

**MINUTES - BENSON CITY COUNCIL REGULAR MEETING
CITY HALL
JULY 15, 2024**

The meeting was called to order at 5:30 p.m. by Mayor Evenson. Members present: Jack Evenson, Nancy Maanum and Gary Landmark, Dan Enderson. Members Absent: Chris Carruth. Also present: City Clerk Valerie Alsaker, Director of Finance Lisa Kent, City Manager Kyle Harris, City Attorney Don Wilcox, Police Chief Ian Hodge, Mark Schreck, MRES Delegate Rob Wolfington, LeAnn Simonson, Chris Gardner and Sheila Krohse with Bolton and Menk, City of Benson Wastewater Employees Adam Lindahl and Jason Deming, City Engineering Students Addi DeToy and Molly Jones, CEDA Representative Laura Mitteness, Police Officer Luke Seafolk, Becky Lysen, Samantha Johnson and Reed Anfinson.

The Council recited the Pledge of Allegiance.

Alsaker swore City Council Appointee Gary Landmark in as Councilmember. He will fill out the remainder of Mark Schreck's term, which ends December 31, 2024.

Mayor Evenson added Appoint Liquor Store Manager to the agenda. It was moved by Maanum, seconded by Landmark and carried unanimously to approve the amended agenda.

Mayor Evenson called for a motion to approve the consent agenda. Enderson spoke up to a change in the July 1, 2024 minutes referencing his comments on the City's assistance to the hospital. Alsaker said she would make that change. It was moved by Maanum, seconded by Landmark and carried unanimously to approve the following items on the consent agenda:

- Agralite Annual Report
- WAPA – Drought Adder Reduction 2025
- Pioneerland Library System 2025 Budget Request- \$107,674
- Inspectron Inc. Pay Request - Building Official 2nd Quarter fees - \$16,481.88
- Dooley's Petroleum Pay Request for AV Fuel - \$18,280 (with discount)
- Heiman Inc. Pay Request for the 2024 Rosenbauer Commander Fire Truck Chassis \$280,786.00(with discount)

There was no one with unscheduled business.

Mayor Evenson called on Mark Schreck to approach the Council. He thanked him for his many years of service to the City of Benson, and to his invaluable contributions to the Benson City Council. He presented a flag to him in appreciation.

Simonson approached on behalf of the Kid Day Committee to ask the City Council for an extension to the noise ordinance for the Teen Event July 20, 2024, the evening of Kid Day weekend. After discussion, it was moved by Maanum, seconded by Enderson and carried unanimously to approve the extension of the noise ordinance on Saturday, July 20, 2024 until midnight for the teen event as discussed.

There was no one with unscheduled business.

Former City Manager Wolfington approached and gave a history of the floodwall grant project. He started by saying when FEMA came to fall under the jurisdiction of the Department of Homeland Security in 2016, they updated their floodplain maps and made them digital. As it pertains to Benson, this new floodplain map put 26 homes in the north west part of town in the 100-year floodplain, along with the wastewater treatment plant. In 2017, a disaster was declared in Swift County due to flooding in the County. Benson was not affected, however Federal EDA offered grants for recovery. We met with them on a grant to replace the underground wastewater pipe coming from Fibrominn as well as build a berm at the wastewater plant to help with flood control. We dropped the wastewater pipe portion of the project as estimated costs were too high. We decided to focus on the Wastewater plant. CEDA met the grueling requirements of complying with Federal EDA grant requirements. Our little berm project morphed into a full-fledged certified FEMA flood wall engineered by the Armory Corp of Engineers per Federal EDA requirements. Meanwhile during the project, there has been several grant manager changes, four City Managers and \$200,000 in engineering fees. Wolfington went on to say if a new wastewater plant is needed down the road, flood control may be a requirement. He wished the Council good luck in their decision on how to proceed with the Wastewater Floodwall Grant Project.

Next Krohse approached the Council to talk about the dollars for the Wastewater Floodwall Grant Project. She said there were 3 bids, with the low bid coming in at \$2.7 million. The estimates were \$2.2 million. In 2019 the estimate for construction was \$1.2 million. Scope of the project changed, our grant amount is \$1.5 million and there is about a \$350,000 in local match requirement. She reached out to the Federal EDA with our bid results. They said they would like to set up a meeting with the City to explore any options of local funding. She asked do we want to pursue local options which would extend the project time line. Harris said expenses above and beyond the project are a diesel tank removal, burying power lines and engineering fees. It was decided to see if there are any possible funding options. Krohse will get back with staff in the next week to see if there are any other funds available before the August 26, 2024 deadline.

Gardner with Bolton & Menk approached to discuss the Airport Weather Observation System (AWOS) bids. MnDOT oversees all AWOS systems in the State. They have been sweeping across the State and identifying old systems. Benson's came up for replacement. There are no longer parts to support the system. This is 100% funded by MnDOT. He presented three bids as follows:

Neo Electrical Solutions	\$110,095.00
Design Electric, Inc.	\$124,770.40
Vinco, Inc.	\$152,745.00

Gardner recommended the low bid and said Neo Electrical has done good work for other Cities. After discussion, it was moved by Enderson, seconded by Maanum and carried unanimously to approve the bid from Neo Electrical Solutions in the amount of \$110,095.00.

Next was Amendment 1 to the AWOS project. Originally it was thought the road to the AWOS system would have to be designed and paved. Upon further review, the grass path maintained by the City to the AWOS was found to be sufficient and in good order. Amendment 1 is for MnDOT site visits and other MnDOT expenses. This too is 100% covered by MnDOT. It was moved by Maanum, seconded by Landmark and carried unanimously to approve Amendment 1 in the amount of \$10,000.

Samantha Johnson approached requesting an appeal on the dangerous dog designation of her dog. Council had ordered the dog be destroyed. Wilcox said the Council made the decision. The next step is to appeal. If she is ok to waive the right to the appeal process she can ask the City Council hear her appeal to reverse their decision of putting her dog down. When asked, Wilcox said if this goes to a neutral party, cost for the review are to be paid by the party that loses the decision. Johnson stated she doesn't have that

money if she loses the appeal. Johnson waived her rights for the neutral party review. She said they have put up a fence, and said they and their dog weren't home when the dog bite claim came in. She went on to say since the incident, they have accompanied their dog every time it has gone outside. She claimed she sent Ring Doorbell footage via text to Officer Seafolk showing they left the day of the bite. Officer Seafolk said he did not receive any footage. City Council agreed to have a third party investigate. Johnson said she hoped the Council would reverse their decision and left the meeting.

Next was a Conditional Use Permit for a drive through coffee shop at 1802 Atlantic Avenue. The Mayor said the Planning Commission held a public hearing at noon today to review the application. There was a neighbor to this property that attended with concerns of increased activity in the neighborhood as well as how the business would affect their property value. Enderson said this property is in the new mixed-use zone, and that the property before the new zone was created would have required a CUP as well for this type of business. Harris presented the following Planning Commission findings of facts to the Council:

1. If approved, is the CUP in compliance with the Comprehensive Plan and public facilities plans?
The Planning Commission said it is in alignment with the Comprehensive plan in encouraging the aesthetic character along the approaches into town, as well as encouraging economic development.
2. The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort?
The Commission stated the development of the empty lot will not be detrimental or endanger the public health, safety or morals of the surrounding neighborhood.
3. The use, event or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood?
The Commission felt no, and said screening on the north side of the property will help the homeowner to the north feel better about a business across the street. They didn't feel they could stay if the property values would be affected.
4. The establishment of the use, event, or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district?
The Commission felt it will not impede orderly development, but improve the area.
5. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity that is proposed?
The Planning Commission answered yes to this.
6. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located:
The Commission acknowledged the business is in compliance with the zoning ordinance for the City of Benson.

The Planning Commission recommend approval of Conditional Use Permit #24-01 to Go Set Ready to the City Council with the following conditions:

1. Proper set backs are adhered to
2. There will be screening on the north side of the property to help shield business activity to the neighbors to the north.

After further review it was moved by Landmark, seconded by Enderson and carried unanimously to approve Conditional Use permit #24-1 with the recommended conditions as presented.

With Councilmember Schreck no longer eligible to be on Council, and with Landmark's appointment, City Council Appointments were reviewed. Wilcox said he is retiring in the near future, and suggested moving Kowal from Assistant City Attorney, to City Attorney. It was then moved by Maanum, seconded by Landmark and carried unanimously to approve the following changes made to the City Council Appointments:

City Council Appointments

Chain of Command:

Jack Evenson [Mayor]
 Dan Enderson (Mayor Pro-Tem)
 Chris Carruth
 Nancy Maanum
 Gary Landmark

Airport Board [Liaison]
 Blight Committee:
 EDA: {Voting Members}
 Fire Board:
 HRA: [Voting Members]
 [Council opted to leave one spot open]
 Library Board: Council Liaison]
 Liquor Committee:
 Park Board:
 Voting Member - Council Liaison

Gary Landmark
 Dan Enderson & Chris Carruth
 Dan Enderson and Jack Evenson
 Gary Landmark and Jack Evenson
 Nancy Maanum

 Jack Evenson
 Dan Enderson and Nancy Maanum

 Chris Carruth
 [Council opted to leave this position open in 2020]

Personnel Committee:
 Planning Commission: [Voting Member]
 Utility Committee:
 Facilities Committee:
 Civic Center Board:
 Kid Day Committee:
 Hospital Board:
 Civil Cases:
 City Attorney:
 Attorney Handling Criminal Cases:
 MRES:

Dan Enderson and Jack Evenson
 Jack Evenson and Dan Enderson
 Jack Evenson & Chris Carruth
 Gary Landmark and Jack Evenson
 Dan Enderson
 Dan Enderson and Jack Evenson
 Jon Buyck, Hillary Tweed, Jill Martin

 Representative:
 Alternate:
 Western MN Municipal Power
 Representative:
 Alternate:

Stephen Kowal
 Danielle Olson

 Rob Wolfington
 Jack Evenson

 Rob Wolfington
 Jack Evenson

Wolfington approached the Council as the MRES Delegate to discuss proposed changes to enclosure B & C of the Western Area Power Administration (WAPA) Firm Electric Service (FES) Power agreement. He explained the City has three power sources; WAPA, MRES and our generators are supplemental energy sources under contract with MRES, and gave a brief description of the Country's seven power transmission organizations. WAPA is trying to update their FES agreement to reflect changes in the relationship between the Southwest Power Pool and Midcontinent Independent System

Operator regional transmission organizations. MRES legal team has assisted over 50 members in updating their exhibits and have not had any material issues or concerns with the updates to the exhibits. He went on to say over half of the members have approved the updates with the process starting a year ago. He said the proposed exhibits have no material changes in the FES price or reliability of service, and recommended approval. After discussion, it was moved by Enderson, seconded by Maanum and carried unanimously to approve the changes to the WAPA FES power agreement enclosure B and C as presented.

Next a purchase agreement for the City property at 1020 Pacific Avenue. The purchase was waiting on the update of the zoning ordinance. The Council approved the sale of the building previously. Wilcox spoke up and said City Charter requires the sale of real property to be done by ordinance, unless it is in a developmental district. Wolfington felt the entire town was placed in a development district in 1982. After discussion, it was moved by Enderson, seconded by Maanum and carried unanimously to approve the purchase agreement with confirmation of the property being located in a development district.

Hodge approached the Council. Upon recommendation of our IT Department, he would like to replace the Police Department server. It is aging out, and he would like to replace it before anything happens to it. It was moved by Landmark, Seconded by Enderson and carried unanimously to approve the replacement of the Police Department server with Morris Electronics in the amount of \$6,704.72.

Harris said with the replacement of our old electric meters, we have accumulated a large inventory of old meters. He is asking Council to recycle the old meters. It was moved by Maanum, seconded by Enderson and carried unanimously to recycle the old meters with Crow Wing Recycling.

Harris reminded Council when we went out for bituminous bids on street reconstruction, we reallocated a job from Aldrich to Minnesota Avenue on 17th St. S. to Idaho Avenue south of the Court House at the April 15, 2024 Council meeting. Staff was directed to camera the infrastructure to see if we needed to repair any underground utilities while resurfacing Idaho Avenue. Those results show water and wastewater pipes are in good shape and are not in need of replacement. Swift County will cost share in sidewalk and pedestrian ramp replacement. City crews will prepare the road, bituminous and concrete will be contracted out. Harris is asking to proceed with planning and execution of this project. It was moved by Maanum, seconded by Enderson and carried unanimously to approve proceeding forward with the Idaho Avenue street reconstruction project.

Nelson gave a slide show presentation to the Council on the Wastewater plant history, and how the plant works. Council thanked Nelson for the excellent explanation of the complex innerworkings of the plant.

Harris said it is time for the City to apply with the Minnesota Pollution Control Agency (MPCA) for their Wastewater treatment facility permit. This is a long, complicated application, which requires an engineering firm to help guide us through it. This permit application may show the City is in need of upgrades to the plant. He and Nelson reached out for requests for qualifications from four firms and three responded. After review, and meeting with the Utility Committee, he is recommending AE2S as the firm to help us with this permit. Harris is asking for approval of the Council to start negotiating the contract. The City has a 60 day check-in with the MPCA, and would like to report we are in the process of securing an engineer. The contract will be brought to Council for approval. It was moved by Landmark, seconded by Maanum and carried unanimously to approve Nelson and Harris negotiating a contract with AE2S in assistance with our wastewater permit. Harris discussed the future of the wastewater plant, and possible major upgrades.

It was moved by Maanum, seconded by Enderson and carried unanimously to approve bills and warrants in the amount of \$549,490.33.

It was moved by Enderson, seconded by Maanum and carried unanimously to accept the resignation of Liquor Store Manager, Tim Miller effective July 12, 2024.

Kent said Tom Lee is in a phased retirement at the Liquor Store, and has agreed to step into the Manager position until a new manager can be hired. Kent recommended an adjustment to his salary with his additional duties. After discussion, it was moved by Maanum, seconded by Enderson and carried unanimously to appoint Tom Lee as interim Liquor Store Manager, and adjust his pay rate to \$30.45 per hour while assuming the managerial duties.

The Mayor said we will now tour the wastewater facility, and recessed the meeting at 7:39 p.m.

The Mayor reconvened the meeting at 8:31 p.m.

There being no further business to come before the Council a motion was made by Maanum, seconded by Landmark and carried unanimously to adjourn the Council meeting at 8:32 p.m.

Mayor

City Clerk