

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
JULY 1, 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, Police Chief Ian Hodge, Chuck Wilson, Prairie Five CAC Manager Angela Nissen, Swift County RDA Director Jen Frost, UMRDC Representative Laura Ostlie, Building Official Mike Jacobson and Roxy Lewis.

The Council recited the Pledge of Allegiance.

Mayor Collins asked for any changes or additions to the agenda to which there was none. It was moved by Evenson, seconded by Buyck and carried unanimously to approve the agenda.

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

- June 17, 2019 City Council Minutes
- June 19, 2019 Special City Council Minutes
- April 15, 2019 EDA Minutes
- April 24, 2019 Special EDA Minutes
- April 24, 2019 Cemetery Board Minutes
- Miaoyan Tan - \$200.00 - Beautify Benson
- Electronic Transfer to Payroll - June 20, 2019 - \$105,616.33
- Electronic Journal Transfer - May 2019 - \$2,277,336.08

The Mayor asked for people with unscheduled business to which there was no one.

Angela Nissen approached the Council. She handed out brochures on the Senior Nutrition program. It is fundraising time for them and she said letters were sent out to large businesses, churches, Cities and community foundations in the County. She stated the suggested meal cost at the nutrition site is \$4.50, but not all consumers donate that much if anything. The purpose of the fund raising is to close the gap between how much it costs for the food and how much in donations they are receiving so they can continue to offer the program. When asked Nissen responded they serve residents at Parkview Manor, Westwood Manor, Senior dining site, deliver to Appleton and offer frozen meals, as well as take out. They have obtained a hot/cold truck and hope to reach those residents in rural areas to help them stay in their homes longer. The Mayor asked Pederson if there is any money earmarked in the budget for requests like this. He said no, but there is the contingency fund and unallocated fund. It was moved by Schreck, seconded by Olson and carried unanimously to table the request until Pederson can run the budget numbers.

The Mayor opened the Public Hearing on the Small Cities Grant at 5:42 p.m. Ostlie approached and recapped the latest grant the City received. There are 20 owner/occupied applications and 6 business applications in the works. A total of \$850,000 impacts the Benson area with this program in local labor and supplies. Lewis asked how the area focused on is chosen. Ostlie explained the survey process which determines where the grants will be extended to. She explained there is another program in the works that will be County wide and to watch for this to happen in the future.

Frost approached the Council to give a housing study report. She reviewed the highlights and noted there has been a total estimated loss of 5 households in Benson since 2010. The recommendations

from the study for Benson are 8-12 rental houses, subsidized housing to include senior housing, and a large rental apartment complex.

Next the Council discussed the Benson Golf Club serving the beer garden at Ambush Park for the MS Bike-a-Thon coming to Benson on July 25, 2019. The Mayor said there will be 500 bikers coming to Benson, the Fire Department will be cooking along with some other groups. The beer garden was discussed. It will be fenced off, and the Firemen along with Benson Police Department will be checking ID's. After discussion, it was moved by Evenson to approve liquor sales and consumption in Ambush Park by the Benson Golf Club for the Bike-a-Thon event only at the designated fenced area contingent on the Golf Club presenting an extended insurance certificate. This motion was seconded by Olson and carried unanimously.

The Mayor closed the public hearing at 6:07 p.m.

Jacobson Larson and Wilcox presented a report to the Council on a dilapidated property at 810 Kansas Ave. The tenant called with concerns about the residence and invited Larson and Jacobson inside. Jacobson reported on the numerous structural issues in disrepair. The Council was presented with pictures of the building. Larson spoke to the outside nuisance issues in the yard that have been placed behind the fence. Wilcox drafted a resolution and order for repair based on City Ordinance 97.04 which he reviewed. Jacobson said there are several infractions of the ordinance to include make-shift plumbing, natural gas and electrical wiring, a furnace and water heater in the basement standing in water to name a few. After discussion, Councilmember Schreck presented the following resolution:

**RESOLUTION TO ORDER RAZING AND REMOVAL OF HAZARDOUS BUILDING
(RESOLUTION NO. 2019-11)**

WHEREAS, the City Council has heard the report of the City Building Inspector regarding the property located at 810 Kansas Avenue, Benson, Minnesota legally described as follows:

Beginning at a point on the Easterly prolongation of the North line of Block Five (5) in the Original Townsite of the City of Benson, Two Hundred Feet (200') Easterly on said prolongation of the intersection of an Easterly prolongation of the said North line of said Block Five (5) with the East line of Ninth Street in the City of Benson; thence running in an Easterly direction on the Easterly prolongation of the North line of said Block Five (5) a distance of Eighty-five feet (85'); thence running in a Southerly direction on a line parallel with the East line of Ninth Street in the City of Benson a distance of One Hundred Thirty feet (130'); thence running in a Westerly direction on a prolongation of the South line of said Block Five (5) a distance of Eighty-five feet (85'); thence running in a Northerly direction on a line parallel to the East line of said Ninth Street in the City of Benson a distance of One Hundred Thirty feet (130') to the place of beginning, and all being a part of the Southeast Quarter of the Southwest Quarter (SE ¼-SW ¼) of Section Five (5), Township One Hundred Twenty-one (121), Range Thirty-nine (39), Swift County, Minnesota.

WHEREAS, the City Council has determined, based on said report, that conditions currently exist in the house on the above described property which make said building dangerous or substandard,

NOW THEREFORE, pursuant to Chapter 97 of the City of Benson Code of Ordinances and Minnesota Statutes, chapter 463, The City Council of the City of Benson, Minnesota resolves:

1. That the house located on the above described property is a dangerous or substandard building according to the definitions provided by the City of Benson Code of Ordinances, chapter 97 and Minnesota Statutes, chapter 463.

2. That an order to repair said conditions on the above described property or raze and remove the house be served upon the owners and tenants of the above described property in accordance with the City of Benson Code of Ordinances, chapter 97.
3. That along with said order, the owners, tenants and any lienholders of the above described property will be served with notice of a hearing at which the Council will consider any evidence offered by the person or persons having any estate or interest in the above described structure.

Councilmember Evenson seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Collins, Buyck, Olson, Schreck. NAYES: None. Thereupon the Mayor declared Resolution 2019-11 duly passed and adopted.

It was moved by Evenson, seconded by Buyck and carried unanimously to set a public hearing on 810 Kansas Avenue for July 22, 2019 at 5:30 p.m. in the City Council Chambers. The motion carried unanimously. This will allow citizens and the property owner to present their concerns either for or against the Council's findings.

Wolfington presented a proposed resolution from Charter Communications. Councilmember Evenson offered the following resolution:

**A RESOLUTION GRANTING CHARTER COMMUNICATIONS
A FRANCHISE EXTENSION TO JANUARY 31, 2020
(RESOLUTION NO. 2019 -12)**

WHEREAS, on or about July 14, 2003, the City of Benson, Minnesota ("City") granted a Cable Television Franchise Ordinance ("Franchise") to CC VIII Operating, LLC d/b/a Charter Communications ("Charter"); and

WHEREAS, the initial term of the Franchise expired on or about September 18, 2013; and

WHEREAS, the City adopted Resolution No. 2013-14 on August 19, 2013 extending the term of the Franchise through and including September 19, 2014; and

WHEREAS, Charter executed said Resolution No. 2013-14 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2014-13 on September 8, 2014 extending the term of the Franchise through and including March 31, 2015; and

WHEREAS, Charter executed said Resolution No. 2014-13 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2015-04 on March 2, 2015 extending the term of the Franchise through and including August 31, 2015; and

WHEREAS, Charter executed said Resolution No. 2015-04 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2016-06 on February 22, 2016 extending the term of the Franchise through and including July 18, 2016; and

WHEREAS, Charter executed said Resolution No. 2016-06 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2016-18 on July 18, 2016 extending the term of the Franchise through and including December 31, 2016; and

WHEREAS, Charter executed said Resolution No. 2016-18 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2016-41 on December 19, 2016 extending the term of the Franchise through and including June 30, 2017; and

WHEREAS, Charter executed said Resolution No. 2016-41 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2017-12 on July 10, 2017 extending the term of the Franchise through and including December 31, 2017; and

WHEREAS, Charter executed said Resolution No. 2017-12 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2018-03 on January 2, 2018 extending the term of the Franchise through and including June 30, 2018; and

WHEREAS, Charter executed said Resolution No. 2018-03 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2018-14 on August 6, 2018 extending the term of the Franchise through and including December 31, 2018; and

WHEREAS, Charter executed said Resolution No. 2018-14 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2018-24 on November 19, 2018 extending the term of the Franchise through and including June 30, 2019 and

WHEREAS, Charter executed said Resolution No. 2018-24 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, both the City and Charter desire to extend the term of the Franchise to facilitate renewal negotiations under state and federal law.

NOW, THEREFORE, the City Council of the City of Benson, Minnesota hereby resolves as follows:

1. The Franchise is hereby amended by extending the term of the Franchise from July 1, 2020 through the date on which Charter's Franchise is either renewed or until and including January 31, 2020.
2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.
3. The City and Charter hereby agree that neither waives any rights either may have under

the Franchise or applicable law.

4. This Resolution shall become effective upon the occurrence of both of the following conditions: (1) The Resolution being passed and adopted by the Benson City Council; and (2) Charter's acceptance of this Resolution.

Councilmember Buyck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Collins, Buyck, Olson, Schreck. NAYES: None. Thereupon the Mayor declared Resolution 2019-12 duly passed and adopted.

Wolfington recapped the June 19, 2019 Special City Council listening session on the Hawleywood flood plain options. He said he received a proposal from Landteam to update the 2013 study at a cost of \$8,900. Updating will give the homeowners in the floodplain a number of how much it will cost each homeowner for the project. He said Swift County applied for disaster relief from the President of the United States and received the disaster declaration. Benson included. The City has submitted their \$40,000 in flood fight expenses for 2019. He discussed the meeting he has with BNSF Railroad on July 10 with the BNSF property manager. The Hwy 9 Bridge will be discussed. It is projected in the 2013 Hydro study if this bridge is obstructed during the spring thaw, the flood plain could in theory be extended to 18th St. N. There was discussion why do the study over. It was the consensus of the Council the study needs to be updated in order to move forward with costs to homeowners in today's dollars and possible grant applications to improve water flow at the bridge. It was moved by Evenson, seconded by Buyck and carried unanimously to commission Landteam to move forward with the northwest area levee revisions in the amount of \$8,900.00

Ostlie approached the Council to discuss a request for support for the Western Minnesota Prairie Waters program. She discussed the benefits associated with the membership and all the resources available. Past contributions were discussed. It was then moved by Olson, seconded by Evenson and carried unanimously to approve a 2020 membership to Western Minnesota Prairie Waters Program in the amount of \$5,358.

Next was a pay request from O'Day Equipment for the above ground dual fuel system installation at the Airport. Gens said the old system is out of commission, the new system is in and operational. It was moved by Evenson, seconded by Buyck and carried unanimously to approve pay request #1 from O'Day Equipment, LLC in the amount of \$48,000.

The arrival/departure building at the airport is moving forward. They have been working with Marshall to use their allocation from the Office of Aeronautics toward our project this year, and they will use our allocation next year. This trade will allow us to use funds for our project this year.

Prairie Five Community Action Council informed the City they will not be increasing their request for transit operating expenses, but will be going for a 2 year contract instead of a 3 year contract.

Wolfington presented a letter from the Minnesota Department of Agriculture of the contingent closure for agricultural chemical incident remedial investigation and site remediation at the Benson Market site. He explained the contingencies on the property if it will ever be developed.

Next Wolfington announced the Railroad CRISI Grant the City applied for to use on Gustie's road was denied. He said this is the 3rd grant applied for and denied for Gustie's road. He went on to say Staff is gathering information on possibly doing some drainage and road work in house.

Next Gens presented a Capital Authorization Request for a tack trailer for fixing pot holes. The current tack trailer is in bad shape, and doesn't always work accurately or at all at times. This piece of equipment is used frequently. Gens stated they are purchasing this piece of equipment in place of a couple other budgeted items. After discussion it was moved by Olson, seconded by Schreck and carried unanimously to purchase a new tack trailer from Ziegler Cat in the amount of \$13,700.

Wolfington recapped the League of Minnesota Cities conference he and several Councilmembers attended.

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 6:56 p.m.

Mayor

City Clerk