

**MINUTES - BENSON CITY COUNCIL MEETING
TELEPHONICALLY
APRIL 6, 2020**

The meeting was called to order telephonically at 5:30 p.m. by Mayor Collins. Members present: Jack Evenson, Terri Collins, Mark Schreck, Jon Buyck & Lucas Olson. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Police Chief Ian Hodge, Brad Amundson, Roxy Lewis, Phil Carlson from Stantec Engineering and Stony Ridge Foods (SRF) Attorney Warren Anderson.

The Council recited the Pledge of Allegiance.

The Mayor asked for any changes to the agenda. Consider Special Council meeting date for a second reading of zoning change was added. It was moved by Evenson, seconded by Schreck and the following vote was taken: AYES: Olson, Schreck, Collins, Buyck, Evenson. NAYES: None. The motion passed to approve the amended agenda.

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

- March 16, 2020 City Council Minutes
 - February 3, 2020 Special EDA Minutes
 - February 24, 2020 EDA Minutes
- Electronic Transfers:
- Payroll: \$87,828.62 – March 26, 2020

There was no one with unscheduled business.

Wolfington discussed the land use plan for two properties at 720 & 716 Atlantic Avenue. He called Amendment A to the Council's attention, which outlines an agreement between Glacial Plains Cooperative, SRF and homeowners at 717 & 720 Utah Avenue. Mayor Collins called upon Phil Carlson with Stantec to discuss the land use amendment and zoning change details. He said the land use amendment was handled by the Planning Commission, and at their Special Meeting on March 23, 2020 they made the change from R-2 (medium density residential) and B-2 (general business) to a small area located on parcel's 23-1415-000 & 2301416-000 to I-1 (limited industrial). There was a unanimous vote taken by the Planning Commission on the condition the City Council approves the rezoning summarized in his report. SRF also gives the residents at 717 & 720 Utah Avenue a 15' strip of land on the east of their property, and 30' on the south of the property at 717 Utah Avenue to act as a buffer where they can place landscape or a fence. The change in properties will be surveyed by a professional surveyor. He referred to the map in Addendum A for a clear idea of what is agreed upon. He noted 60% of the 716 Atlantic Avenue will be rezoned to I-1. Lastly he said SRF plans on placing 20' bins directly to the east of the current building at 716 Atlantic Avenue, which will be shorter than the current building on the property. Wolfington said by making a decision tonight, the Council will be within the 60 day action period required. He said it will take a 4/5th majority to pass. Evenson said he is on the Planning Commission as well as Buyck, and hearing from property owners, and SRF and Glacial Plains, the Planning Commission unanimously recommended approval of the zoning change. It was then moved by Evenson, seconded by Buyck to approve the First Reading of An Ordinance to Amend the Zoning Map of the City of Benson. The following vote was taken: AYES: Schreck, Collins, Buyck, Evenson. NAYES: None. ABSTAIN: Olson.

It was then moved by Schreck, seconded by Evenson and carried unanimously to hold a Special City Council Meeting on Monday, April 13, 2020 at 5:30 p.m. telephonically to consider a 2nd reading of an

ordinance to Amend the Zoning Map. The following vote was taken: AYES: Olson, Schreck, Collins, Buyck, Evenson. NAYES: None. The motion carried.

Next Wolfington presented an Emergency Authorization Resolution to the Council. He said having this resolution as well as the previous emergency resolution in place will help with FEMA COVID-19 reimbursement down the road. He said it will authorize him to make day to day operation decisions such as expenditures and home payroll system decisions. He said he will keep the Council apprised of changes in City operations. Evenson offered the following resolution:

**RESOLUTION AUTHORIZING EMERGENCY MEASURES
BY THE CITY MANAGER
(RESOLUTION NO. 2020-08)**

WHEREAS, the Governor has issued Executive Order 20-01 declaring a peace time emergency and coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19 (EXHIBIT A); and,

WHEREAS, during such time the City will follow the Center for Disease Control (CDC), Minnesota Department of Health (MDH) and Countryside Public Health guidelines and recommended/suggested emergency planning and risk mitigation steps; and,

WHEREAS, those guidelines may necessitate the use of alternative working arrangements (AWA) and other non-traditional mechanisms to keep business operations functioning and employees and the public safe; and,

WHEREAS, decisions may need to be made that conflict with existing city policy in order to best follow such guidelines.

WHEREAS, the effects of the COVID-19 crises are changing on a daily basis, and

WHEREAS, this situation threatens the health, safety and welfare of the citizens of Benson and City Employees, and threatens the continuation and efficient delivery of City Services, and

WHEREAS, traditional sources of relief are not able to adequately address the situations that may arise in the peace time emergency due to the COVID-19 crises;

NOW, THEREFORE, BE IT RESOLVED that the City Council declares that the COVID-19 crises is a local emergency, and

BE IT FURTHER RESOLVED, that this declaration of a local emergency will authorize appropriate community containment and mitigation strategies. Strategies that are necessary for response to and recovery from the emergency are hereby authorized. To the extent that normal city policies and procedures impede an efficient response or compliance with federal and state directives or recommendations, the City Manager or City Manager's designee is hereby authorized to suspend compliance with those policies and procedures and to take those actions deemed necessary to protect the public health and safety, and the health and safety of City Employees, and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENSON, MINNESOTA THAT, the city council grants the City Manager or the City Manager's designee authority to act on those measures to best protect the health and welfare of the citizens of Benson.

Councilmember Olson seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYS: None. Thereupon the Mayor declared Resolution 2020-08 duly passed and adopted.

Wolfington discussed the on-line land auction on the Sylte land south east of Benson that the Council gave the City Attorney authority to bid on. It is a piece of land that could be used for future industrial use. It is approximately 120 acres. The City got the bid for \$362,512.50. The down payment has been made. There is an annexation agreement on part of the land. Buyck questioned if the authorization at the meeting two weeks ago was to bid or purchase. The Mayor directed Wolfington to clarify the question and get back to the Council. It was then moved by Buyck, seconded by Evenson and carried unanimously to authorize the purchase of the Sylte acres as described at a total cost of \$362,512.50. The following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYS: None. The motion passed.

Wolfington said at the joint Hospital, City Council, Swift County meeting on March 30, 2020 the City Council agreed to approve an extension of financial assistance to the Swift County-Benson Healthcare Services in an amount necessary to pay off the balances owed by them on their 2013 Hospital Revenue Bonds. Wolfington went on to say that amount is \$1,885,000. Their next interest payment is in August 2020, and the next principal payment is in February 2021. They will need to give a 30 day notice of cancellation to current bond holders. The Hospital is working out whether to make their payments over 10 or 13 years. Xcel dollars will be used to make the appropriate payment agreement.

Next was an estimate from Independent School District 777 for a trades class house purchase by the City to place the house they build on a City owned vacant lot in Benson. The cost is \$91,766.48 which includes the basement. The City will have to consider extra expenses such as moving of the house, utility connections, a driveway and maybe a garage, which could run up to \$50,000. Swift County Housing project is not interested in participating at this time as they are currently tied up in the Federal Home loan program. After discussion, it was moved by Schreck, seconded by Buyck to table this request to fine tune the expenses of this project until the next regular City Council Meeting. The following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYS: None. The motion passed to revisit this proposal on April 20, 2020.

Wolfington provided information on how the CARES Act will Benefit Local Government and School Districts.

A motion was made by Buyck, seconded by Olson and carried unanimously to approve the Arbor Day Proclamation for April 30, 2020, and to declare May 2020 Arbor Month. Wolfington said the City has been a Tree City member since 1995.

Councilmember Schreck offered the following resolution:

**RESOLUTION AUTHORIZING TRANSFER OF XCEL ENERGY GRANT DOLLARS FOR
ECONOMIC DEVELOPMENT PURPOSES
(RESOLUTION 2020-09)**

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 quality as an economic development purpose, and;

WHEREAS, the 2019 Sanitary Sewer WWTP Filter project is an authorized use of grant dollars, and;

WHEREAS, the estimated cost of this project is \$600,000.

NOW, THEREFORE, BE IT RESOLVED that \$112,042.51 as itemized on the attached invoices to be transferred from the NSP Grant Fund to the Sewer Fund.

Councilmember Buyck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYS: None. Thereupon the Mayor declared Resolution 2020-09 duly passed and adopted.

Council member Buyck offered the following resolution:

**RESOLUTION AUTHORIZING TRANSFER OF XCEL ENERGY GRANT DOLLARS FOR
ECONOMIC DEVELOPMENT PURPOSES
(RESOLUTION 2020-10)**

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 quality as an economic development purpose, and;

WHEREAS, the proposed 2020 Sanitary Sewer WWTP Flood Protection project is an authorized use of grant dollars, and:

WHEREAS, the estimated cost of this project is \$964,794.

NOW, THEREFORE, BE IT RESOLVED that \$17,068.00 as itemized on the attached invoices to be transferred from the NSP Grant Fund to the Sewer Fund.

Councilmember Evenson seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYS: None. Thereupon the Mayor declared Resolution 2020-10 duly passed and adopted.

Next was pay request #2 for work on the water plant chlorine damage. It was moved by Schreck, seconded Evenson to pay MN Mechanical Solutions in the amount of \$147,202.50. The following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYS: None. The motion passed.

Pay request #3 for work on the water plant chlorine damage was next. It was moved by Olson, seconded by Evenson to pay MN Mechanical Solutions in the amount of \$98,325.00. The following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYS: None. The motion passed.

Councilmember Evenson offered the following resolution:

**CITY OF BENSON
RESOLUTION ACCEPTING DONATIONS
(RESOLUTION NO. 2020-11)**

WHEREAS, The City of Benson is generally authorized to accepts 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:

**Shepherd of the Hills \$50 to Benson Fire Department
BNSF Railway Foundation \$10,000 to Benson Police Department for Canine**

Tom Kvamme \$50 for Normandy Presentation
Zetetic Study Club \$250 for Roosevelt Playground Equipment
Terri Collins \$30 for Beautify Benson Sweatshirt
Lori Eix \$30 for Beautify Benson Sweatshirt
Karen Manzke \$30 for Beautify Benson Sweatshirt
Melissa Touhey-Ziegler \$30 for Beautify Benson Sweatshirt

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.

ADOPTED by the City Council of the City of Benson on April 6, 2020.

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 6:10 p.m.

Mayor

City Clerk