

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
JUNE 17, 2019**

The meeting was called to order at 5:30 p.m. by Mayor Collins. Members present: Jack Evenson, Terri Collins, Jon Buyck, Mark Schreck & 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, Police Sergeant Paul Larson, Chuck Wilson and Brenda Parsley with Conway, Dueth and Schmiesing.

The Council recited the Pledge of Allegiance.

Mayor Collins asked for any changes or additions to the agenda. A Letter of Extension for Brightmark Energy was added. It was moved by Evenson, seconded by Schreck and carried unanimously to approve the amended agenda.

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

- 5.20.2019 City Council Minutes
- 5.6.2019 Planning Commission Minutes
- Gambling Permit – Benson Lions Club – 8.20.2019 Bingo Event
- Charter Communications Upcoming Changes
- League of MN Cities Member Dues Increase
- \$500 Benson Hockey Assn C/O Benson Liquor Store – Roosevelt Park Playground Equipment Donation
- \$12 Colleen Burns Klang – Tee Shirt - Beautify Benson Donation
- \$750 Herfindahl Farm Cemetery Stone Leveling Donation
- \$72 Terri Collins Tee Shirts – Beautify Benson Donation
- Electronic Transfer to Payroll - May 23, 2019 - \$84,632.92
- Electronic Transfer to Payroll - June 6, 2019 - \$114,474.93

The Mayor asked for people with unscheduled business. Chuck Wilson addressed the dilapidated home next to his at 810 Kansas Avenue. He said he has lived there for 5 years and the yard has always been full of garbage. When the owner gets a letter from the City he barely cleans it up, then it is back to the same mess. The current renter, who is moving out the end of this month, told Mr. Wilson the crawl space has 6-8” of water standing in it, that there are kids living there and he believes there is mold in the home. He further described oil laying on the ground, and that he has killed rats coming from the property. The Mayor said they have to pursue cleaning up the property through the legal channels, and encouraged Mr. Wilson to talk to Sergeant Larson about the property. Sergeant Larson said there is an active investigation there, and a citation will be issued tomorrow on this property. The Mayor thanked Mr. Wilson for coming.

Next was a Catering notification for Brink’s Beer Joint and Grill, LLC to cater alcohol and food to the Saturday night Kid Day festivities at Ambush Park. Owner Ben Honnebrink included a certificate of insurance with his application. Pederson explained it is not a liquor license but an authorization request to serve alcohol in a City Park. After discussion, it was moved by Olson, seconded by Buyck and carried unanimously to approve liquor consumption and sales at Ambush Park on July 20, 2019.

Next Wolfington discussed the Fire Department Insurance Standards Office (ISO) rating. Our rating dropped one degree, which was surprising to us. The report is being reviewed now, and we have

one year to appeal the rating. Wolfington will be meeting with the Fire Chief to review the report. Councilmember Schreck said he and Evenson are on the fire board and offered to meet as well if needed.

Brenda Parsley with Conway, Dueth and Schmiesing presented the 2018 Annual Audit Report. Parsley concluded the City had a clean audit. The Council thanked Parsley for the report.

Next was consideration of authorizing an engineering study for the wastewater treatment plant. Wolfington went on to say last fall the Council toured the Wastewater Plant, examining the filters that are in need of replacement and can no longer be repaired. The project will cost about \$1.5 million. Options for paying for the upgrade will be either to borrow the money or use the Xcel grant dollars. The engineering study will benefit plant and future economic development. Olson asked if it would be possible to do an engineering study to plan for Brightmark project needs. Wolfington said he would rather wait for their requirements before asking for engineering for that project. He reassured the Council the filter plant rehabilitation will be engineered to survive future economic development expansion. After discussion, it was moved by Evenson, seconded by Olson and carried unanimously to approve authorizing the engineering study with Stantec Engineering not to exceed \$25,700.

Wolfington presented the 2 bids that came in for the airport arrival/departure building rebidding. The bids were as follows:

Hasslen Construction - \$679,300

Kalcon, LLC - \$679,100

Wolfington said engineer estimates for the building were \$500,000. This project is federally and state funded at 95%. Bids are good for 60 days. After discussion, it was moved by Evenson, seconded by Olson and carried unanimously to approve the bid from Kalcon, LLC in the amount of \$679,100.

Wolfington informed the Council a new distributed generation workbook for Minnesota members has been released. Some changes are the Energy Star Services streamlined process for municipal and cooperative utilities based on MPUC standards. Also changed is the interconnection process under state law for solar power for example. After discussion, it was moved by Buyck, seconded by Schreck and carried unanimously to approve the new Distributed Generation Workbook.

Next Wolfington discussed a notice he received from MRES in reference to the Midcontinent Independent System Operator (MISO) emergency callout on January 30, 2019. Wolfington said we were called on to generate with all of our engines that day. It was during the polar vortex and temperatures were -30 F. We were called at 8:30 a.m. that morning to generate and we could not get two of the engines to start. We are obligated to report this information to MRES. We discovered the electric heaters in the power plant were struggling to keep up warming the building that day. The problem, they discovered had to do with a switch on the generators, and procedures have been changed, and we will be adding gas heaters to the plant. We haven't received any fines for failure to operate all the generators.

A request for funds to support the Senior Nutrition Program was next. The meal site location has changed to McKinney's, and the program has also purchased a truck to keep food warm as they distribute meals to shut ins. After discussion, it was moved by Evenson, seconded by Schreck and carried unanimously to invite Angela Nissen, program manager to the next City Council Meeting to discuss the program further, and to table this item until the July 1, 2019 meeting.

Next was a request for 3 adult, 3 teen and 3 child day passes at the Benson Swimming Pool for the Mayor's Mingle Beautify Benson Fundraiser. It was moved by Evenson, seconded by Schreck and carried unanimously to approve donating the pool passes for the Mayor's Mingle.

Wolfington informed the Council the elevator located at 1505 Atlantic Ave. is abandoned, the doors are open and windows are broken out. Councilmember Evenson offered the following resolution:

**EMERGENCY RESOLUTION TO SECURE VACANT BUILDING**

**(RESOLUTION NO. 2019-09)**

WHEREAS, the City Council has received the report of the City Chief of Police regarding the grain elevator located at 1505 Atlantic Avenue in Benson, Minnesota legally described as:

- Parcel 1: Commencing at that point on the section line between Sections Five (5) and Six (6), Township One Hundred Twenty-one North (121N), Range Thirty-nine West (39W) where said section line intersects the South line of Atlantic Avenue in the City of Benson, as shown on the recorded Plat of the City of Benson on file in the office of the Registrar of Deeds of said Swift County, and running Westerly along the Southerly line of said Atlantic Avenue two hundred (200) feet, thence Southerly and at a right angle to said first line seventy-five (75) feet, thence Easterly and parallel to said first line to the said section line between Sections Five (5) and Six (6) aforesaid, thence North along said section line to the place of beginning, being a part of the Northeast Quarter of the Southeast Quarter (NE ¼-SE ¼) of Section Six (6), Township One Hundred Twenty-one North (121N), Range Thirty-nine West (39W), Swift County, Minnesota
- Parcel 2: Commencing at a point on the South line of Atlantic Avenue in the City of Benson, according to the recorded plat thereof, two hundred (200) feet Westerly of the intersection of said South line of Atlantic Avenue with the Section line between Sections Five (5) and Six (6), Township One Hundred Twenty-one North (121N), Range Thirty-nine West (39W), and running thence Westerly along the South line of Atlantic Avenue a distance of one hundred (100) feet; thence Southerly at a right angle to said Atlantic Avenue a distance of Seventy-five (75) feet; thence Easterly on a line parallel to the South line of said Atlantic Avenue a distance of one hundred (100) feet; thence Northerly to the place of beginning, in Morris and Payte's Addition to the City of Benson and also being a part of the Northeast Quarter of the Southeast Quarter (NE ¼-SE ¼) of Section Six (6), Township One Hundred Twenty-one North (121N), Range Thirty-nine West (39W), Swift County, Minnesota

WHEREAS, the City Council has determined, based on said report, that the building is vacant and unoccupied and is deemed hazardous due to the fact that it is unsecured and open to trespass, and;

WHEREAS, the structures on the property pose and imminent and serious hazard to human life or safety because the building is open to children, transients or others because of structural weaknesses, an infestation of vermin, and hazardous materials, and;

WHEREAS, there is evidence that unauthorized persons have been entering the property, and;

WHEREAS, in order to prevent imminent injury or loss of human life, these structures must immediately be secured,

NOW THEREFORE, pursuant to Chapter 97 of the City of Benson Code of Ordinances, The City Council of the City of Benson, Minnesota resolves:

1. That an emergency exists with respect to the health and safety of persons in the community regarding the structures located at 1505 Atlantic Avenue in Benson which requires the immediate boarding and securing of the building, and where danger will exist to children, transients or others in the absence of an immediate boarding or securing of the building,
2. That City officials shall immediately abate this hazard by taking any and all steps necessary to properly secure the hazardous structure,

3. That notice of these steps shall be mailed immediately to the address of the owner of record and any recorded lienholder of the property pursuant to § 97.05(B)(2) of the City of Benson Code of Ordinances,

That all costs related to the boarding, inspecting, and monitoring of the building, as well as all notice related costs, be assessed against the property as provided in § 93.04 of the City of Benson Code of Ordinances.

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Collins, Buyck, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2019-09 duly passed and adopted.

Next was discussion on the annual population forecast for Benson by the Minnesota State Demographic Center. Their population estimate for Benson is down by 26. The census is coming in 2020 and the County and City have begun work gearing up for it.

Wolfington presented a letter from the Minnesota Pollution Control Agency, summarizing the eutrophication standards in rivers. There was an appeal of previous testing standards used to determine water quality discharged into rivers. The appeal was for better, more accurate testing which could lead to less expense by cities. They have agreed to review these tests and provide a response.

Next was a service agreement with the Band Boosters who are volunteering to water the flower pots in town in exchange for a \$10,000 donation by the City. The agreement clarifies the volunteer status and outlining that drivers must be 18 years of age. It was moved by Evenson, seconded by Buyck and carried unanimously to approve the service agreement with the Band Boosters as presented.

It was moved by Schreck, seconded by Olson and carried unanimously to allow the Prom Afterbash using the Armory for their prom event free of charge on April 25, 2020.

Councilmember Evenson offered the following resolution:

**POLICE OFFICER DECLARATION  
(RESOLUTION NO. 2019-10)**

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED that the City Council of the City of Benson hereby declares that the position titled Part-Time Police Officer, currently held by Rhiann Schmidt meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Collins, Buyck, Olson. NAYES: None. Thereupon the Mayor declared Resolution 2019-10 duly passed and adopted.

Next was a letter of intent with Brightmark Energy. Wolfington explained the current agreement is about to expire the end of the month, and they are asking for a 90 day extension. He stated there is no guarantee the project will happen, but it's moving in the right direction. It was moved by Buyck, seconded by Olson and carried unanimously to authorize the Mayor to sign the letter of agreement extending the deadline to September 26, 2019.

It was moved by Evenson, seconded by Schreck and carried unanimously to approve the bills and warrants in the amount of \$692,336.05.

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 6:34 p.m.

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Mayor

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City Clerk