

**MINUTES - BENSON CITY COUNCIL REGULAR MEETING  
CITY HALL  
JUNE 20, 2022**

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 Glen Pederson, Public Works Director Dan Gens, Melissa Thompson and Dan Enderson from Swift County Benson Healthservices, Kari Steinbeisser with CDS, Reed Anfinson from Swift County Monitor News and Mitchell Levesque. Telephonically Jesper Ascanius Kjersgaard Nielsen & Bob Peplin with Nature Energy Benson, Katelyn Skornia with Arcadis, Phil Carlson with Stantec, Liza Donnabauer with David Drown and CEDA Representative Hillary Tweed.

The Council recited the Pledge of Allegiance.

The Mayor called the meeting to order at 5:30 p.m. She asked for any changes to the agenda. A pay request from Magney Consruction, Music in the Park and Personnel Committee was added. It was moved by Evenson, seconded by Buyck 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 6, 2022 City Council Minutes
- May 5, 2022 Planning Commission Minutes
- League of Minnesota Cities Dues Increase for 2022-2023
- Bioeconomy Coalition of Minnesota Dues - \$2,500
- DNR – Recreational Trail Resurfacing Grant Denial
- Electronic Transfers:
  - Payroll: June 16, 2022 - \$101,656.03
  - Journal Entries: April 2022 - \$920,145.32
  - May 2022 - \$1,830,046.52

There was no one with unscheduled business.

Enderson and Thompson approached the Council to present overall summaries of costs and a reimbursement request for their capital projects for the Omnicell upgrade, Emergency Department renovation and roof repairs. This is in reference to the 2-year agreement with Swift County-Benson Healthservices the Council extended at their last meeting. He went on to say the next project is another HVAC project in the OR which could be around \$500,000. After discussion, it was moved by Schreck, seconded by Evenson and carried unanimously to approve the reimbursement to Swift County-Benson Healthservices in the amount of \$471,006.12 for the aforementioned projects. Enderson thanked public works for working with them on the road project in front of the Hospital.

The Mayor called on Kari Steinbeisser to present the City Audit for 2021. Steinbeisser went through a power point presentation showing changes in fund balances from the prior year. Their audit report shows an unqualified opinion. She said there will be a new required report for next year on leases the City may have, and that everything is going well for the City. A motion was made by Olson and seconded by Buyck to accept the 2021 Audit for the City of Benson. The following vote was taken: AYES: Olson, Schreck, Buyck, Collins, Evenson. NAYES: None. The motion carried unanimously.

Next Phil Carlson with Stantec summarized the Conditional Use Permit (CUP) application made by Nature Energy. He went on to say the Planning Commission reviewed the CUP at the continued Public

Hearing at noon today with a list of conditions and findings. He said the Planning Commission recommended approval. Councilmember Buyck offered the following resolution:

**CITY OF BENSON, MINNESOTA  
CITY COUNCIL RESOLUTION 2022-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENSON, MINNESOTA  
APPROVING THE REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW AN  
ANAEROBIC DIGESTOR AND NUTRIENT RECOVERY FACILITY ON THE PROPERTY  
LOCATED AT 900 INDUSTRY DRIVE, BENSON, MINNESOTA**

WHEREAS, the applicant, Nature Energy US Ventures 1, LLC (NEB or Applicant), seeks a Conditional Use Permit under City Code Sec. 154.78 to allow an anaerobic digester and nutrient recovery facility to produce, store, sell, and distribute natural gas, located in the I-3 Special Industrial District; and,

WHEREAS, the Planning Commission conducted a public hearing on June 20, 2022, and received public testimony regarding the proposed Conditional Use Permit; and

WHEREAS, all required notices regarding the public hearing were properly made; and

WHEREAS, the Planning Commission has reviewed the request and recommended approval of the Conditional Use Permit with conditions; and

WHEREAS, the City Council reviewed the Conditional Use Permit request and Planning Commission recommendation at its meeting on June 20, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENSON, MINNESOTA, that it adopts the following findings of fact related to the requested Conditional Use Permit:

- 1) The subject is zoned for industrial uses and the basic use of the property proposed by NEB is reasonable and appropriate.
- 2) The safety and convenience of traffic through the City is a compelling public interest. Regulating the route through the area for large numbers of heavy trucks carrying odorous materials in a reasonable concern.
- 3) Protection of wetlands, floodplain, and the ditch is a vital public interest and review of impacts is a reasonable and appropriate City concern.
- 4) Management of stormwater runoff and erosion is a vital public interest and a reasonable and appropriate City concern.
- 5) The appearance and function of the site in terms of landscaping and plant materials is an appropriate public interest.
- 6) Light spillage from industrial facilities can be a significant nuisance and regulation of such lighting is a reasonable public concern.
- 7) Careful consideration of the height of structures in the City is a reasonable concern for safety and aesthetic reasons.
- 8) Protecting nearby residents from noxious odors is a reasonable City concern.

- 9) Having systems in place to protect property and persons from fire, and to suppress them if they occur, is a vital and appropriate public interest.
- 10) Noise from industrial facilities can be a significant issue for nearby residents. Regulating noise to certain reasonable levels is an appropriate public interest.
- 11) Dust from construction activities and industrial operations can be a significant aesthetic and health concern and is a reasonable issue for City regulation.
- 12) The project as proposed following the approved conditions meets the criteria for approving a Conditional Use Permit in Sect. 154.178(4) of the Benson zoning code.

BE IT FURTHER RESOLVED that the Conditional Use Permit to allow an anaerobic digester and nutrient recovery facility to produce, store, sell, and distribute natural gas at 900 Industry Drive is hereby approved with the following conditions:

- 1) The Conditional Use Permit addresses various site conditions related to the main use of the facility to produce, store, sell, and distribute natural gas and is approved if it follows the site plan and conditions.
- 2) Truck traffic to and from the site will follow routes to be agreed to by NEB as reviewed and approved by the City Administrator and City Engineer.
- 3) The wetlands on the site will be delineated completely on a final site plan and the impacts to the wetland and to the floodplain on site will be reviewed and approved by the City Engineer prior to issuance of a building permit.
- 4) Stormwater management, grading, drainage, and erosion control plans will be prepared to be reviewed and approved by the City Engineer prior to issuance of a building permit.
- 5) Impacts to the ditch through the property, both upstream and downstream, will be reviewed and approved by the City Engineer prior to issuance of a building permit.
- 6) Plans for connection to City utilities will be reviewed and approved by the City Engineer prior to issuance of a building permit.
- 7) Landscape plans will be provided for all affected areas of the site, to be reviewed and approved by the City Planner and City Engineer prior to issuance of a building permit.
- 8) All site lighting will be downcast cutoff type fixtures that allow no more than 1 foot candle at eye level to spill beyond the property line. Lighting required for aircraft safety by State or federal regulations for tall structures are exempt from this requirement.
- 9) The height of the stack and other structures on site are approved through this Conditional Use Permit if deemed to be similar to the preliminary plans presented, to be reviewed and approved by the City Engineer prior to issuance of a building permit.
- 10) The facility will provide the proposed treatment for odors in the CUP narrative provided by the applicants and will at all times meet applicable regulations.
- 11) The applicant will submit a fire protection system plan for the facility to be reviewed and approved by the Fire Chief and City Engineer prior to issuance of a building permit.

- 12) Noise from the facility, both during construction and once under operation, will not exceed 55 dBA nighttime (10 pm – 7 am) and 60 dBA daytime (7 am – 10 pm) standards as measured at the nearest residential use in place at time of construction of the NEB facility.
- 13) Dust from construction activities will be controlled with a plan to be reviewed and approved by the City Engineer prior to issuance of a building permit.

Councilmember Evenson seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Olson, Collins, Buyck, Schreck. NAYES: None. Thereupon the Mayor declared Resolution 2022-11 duly passed and adopted. Carlson said building plans will be submitted, and ditch work will be submitted to the Army Corp of Engineers for approval. He went on to say he looks forward to seeing this project move forward. Nielsen thanked the City Council for their consideration and looks forward to working with the City and Stantec with their project.

Next Donabauer said she is ready to move forward on the City Manager search. She said the City Council has done some work on modifying the salary range and staff has made a few changes which is reflected in the profile before the Council. She asked for any changes to be made now as we are ready to start advertising tomorrow. There being no changes, it was then moved by Evenson, seconded by Schreck and carried unanimously to approve the profile as presented.

Pederson presented a delegate appointment from Minnesota Municipal Utilities Association (MMUA). The delegates have not been updated for a while, and we can appoint up to 5 members. This allows the delegates to vote on issues facing MMUA. After discussion it was moved by Schreck to appoint Buyck, Olson and Pederson. The motion was seconded by Evenson and carried unanimously.

Next was a training opportunity put on by Homeland Security and Emergency Management in Appleton for senior official training. If any councilmembers are interested they should contact staff.

Pederson presented two pay requests from B.G. Amundson. The first pay request was for tree hauling to the City dump site from the May 12, 2022 storm. It was moved by Evenson, seconded by Buyck and carried unanimously to approve the pay request from B.G. Amundson in the amount of \$6,110.00. The second pay request was for work at the dump site. Gens said the stumps from the East Pacific Avenue road project were so large along with the amount of debris from the storm, our equipment wasn't large enough to perform the work. They piled the stumps and cleaned up the site. It was then moved by Olson, seconded by Evenson and carried unanimously to pay B.G. Amundson in the amount of \$14,880.00.

Pederson is requesting raising the credit limit on his credit card from \$5,000 to \$10,000. He said the only reason for his request is because of Kid Day. Most purchases are made with his credit card, and recently he had expenses for the elevator demolition on the credit card which left him with a \$2,000 available balance. He said this is strictly for Kid Day and no other reason. After discussion it was moved by Olson, seconded by Buyck and carried unanimously to approve raising the City Manager's credit card limit to \$10,000.

Pederson presented a pay request from Magney Construction for work they have done on the anaerobic digester. Gens recapped the project. He said all has gone well and recommended approval. It was then moved by Olson, seconded by Buyck and carried unanimously to approve pay request #4 from Mangey Construction, Inc. in the amount of \$254,917.53.

Next the Mayor discussed a request for Music in the Park. Evenson said it is in the budget we can spend up to \$3,500 a year. Our request is for \$1,600. Currently there are 3 non-profits that are going to set up food fundraising for this project. With the help from CEDA representative Sarah Weese we have 3 bands set up for July 7, August 4 and September 1, 2022. If approved and the music in the park goes over

well, we will try 2 a month next year. It was moved by Buyck, seconded by Schreck and carried unanimously to approve allocating up to \$3,500 for music in the park for 2022.

Mayor Collins announced that she will be stepping down from the Personnel Committee, due to scheduling conflicts and that Councilmember Evenson agreed to take her spot. It was moved by Buyck, seconded by Olson and carried unanimously to appoint Evenson to the Personnel committee.

It was moved by Evenson, seconded by Olson and carried unanimously to approve the bills and warrants in the amount of \$925,154.08.

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 6:11 p.m.

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Mayor

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City Clerk