

**MINUTES - BENSON CITY COUNCIL MEETING
CITY HALL
JUNE 15, 2020**

The meeting was called to order 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, Public Works Director Dan Gens, City Attorney Ben Wilcox, Roxy Lewis (telephonically), Katie Foley, Shelly Virgin, Shelly Mikkelson, Juan Reyes, Lorena Fietek and Milrela Reyes.

The Council recited the Pledge of Allegiance.

The Mayor asked for any changes to the agenda. There was one addition which was Benson water supply. It was moved by Evenson, seconded by Schreck and carried unanimously to approve the amended agenda.

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

- June 1, 2020 City Council Minutes
- Minnesota Governor Walz Executive Order #20-74
- Electronic Transfers:
 - Payroll: \$122,542.34 – June 4, 2020
 - Journal: \$4,281,216.86 – May 2020

The Mayor called for anyone with unscheduled business and there was none.

The Mayor called the Public Hearing to order at 5:30 p.m. The purpose of the meeting today is to determine if a public nuisance and zoning violation exists at a residence located at 406 – 12th Street South. Police Sergeant Paul Larson presented photos of the property showing a total of 7 cars in the yard and driveway. He stated some have collector plates on them, and upon talking to homeowner Mr. Reyes, he is in the process of licensing another. He went on to say there doesn't appear to be any missing hoods or cracked windshields. Wilcox said the purpose of today's Public Hearing is to determine under Title IV, Chapter 95 of the City Ordinance "Abandoned and Other Nuisance Vehicles" if the nuisance does exist on the property. Mr. Reyes said he has been hospitalized for a few weeks and is now living with his daughter. Milrela Reyes, his daughter, addressed the Council and stated these cars are his hobby, which he is planning to give a car to each of his children, and isn't running a business at his residence. Reyes other daughter Fitek said they have removed some vehicles and will get them taken care of and off the property, but it is taking time as they work and are doing this alone. After discussion, the Council was in agreement a nuisance exists, but a zoning violation does not as described, Mr. Reyes is fixing up the vehicles. The Council gave Mr. Reyes 2 weeks to come into compliance, when at this time Sergeant Larson will come back to the property to inspect. M. Reyes asked for two officers to come back. Sergeant Larson said Police Chief Hodge will accompany him for the inspection. The Mayor closed the public hearing at 5:53 p.m. It was then moved by Evenson, seconded by Olson and carried unanimously to give Mr. Reyes until June 29, 2020 to come into compliance with all the vehicles in his yard.

Next Wilcox presented two agreements with the Bureau of Criminal Apprehension (BCA). The first is a subscriber agreement as a prosecuting Attorney for e-filing and the second is a Joint Powers Agreement between the BCA and the City Prosecuting Attorney and Benson Police Department stating terms of agreement to access the BCA's system, and outlining a monthly fee of \$50 per month for the use of the software. These agreements will be for 5 years. After discussion, Buyck offered the following resolution:

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS
WITH THE CITY OF BENSON ON BEHALF OF ITS CITY ATTORNEY AND POLICE
DEPARTMENT
(RESOLUTION NO. 2020-17)**

WHEREAS, the City of Benson on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Benson, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Benson on behalf of its Prosecuting Attorney and Police Department, are hereby approved.
2. That the Police Chief, Ian Hodge, or his successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
3. That the Benson City Attorney, Ben Wilcox, or his successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
4. That Terri Collins, the Mayor for the City of Benson, and Glen Pederson, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYS: None. Thereupon the Mayor declared Resolution 2020-17 duly passed and adopted.

Next Wolfington presented the Appropriation Repayment Agreement to the Council with an amendment to remove some collateral language as previously discussed. It was moved by Buyck, seconded by Evenson and carried unanimously to approve the amended Appropriation Repayment Agreement with the Benson Hospital.

Gens said the next agenda item is a request to transfer Xcel Grant dollars to pay for the final wastewater filter expenses. Councilmember Evenson offered the following resolution:

**RESOLUTION AUTHORIZING TRANSFER OF XCEL ENERGY GRANT DOLLARS FOR
ECONOMIC DEVELOPMENT PURPOSES
(RESOLUTION 2020-18)**

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

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

WHEREAS, the Council has determined that sanitary sewer collection and treatment improvements qualify as an economic development purpose, and;

WHEREAS, the 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 \$200,596.65 as itemized on the attached invoices to be transferred from the NSP Grant Fund to the Sewer Fund.

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 2020-18 duly passed and adopted.

Next Vergin, Mikkelson and Foley approached the Council to discuss opening the swimming pool. Wolfington said City crews have been working tirelessly to get the pool up and running after Governor Walz Emergency order stating they can now open with stipulations. He discussed the flyer put together by Community Ed. He is proposing reducing family and individual pass prices by 25% since those purchasing a pass will not be able to get the full value out of the pass this year. Virgin said they are offering to sell the passes for the City on line through the Community Education registration site. She went on to say most families already have an account with them, and it will be easy for them to purchase their pool pass when they sign up for a summer recreation class. This will help to keep traffic down at City Hall and less contact at the pool as well. After discussion Councilmember Buyck offered the following resolution:

**RESOLUTION SETTING 2020 FAMILY POOL PASS FEES
(RESOLUTION NO. 2020-19)**

WHEREAS, COVID-19 regulations have limited the operation of businesses including the Benson Swimming Pool,

AND, WHEREAS in accordance with Minnesota Governor Tim Walz Emergency Executive Order 20-74 allows outdoor pools to open to the general public in accordance with industry guidance,

AND WHEREAS, the Benson Pool will not be open for the full summer season, families will not get the full value out of their family pool passes,

NOW, THEREFORE, BE IT RESOLVED that family passes will be reduced only for the 2020 swimming season as follows: Residential Family Pass will be \$108.75, Residential Individual Pass will be \$78.75, Non-Residential Family Pass will be \$135.00 and Individual Non-Residential Passes will be \$97.50. All other fees will remain the same.

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYS: None. Thereupon the Mayor declared Resolution 2020-19 duly passed and adopted.

Next Gens asked for permission to bring some old equipment to auction. The first piece of equipment is a 1984 dump truck with a plow and other attachments. It was moved by Schreck, seconded by Buyck and carried unanimously to bring the 1984 dump truck and attachments to auction. Next was the John Deere tractor used at the airport. It was moved by Olson, seconded by Schreck and carried unanimously to approve selling the old John Deere Tractor at auction as well.

Wolfington discussed Chapter 119: Sidewalk Cafes of the City of Benson Ordinances. He said originally the ordinance had an expiration date built into it so if the sidewalk cafes didn't flourish, then there would no longer be a need for this ordinance. However, it has been used by different eating

establishments over time, and he said he would like to remove “§ 119.10 Expiration Date “from this chapter. After discussion, it was moved by Evenson, seconded by Schreck and carried unanimously to approve the Reading of a Revision to Chapter 119: Sidewalk Cafes.

Next Wolfington reviewed the 2020-2021 budget assumptions. He said we usually have a certificate from the State on expected Local Government Aid payment to us, but we still do not have this. He went on to say he feels the State may be in financial trouble and discussed possible scenarios and strategies with aid and budgets. He talked about the City’s budget and proposed a 0% increase for 2021.

It was moved by Evenson, seconded by Schreck and carried unanimously to approve the bills and warrants in the amount of \$884,202.59.

Next Wolfington said with the ongoing construction at the water plant, and the dry weather, the plant is experiencing difficulties keeping the water tower full. Last weekend, there was a fire call in the country and keeping up with water demand was difficult. Crews noted that the aquafer is down 5’. We are currently needing to back wash the filters twice a day which uses a lot of water. Wolfington went on to say he would like to ask for voluntary water conservation out of the residents rather than put a watering ban on. He wants to run ads in the paper, on the radio and on social media. Wolfington then requested a Utility Board meeting to discuss the possible expansion of the water plant.

There being no further business to come before the Council a motion was made by Evenson, seconded by Schreck and carried unanimously to adjourn the Council meeting at 6:47 p.m.

Mayor

City Clerk