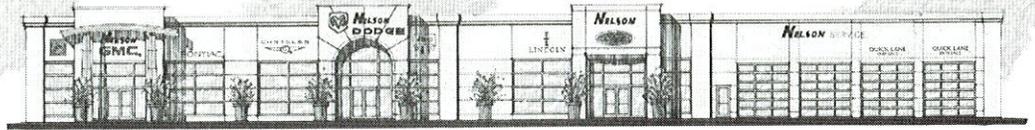
As you are aware, the Otter Tail County Attorney's office began a criminal prosecution against Gerald Worner concerning, and the State of Minnesota commenced an investigation regarding, certain charges for certain vehicles sold under State contracts administered by Mr. Worner, a former employee of Nelson Auto Center. In connection with those proceedings, audits were completed which conclude that certain charges are appropriate to be reimbursed to end purchasers, of which your agency is one. Nelson Auto Center, the Otter Tail County Attorney's office and the State of Minnesota have cooperated to assure that appropriate reimbursements are being made.

In compliance with the completed audits, we are sending the attached check for reimbursement for calculated overcharges on police units over the model years that were audited (2010 – 2017). The reimbursement includes the amount determined by the audit performed by the Minnesota Department of Administration Internal Auditor and the audit completed by the Minnesota Bureau of Criminal Apprehension (BCA), both completed in 2017. The MN Department of Administration audited contracts 440560, 438513, 56582, 89303, and 37669. The Minnesota BCA audited contract 83065.

Based on the State's audit report and the BCA's audit report the aggregate total due your department is:

Unit count: 2  
Calculated overcharge reimbursement: \$690

Thank you for your patience as we all have waited for the audit results and final authority to release these funds. Your acceptance of the enclosed sum represents full and final acceptance of all restitution, repayment, or reimbursement due to you for all out-of-pocket



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expenses arising out of above indicated vehicle(s). Please return to the above address a signed copy of the enclosed Reimbursement Acceptance Form, as evidence that payment has been made to you.

If you disagree with in amounts indicated you are owed, or if you have any questions regarding this letter, please contact me at the below number or email and I will be able to coordinate getting questions answered with the State of Minnesota and/or County Attorney's office. We appreciate your attention to this matter, as well as your continued business.

Respectfully,

Scott Tietz  
Commercial & Fleet Manager  
218-998-8878 ext. 8846  
[stietz@nelsonfleet.com](mailto:stietz@nelsonfleet.com)

CC Betsy Hayes, State Procurement Officer  
Michelle Eldien, Otter Tail County Attorney's Office

## Rob Wolfington

---

**From:** Kristi Fernholz <Kristi.Fernholz@umvrdc.org>  
**Sent:** Thursday, March 29, 2018 5:55 PM  
**To:** Benson - rob.wolfington@co.swift.mn.us  
**Subject:** Meander request  
**Attachments:** Meander\_sponsor form and letter 2018 FINAL FINAL.pdf

---

Hi Rob –

Attached is our sponsor form. Thank you for considering this request!

-----

We are gearing up for the 2018 Meander Upper Minnesota River Art Crawl on October 5, 6, 7. The Meander, in its 15th year, is good for our region! Attached is a copy of the 2017 Meander Economic Impacts. The Meander has been one of the principal reasons our region has been “put on the map”. The Meander brings people from all over the upper Midwest and gives them a top-quality experience. Visitors have commented that they wanted to know more about local lodging, local unique shops and local eating establishments.

The Meander Upper Minnesota River Art Crawl features nearly 40 artists exhibiting in their homes, studios, or at a business in our five-county region. Our local artists organize the event, using the Upper MN Valley Regional Development Commission for technical assistance, coordination and as their fiscal agent.

It takes a regional effort to coordinate a project such as this. We have received support from the Benson before and **we ask that you again consider \$200 to go towards advertising this event.**

~~Thank you for considering our request and for helping make this project successful in 2018!~~ Please let me know if you need us to submit an invoice.

If you have any questions do not hesitate to call me at 320/289-1981x106 or email at [kristi.fernholz@umvrdc.org](mailto:kristi.fernholz@umvrdc.org). Thank you.

### Kristi Fernholz

*Senior Planner*

320.289.1981 x 106

323 West Schlieman Ave. Appleton, MN 56208



Upper Minnesota Valley  
**REGIONAL  
DEVELOPMENT  
COMMISSION**

Helping Communities Prosper



[www.umvrdc.org](http://www.umvrdc.org) | [www.prairiewaters.com](http://www.prairiewaters.com) | [www.mnrivervalley.com](http://www.mnrivervalley.com) | [www.artsmeander.com](http://www.artsmeander.com)

# We need your help!

## 2018 Meander

Upper Minnesota River Art Crawl

Fri, Oct 5 12-6pm    Sat, Oct 6 9am-6pm    Sun, Oct 7 9am-4pm

2018 will mark **15 years of Meander!** We can safely say that more people know about our area, more people have visited our area, and more people have spent money in our area because of the Meander. We are extremely proud of our event, which has been called the premier art crawl in Greater Minnesota.

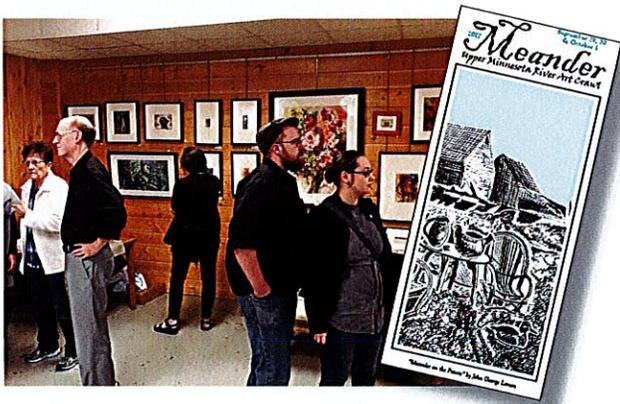
**We need your help!** Your sponsorship helps us advertise this event far and wide. We want to get the word out to even more people about this event and our area! Plus, **each year our economic impact grows!**

Former Minneapolis Mayor, R.T. Ryback called the Meander **"one of the five great events in Minnesota.... you should stay overnight."**

At a level of \$200 or above, sponsors will be listed on the Meander website and advertised in 20,000 copies of the Meander brochure that are distributed to a select customer base throughout the Midwest.

**Your listing in the Meander brochure and website DOES work.** This is the main source for Meander customers looking for a place to eat or lodging for the weekend.

Participating businesses that offered specials or other incentives reported **a week's worth of business in just two days!**



The Meander has emerged as a quality "brand" for our region, one that your business or organization can be proud to be associated with!

Support the Upper Minnesota River Valley's best-known art event!

Please return the enclosed form by March 20, 2018

## Meander Economic Impact



75% of customers said their overall experience was excellent

73%

Plan to attend again next year

\$112,000

total art sales during the Meander



An average per visitor:  
\$42 on food/gas  
\$18 on lodging

50%

Did not attend last year

Between 85 and 1,500 art enthusiasts were reported to have visited each of the sites, with an average in the 500 range. We estimate between 2000- 3000 people were meandering during the weekend.

45%

Came from within 5-county area

In all, 75 percent of the customers surveyed said the art was excellent. The overall average for art sales per artist was \$2,870 up slightly over the \$2,668 per artist in 2016. Money raised to organize the Meander through sponsors and artists was spent on products or services (printing, paper, advertising, graphic design, staffing) in the five-county area. Meander spent nearly \$8,000 on advertising in 2017 This is 27% of the total budget.

13%

Came from out of state

## Help us continue this success and become a 2018 Meander Sponsor!

Your sponsorship helps pay for increased advertising in places like Minnesota Public Radio and the Star Tribune.

Here a few places we advertised in 2017:

- Pioneer Public TV
- Minnesota Public Radio
- Star Tribune
- Brooking Registrar
- Sioux City Journal
- Sioux Falls Argus Leader
- plus many local and regional papers and radio stations!



Ways you can help support Meander

- Patron of the Meander, \$1000 or more
Major Sponsor, \$500
Business Sponsor, \$200
I would like to make a donation of less than \$200 to support arts & culture in our area!

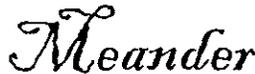
Please print your information exactly as you want it to appear in the Meander brochure.

Business /Organization Name
(Name only will be listed in Meander brochure listing):
Phone: Website:

Please create a 120 character to be used on the Meander website. Listing must fit within two lines, including contact info. Dining and Lodging will receive three lines.

Contact Person (for billing purposes only):
Address:
City/State/Zip: Phone:
Email Address (for contact purposes only):

Please return this form along with payment by March 20, 2018 to:



Upper Minnesota Valley Regional Development Commission (UMVRDC)
323 West Schlieman Ave., Appleton MN 56208

Jackie Sigdahl ext. 100, jackie.sigdahl@umvrdc.org
Questions? Call 320-289-1981 Kristi Fernholz ext. 106, kristi.fernholz@umvrdc.org
Marcy Prince ext. 104, marcy@umvrdc.org

March 15, 2018

The Honorable Terri Collins  
Mayor, City of Benson  
1410 Kansas Ave  
Benson, MN 56215

RE: Benson Wastewater Treatment Facility  
NPDES/SDS Permit Number MN0020036  
Compliance Evaluation Inspection and Letter of Warning

Dear Mayor Collins:

Enclosed is the Compliance Evaluation Inspection (CEI) Report and Letter of Warning (LOW) that resulted from an inspection of the Benson Wastewater Treatment Facility (WWTF) (Facility) on March 8, 2018, by Paul Kimman of the Minnesota Pollution Control Agency (MPCA).

The CEI consisted of a visual inspection of the Facility and a discussion with Jerry Stranlund, PeopleService, Inc., Operator. In addition, there was a review of the monthly Discharge Monitoring Reports (DMRs) for the time period from January 1, 2016 to January 31, 2018. The Facility's biosolids land applications sites and discharge outfall were not inspected. Based on the results of the CEI, two violations of the terms and conditions set forth in the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) permit were documented as alleged in the LOW. Please see the attached CEI Report and LOW for further detail.

If you have any questions about the CEI or LOW, please contact me at 507-476-4270 or [paul.kimman@state.mn.us](mailto:paul.kimman@state.mn.us).

Sincerely,

*Paul Kimman*

*This document has been electronically signed.*

Paul Kimman  
Environmental Specialist  
Marshall Office  
Municipal Division

PHK:svdw

Enclosure

cc: Jerry Stranlund, PeopleService, Inc.  
Mark Hugeback, MPCA  
Activity ID INS20180001 @ 1496

**Water Quality Point Source Program  
Compliance Evaluation Inspection Report**

**Facility information:**

Facility name: Benson Wastewater Treatment Facility  
Permit number: MN0020036  
Address: 200 22nd St S, Benson, Minnesota 56215  
SIC code: 4952 - Sewerage Systems  
Permit expiration date: January 31, 2019  
Facility design flow: 0.985 mgd (AWW)  
EPA Facility Type classification: EPA Minor  
Type of flow: Domestic  
Land application type: Biosolids Type IV  
24 hour contact: Jerry Stanlund  
Phone: 507-301-2010

**Geographic information:**

MPCA region: Southwest  
County: Swift  
Basin: Minnesota River  
Major watershed: Chippewa River  
Receiving water: Chippewa River - Class 2B, 3C, 4A, 4B, 5, 6 water

**Those present during the inspection:**

Jerry Stranlund, PeopleService, Inc., Operator

**MPCA representatives:**

Paul Kimman, Environmental Specialist

**Inspection information:**

Inspection date: March 8, 2018  
Inspection category: Routine Inspection  
Inspection type: Wastewater Compliance Evaluation Inspection

**Facility components:**

- Preliminary treatment - grit removal
- Preliminary treatment - flow equalization
- Preliminary treatment - fine screen
- Preliminary treatment - mechanical bar screen
- Primary treatment - primary clarification
- Trickling Filter (2)
- Phosphorus Removal (chemical addition)
- Activated sludge - contact stabilization
- Secondary Clarification
- Effluent Polishing Filter (with backwash)
- Disinfection (chlorination)

**Facility components (continued):**

- Dechlorination
- Solids Treatment (mesophilic anaerobic digestion)
- Solids Handling - Storage Tank

**Significant industrial users:** None.

**Treatment plant operators:**

<u>Name</u>	<u>Phone</u>	<u>Class</u>	<u>Expiration</u>
Stranlund, Jerald T.	507-301-2010	A	9/1/2019
Wilson, Shawn D.	320-314-2511	D	1/1/2019
Wilson, Shawn D.	320-314-2511	4O	10/1/2020

### Inspection Summary

A Compliance Evaluation Inspection (CEI) was conducted on March 8, 2018, by Paul Kimman of the Minnesota Pollution Control Agency (MPCA) to determine the city of Benson (City) Wastewater Treatment Facility's (Facility) compliance status with the terms and conditions of its National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit. The following is a summary of the findings and comments resulting from that inspection.

#### Areas of concern or general comments:

##### Overall physical condition of the plant

- The CEI consisted of a visual inspection of the Facility and a discussion with Jerry Stranlund, Wastewater Operator, PeopleService, Inc.
- Overall the Facility was in fair condition. The Facility is aging and some components are showing corrosion or degradation. In 2017, the City hired an engineer to review the facility and evaluate future repair or replacement needs. The City should continue to plan and budget for future Facility component repairs and/or replacement. See the "General Maintenance Schedule Reviewed" section below specific maintenance related items.

##### Sampling methods/lab certification

- The City formerly utilized UC Laboratory Inc. (UC), as its certified testing laboratory for wastewater analysis. On January 1, 2018, the Facility switched to RMB Environmental Laboratories (RMB), Inc.
- The City utilizes an ISCO 5800 influent sampler and an American Sigma 1600 effluent sampler. Both samplers collect flow-based composite samples.
- The City utilizes Minnesota Valley Testing Laboratories, Inc. for all biosolids analysis except Fecal Coliform, and Stearns DHIA Laboratories as its certified testing laboratory for Fecal Coliform analysis of biosolids. The Facility utilizes AGVISE Laboratories, Inc. for soils analysis.
- The City utilizes a Hach 3900 meter for Total Residual Chlorine (TRC) analysis, a Hach Sension 2 pH meter for pH analysis, and a YSI 550A meter for dissolved oxygen (DO) analysis. All meters have documented routine calibrations.

##### Discharge Monitoring Reports/sample values/annual reports

- The Discharge Monitoring Reports (DMRs) were reviewed for the 25-month period of January 2016 through January 2018. All DMRs were submitted in a timely basis during the review period.
- The City reported two effluent limit violations during the review period. The City reported Calendar Month Maximum pH exceedances at station SD001 during the November 2017 and December 2017 monitoring periods. After Facility staff recorded a 10.6 SU effluent pH result on December 6, 2017, the Facility checked the pH with a back-up meter and got a result of 8.3 SU. The City subsequently sent its meter to Hach for maintenance following the high pH result in December 2017 and Hach determined that the pH probe was faulty and repaired the meter. **Please see the violations and corrective actions section listed in the Letter of Warning.**

- During the pre-inspection file review, the MPCA staff noted suspect flow data reported at station SD001 in September, 2016 and the MPCA staff noted that the April 2017 sample values spreadsheet was not submitted to the MPCA. The September 2016 flow data was amended prior to the inspection, and the April 2017 Sample Values Spreadsheet (which was completed in the Facility records) was attached as an attached document during the inspection.
- As discussed, the City should ensure that it maintains all laboratory signed Chain of Custody (COC) forms for three years as part of the Facility record.
- Elevated influent Total Suspended Solids (TSS) was periodically noted in 2016 and 2017. The City should continue to monitor influent TSS concentrations and take action to investigate the source of the elevated influent TSS if it recurs in the future.

#### **Inflow & Infiltration/collection system issues**

- The City receives increased flows during heavy rainfall events and when soils conditions are saturated. The City indicated that its collection system consists of approximately 40% clay pipe, approximately 30% cement pipe, and approximately 30% Poly Vinyl Chloride (PVC) pipe. The City has identified problem areas in its collection system during recent televising of portions of the sanitary sewer collection system. The City should budget for and make plans to repair problem areas of the sanitary sewer collection system to reduce clear water Inflow and Infiltration (I & I).
- The City indicated that it does have a sump pump ordinance and it reminds residents to remove sump pump discharges from the sanitary sewer collection system during the spring, summer, and fall months on utility bills.
- The City indicated that many residential service lines in town are constructed of orangeburg pipe, which is believed to be a significant source of infiltration. City staff indicated that on average approximately twelve residences annually replace their orangeburg pipe service laterals.
- The City should consider using the “Sanitary Sewer System Assessment” developed by the League of Minnesota Cities to help assess the condition of and plan maintenance on its sanitary sewer collection system. The assessment can be found at: <http://www.lmc.org/media/document/1/modelSanitarySewerSystemAssessment.docx>  
The City should continue to take action to assess its collection system and should budget for and make plans to repair problem areas of the sanitary sewer collection system.
- The City reported one release from its collection system during the review period:
  - On June 12, 2017, the City reported an unauthorized release from a manhole near the Fibrominn Lift Station to the road ditch. The release was due to an excess volume of industrial wastewater discharged by Fibrominn and the lift station being unable to keep up. Approximately 350 gallons were released, and the Facility stated that the released wastewater soaked into the road ditch and did not reach any surface waters. The release was sampled and reported to the Minnesota State Duty Officer (DO Report # 166853).
    - This lift station has been a frequent source of releases in the past. Prior to the MPCA’s 2016 inspection, the City implemented new measures including a high level alarm that calls both Fibromin staff and City staff via a dialer system, as well as lowering the floats to keep the level of wastewater in the lift station down during routine operation. The City shall re-access past actions taken and determine if it needs to take further actions in order to prevent future releases from the Fibromin lift station. **Please see the violations and corrective actions section listed in the Letter of Warning.**

**Flow data (compare design flow to actual flow)**

- The NPDES/SDS Permit indicates that the Average Wet Weather (AWW) Design Flow is 985,000 gallons per day (gpd). For the time period from January 2016 through December 2016 and January 2017 through December 2017, the City reported average daily influent flows of 506,929 and 482,868 gpd respectively.
- The Facility utilizes an Advanced Flow Technologies eight-inch Mag Meter to measure influent flow and a six-inch Parshall Flume with an Endress & Hauser 861 Ultrasonic Meter to measure effluent flow. Both flow meters are calibrated twice annually by Duane Nielson Co as per the Facility Permit.

**Enforcement actions over the review period**

- None

**Compliance schedule progress**

- n/a

**Biosolids/land application sites**

- The MPCA staff conducted a limited biosolids records review and observed the following records for biosolids land applied from November 2, 2016 through November 4, 2016 on approved site DJ-1:
  - Farmer information sheets
  - Application rate calculations
  - The cropping year 2017 annual report
  - Biosolids analysis
  - Soils analysis
  - Haul logs
  - Site approval letter
  - soils map
  - drain tile map

**Pretreatment**

- The City does not have any Significant Industrial Users (SIUs) discharging into its sanitary sewer collection system, nor has it experienced other treatment related issues due to other users of the system.

**General maintenance schedule reviewed – daily, weekly and monthly O&M**

- As noted above, the Facility is aging and some components are in declining condition. The following were noted during the inspection:
  - Corrosion was noted on the piping in the basement of the bar screen room.
  - Cracking and peeling was noted on the exterior finish of the “new” trickling filter
  - The Biogas flare is currently inoperable, City staff stated that they can burn off all biogas generated in the digester boiler.
  - Corrosion was noted on the tanks and piping of the effluent filters

**Record keeping**

- Required records were maintained for greater than three years at the Facility and were available for agency inspection.

## Other

- The City's Facility is an existing continuously discharging wastewater treatment Facility that discharges to the Minnesota River (directly or via tributaries) downstream of the outlet of Lac qui Parle Reservoir (river mile 285) and upstream of the city of Jordan (at river mile 39.4) with a calculated phosphorous discharge greater than 1,800 lbs. per year. Facilities that meet these criteria are listed in Appendix B of the Minnesota River Basin General Phosphorous Permit - Phase 1 (MNG420000). The City has received a Notice of Coverage (MNG420005) for its wastewater treatment Facility under this Permit. This Permit is separate from the City's existing individual NPDES/SDS Permit. The City must maintain compliance with the terms and conditions of both the Minnesota River Basin General Phosphorous Permit and its individual NPDES/SDS Permit.
- The City submitted an exclusion form on February 6, 2017, and was excluded from the May 1, 2017 through September 30, 2017 mass limit due to its 1.0 mg/L concentration limits in its individual NPDES/SDS Permit. Facility staff indicated that an annual exclusion form has been submitted for 2018.
- The City is reminded that it is required to submit a Mercury Pollutant Minimization Plan and an application for permit re-issuance by August 4, 2018.

**Letter of Warning**

This is a Letter of Warning (LOW) issued by the Minnesota Pollution Control Agency (MPCA) to the City of Benson (Regulated Party) for alleged violations of permit conditions at the Regulated Party's Wastewater Treatment Facility (Facility) located in Benson, Swift County, Minnesota. The MPCA has sufficient information to allege that the Regulated Party has violated the following provisions of federal regulations, state statutes, rules, or permit conditions:

**1. National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS)  
Permit Number MN0020036, LIMITS AND MONITORING REQUIREMENTS, page 6-7, SD001:  
Total Facility Discharge**

The City reported two effluent limit violations with the conditions of the NPDES/SDS Permit during the January 2016 through January 2018 review period.

Date	Parameter	Reported Value	Limit	Limit Type
November 2017	pH	9.9 SU	9 SU	Calendar Month Maximum
December 2017	pH	10.6 SU	9 SU	Calendar Month Maximum

**2. NPDES/SDS Permit Number MN0020036, Chapter 8. Total Facility Requirements**

1.31 Unauthorized Releases of Wastewater Prohibited. Except for discharges from outfalls specifically authorized by this permit, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee's compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. (40 CFR 122.41 and Minn. Stat. Sec 115.061)

The City reported one unauthorized release during the review period:

- On June 12, 2017, the City reported an unauthorized release from a manhole near the Fibrominn Lift Station to the road ditch. The release was due to an excess volume of industrial wastewater discharged by Fibrominn and the lift station being unable to keep up. Approximately 350 gallons were released, and the Facility stated that the released wastewater soaked into the road ditch and did not reach any surface waters. The release was sampled and reported to the Minnesota State Duty Officer (DO Report # 166853).

To address the alleged violations cited in this LOW, the Regulated Party is to complete the following actions:

- The City shall take action to prevent effluent limit violations in the future. The MPCA staff discussed the violation and corrective action with the operator during the inspection and no further correspondence is required at this time.
- The City shall take action to prevent future releases from the Fibromin lift station. The MPCA staff discussed the violations and corrective action with the operator during the inspection and no further correspondence is required at this time.

Based upon discussions during the March 8, 2018 inspection, the MPCA staff has determined that all corrective actions have been completed. Please note, that the LOW and the Regulated Party's response will remain on record at the MPCA and the response does not preclude the MPCA from taking further action with respect to the violations listed in the LOW.

**STATE OF MINNESOTA  
POLLUTION CONTROL AGENCY**

March 15, 2018

*Date signed*

*Paul Kimman*

*This document has been electronically signed.*

Paul Kimman  
Environmental Specialist  
Marshall Office  
Municipal Division

Address questions and submittals requested above to:

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