

City Council Regular Meeting Agenda
City Council Chambers
February 10, 2014

Page

1. 5:30 p.m. Call the Meeting to Order at City Hall (Mayor)
2. Persons with Unscheduled Business to Come Before the City Council (Mayor)
4. Review the Consent Agenda: (Mayor)
 - a. Minutes:
 - 3-5 ▪ 1.13.14 City Council Meeting
 - 6 ▪ 12.2.13 Planning Commission Meeting
 - 7-8 ▪ 12.19.13 EDA Meeting
 - 9-10 ▪ 1.16.14 Safety Committee Meeting
 - b. Applications:
 - 11-12 ▪ Cemetery Board: Jim Hilleren
 - 13-14 ▪ Cemetery Board: Michelle Lee
 - 15-16 ▪ Planning Commission: Tara Ulmaniec
 - 17-18 ▪ Library Board: Marlene Skold
 - 19-20 ▪ Duck's Unlimited Gambling Permit March 29, 2014
 - Vacancies on Boards & Commissions:
 - Park Board – 1
 - Benson Area Tourism Board – 2
 - Cemetery Board - 2
 - Benson HRA Board – 1
 - Library Board - 1
 - Planning Commission – 3
 - Airport Commission - 1
 - c. Correspondence:
 - 21 ▪ Missouri River Energy Services – Legislative Issues
 - 22 ▪ 2014 Prom Afterbash Donation Request
 - d. Overnight Travel:
 - MRES Board Meeting February 11-12, 2014 – City Manager
5. Special Assessment Consideration – Blaine Hill, City Manager, Morris, MN
- 23-29 6. Cottage Square Agreement Subsidy – City Attorney
- 30-38 7. Civic Center Insulation and Dehumidification Project
- 39-46 8. 2013 Fire Department Report – Chief Shreck
- 47-59 9. West Central S.W.A.T. Agreement
- 60-67 10. 2014 Tobacco Compliance Contract
- 68-107 11. Minnesota Pollution Control Agency
 - 108 ▪ Draft Waste Water Permit
 - Correction to Draft Permit
- 109 12. Consider Resolution Supporting the Renewable Fuel Standard

- 110-111 13. Amendment to PeopleServices Operation & Maintenance Agreement
- 112 14. Consider Resolution Authorizing Missouri River Energy Service Direct Reimbursement-Wolfington
- 113 15. Police Officer Declaration
16. Consider Authorization of a Credit Card for Dan Gens
- 114-115 17. Trickling Filter Distributor Failure – Stantec Consulting
- 116-118 18. Pay Request: Stantec – General Meetings, Trickling filter Engineering, Creamery - \$10,149.75
- 119-120 19. Pay Request: Minnesota Municipal Utilities Assn. – 2014 Member Dues - \$5,746.00
20. Adjourn: Mayor

****Liquor Committee Meeting**

DRAFT

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
JANUARY 13, 2014**

The meeting was called to order at 5:30 p.m. by the Mayor. Members present: Mike Fugleberg, Paul Kittelson, Jack Evenson, Stephanie Heinzig & Sue Fitz. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Public Works Director Elliot Nelson, and Police Chief Ian Hodge.

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

- January 2, 2014 City Council Meeting

It was moved by Fitz, seconded by Evenson and carried unanimously to appoint Judy Hoberg to the Cemetery Board with her term ending December 31, 2016.

Kittelson stated there has been some discussion on combining various boards and commissions. There will be more discussion to come.

Wolfington presented a request from the Benson Hockey Association requesting 50% reimbursement for a scoreboard they purchased September 2012 in the amount of \$6,000. It was the consensus of the Council to table this until the next Council meeting and request a representative of the Hockey Association attend that meeting.

The Mayor acknowledged overnight travel for new Council Members Heinzig and Evenson who will attend the League of MN Cities Newly Elected Official Orientation January 31-February 1, 2014 along with the City Manager.

The City Council acknowledged the 2014 City Council meeting dates.

Chief Hodge approached the City Council with proposals for two squad car purchases which are in the budgets for 2014. The first vehicle is a Ford Interceptor which will replace the 2007 Dodge Durango, with K9 kennel, radio and parts installation for a cost of \$38,647.87. The second vehicle is a Ford F150 truck with radio & parts installation, which will replace the 2007 Chevy Impala at a cost of \$35,834.11. After discussion, it was moved by Evenson, seconded by Fugleberg and carried unanimously to approve the two police vehicles as presented.

Wolfington presented a safety alert from the Department of Transportation Pipeline and Hazardous Materials Safety Administration notifying the general public and emergency responders that recent derailments and resulting fires indicate that the type of crude oil being transported from the Bakken region may be more flammable than traditional heavy crude oil. He stated there are classes in Morris and Willmar within the next 30 days if anyone would like to go and learn more. Heinzig and Fitz showed interest in attending a class. Wolfington also said the employees have had a Global Harmonization System training which deals with unified labeling of chemicals in the work place and a class later in the year with the State Patrol on hazardous items on roadways.

Next Wolfington presented a sample special assessment policy for public improvements and maintenance costs from the League of Minnesota Cities for the Council's review. Wolfington asked the Council to read through the sample policy. At the next Council meeting the City Manager from Morris will talk about his experience with special assessments. Wolfington said he sees a lot of potentially costly infrastructure projects in the future.

Nelson approached with bids taken on the 2014 Utility Improvement Project. He said these same bids were taken last July at a cost of \$349,000. The new low bid was from Breitbach Construction. The bid broke down as follows:

15 th Street South water repair	\$141,824.38
Church Street water repair	76,473.65
15 th Street South/Hall Ave. sewer repair	67,167.99
Kansas Ave. point repairs	16,942.00

After discussion, it was moved by Fitz, seconded by Heinzig and carried unanimously to approve the low bid by Breitbach Construction in the amount of \$302,408.02.

Next Wolfington presented a draft Title VI Language Assistance Plan for the Heartland Express. We are required to have a plan that tells us how to help non-english speaking riders to ride the bus. Wolfington recommended approval. It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve the Title VI Language Assistance Plan for the Heartland Express as presented.

It was moved by Evenson and seconded by Fitz to approve the Coalition of Greater Minnesota Cities 2014 membership dues in the amount of \$5,239.00

Wolfington presented the cost of two more Welcome to Benson signs from Precast Systems for the Hwy 12 east entrance and the Hwy 9 west entrance. The signs would be identical to the signs added last summer. It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve the purchase of two more Welcome to Benson Signs in the amount of \$13,100.

Wolfington noted a farewell coffee for Elliot Nelson on Friday, January 17, 2014 at 3pm in the Council Chambers.

Wolfington informed the Council final interviews for the Public Works Director were conducted with the personnel committee. There were two internal and two external finalists. Evenson from the Personnel Committee recommended staff extend a job proposal to Dan Gens. It was moved by Evenson, seconded by Heinzig and carried unanimously to offer Dan Gens the Director of Public Works position.

Councilmember Fitz offered the following resolution:

**RESOLUTION DESIGNATING AUTHORIZED REREPRESENTATION
(RESOLUTION NO. 2014-02)**

WHEREAS, THE Governing body of the City of Benson, Minnesota has entered into an agreement to establish The **Missouri Basin Municipal Power Agency, d.b.a. Missouri River Energy Services (MRES)**, and as a member thereof is entitled to a representative who shall represent the Municipal Utility in the business of MRES.

NOW, THEREFORE, BE IT RESOLVED that Rob Wolfington be and he/she is hereby authorized and appointed as the representative of the City of Benson, Minnesota, to represent the Municipal Utility in the business of MRES, with the powers, duties and responsibilities as provided in said agreement. The alternate representative, Paul Kittelson, is hereby authorized and appointed with equal powers.

Council Member Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Fugleberg, Fitz, Kittelson, Evenson, Heinzig NAYS: None. Thereupon the Mayor declared Resolution 2014-02 duly passed and adopted.

It was moved by Evenson, seconded by Fugleberg and carried unanimously to approve a pay request from LandTeam Incorporated for engineering services on the 2014 Utility Improvements in the amount of \$6,500.

Pederson presented the following 2014 Budgets for approval:

- Community Development Revolving Fund
- EDA Budget
- Small Cities Grant Fund 2005
- Small Cities Grant Fund 2009
- Small Cities Grant Fund 2011
- Small Cities Grant Fund 2013
- Concrete Projects Fund
- Storm Water Fund

It was moved by Fitz, seconded by Evenson and carried unanimously to approve the budgets as presented.

Council member Fugleberg offered the following resolution:

**RESOLUTION TRANSFERRING \$80,000 FROM
THE LIQUOR FUND TO THE GENERAL FUND
(RESOLUTION NO. 2014-03)**

WHEREAS, the City of Benson owns and operates a Municipal Liquor Store, and

WHEREAS, the City Council has budgeted to transfer \$80,000 from the Liquor fund to the General Fund for calendar year 2014.

NOW, THEREFORE BE IT RESOLVED that the City Council authorized the transfer of \$80,000 from the Liquor Fund to the General Fund.

Council Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Fugleberg, Fitz, Kittelson, Evenson, Heinzig NAYS: None. Thereupon the Mayor declared Resolution 2014-03 duly passed and adopted.

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve the December 2013 bills and warrants in the amount of \$501,907.51

It was moved by Fugleberg, seconded by Fitz and carried unanimously to approve January 2014 bills and warrants in the amount of \$293,015.38.

Fitz reported complaints of the evergreen on the corner of 14th Street South and Wisconsin Avenue blocking the view of traffic heading west.

There being no other business, a motion was made by Fugleberg, seconded by Evenson and carried unanimously to adjourn the meeting at 6:18 p.m.

Mayor

City Clerk

**MINUTES – BENSON PLANNING COMMISSION – REGULAR MEETING
DECEMBER 2, 2013 AT 12:00 NOON**

*W
12/2/13*

Members Present: Delbert Gonnerman, Kathy Polzin, Ron Laycock, Mark Schreck and Sue Fitz

Members Absent: Karen Evenson

Also Present: Rob Wolfington & Mike Jacobson

The meeting was called to order by Chairman Laycock at 12:07 p.m.

It was moved by Fitz, seconded by Schreck and carried unanimously to approve the October 7, 2013 minutes.

Railroad Right-of-Way

Wolfington started off by informing the Commission the City will close on the remaining parcels of railway properties east of the old Benson Market sight and the old Standard Lumber sight on January 15, 2014. Glacial Plains still has a lease on the west property with Burlington Northern, and when we take position of the property, Glacial Plains lease will be terminated simultaneously. Next summer the remaining buildings at the Standard Lumber sight will be torn down. Wolfington stated Glacial Plains have intentions of looking into building the unmanned diesel station at a new location, across from their convenience store on east highway 12. This sight will give them more space. They will have to apply for a variance and meet code. Wolfington stated the phase I environmental has been done on this property.

Creamery Building

Wolfington talked to Arvind Auluck-Wilson, an entrepreneur, who is interested in acquiring the property and put an alternative energy aqua farm in the building, as well as to add a building next to the creamery. He is currently developing a business plan to possibly be ready in a month or two. We currently have a \$75,000 grant for the building, with a stipulation that the project creates one job.

Underground Electric Mitigation

Wolfington said the City is applying for a one million dollar underground electric mitigation grant with FEMA to get the overhead power lines buried to homes and businesses.

Variance Training

Laycock said there was four of the Commission members that attended the Variance Training in Little Falls, MN on flood management. It was, unfortunately, geared for lake shore developments and not rivers.

Meeting Start Time

The meeting start time was changed to 12:30 p.m. in order to accommodate for Commission members that are working.

Tabletop Discussion

Wolfington went over Truth in Taxation information for the Council meeting tonight. Jacobson said he is seeing housing pick up. Storm tree issues were reviewed.

Adjournment

Since there was no other business, the meeting it was moved by Schreck, seconded by Gonnerman to adjourn the meeting at 1:02 p.m.

W
12/23/13

EDA Meeting December 19, 2013

Members Present: Mike Fugleberg, Pat Hawley, Jon Buyck, Leroy Noreen, Paul Estenson & Paul Kittelson, Rob Wolfington
Members Absent: Rick Horecka
Also Present: Asst. City Attorney Ben Wilcox, Warren Carlson, Jennifer Frost and Belinda Sanders

Chairman Estenson called the meeting to order at 12:08 p.m.

It was moved by Noreen, seconded by Fugleberg and carried unanimously to approve the November 21, 2013 EDA minutes.

Carlson Manufacturing Loan Application

Warren Carlson of Carlson Manufacturing approached the Committee. He is interested in expanding his fabrication business with a laser cutting machine, that can custom cut parts for municipal utilities, automotive or agricultural needs. He is looking to finance through the bank the purchase a building south of Benson about a mile. He would hire one employee to run the operation. Kittelson asked if he would be in competition with Swift Machine. Carlson said they manufacture parts for companies all over the United States, and would not see his business as competition with any local businesses. Carlson said they are looking to close on the loan by January 17, 2014. He is asking for a loan in the amount of \$125,000. A loan committee of Buyck, Fugleberg and Noreen was formed. The loan committee will meet on Monday, December 23, 2013 at 8am in the Council Chambers. The next EDA meeting will be to review the loan committee findings on Monday, January 6, 2014 at noon in the Council Chambers.

Creamery Building

Wolfington presented an estimate from Enviro-Dyne Industrial Services to clean materials and pigeon droppings out of the building, as well as wash down the inside of the building. After discussion it was moved by Buyck, seconded by Noreen and carried unanimously to approve EDA dollars to pay Enviro-Dyne Industrial Services estimate of \$5,000 to finish cleaning the creamery.

Railroad Right of Way East

The sale of the land from BNSF Railroad to the City of Benson east of the old Benson Elevator will close on January 15, 2014 in the amount of \$96,000 per City Council approval. Glacial Plains is interested in purchasing 180' of this land across from their convenience store to build a diesel fueling station. There will still be a large area available for green space.

Loan Profile

The loan profile was reviewed and discussed.

Allocation of Bad Debts

Wolfington discussed bad debts with the EDA. After discussion, it was moved by Kittelson, seconded by Fugleberg and carried unanimously to approve an additional bad debt allowance of \$15,750 to cover loans already discharged by the court.

Round Table Discussion

Wilcox said there will be a scheduled conference meeting in the matter of delinquent Future Products loan payments on January 15, 2014.

There was discussion about some run down houses on Hwy 9 west. Wolfington offered options to the EDA on addressing run down properties.

There being no other business, Fugleberg made a motion, seconded by Noreen and carried unanimously to adjourn the meeting at 12:42 p.m.

Chairman

Attest:

Secretary

Safety Committee Meeting
Thursday, January 16, 2014
9 AM

Members Present: John Goulet, Rob Wolfington, Wade Ascheman, Mike Hoffman, Erik Stephen, Gary Searcy, Elliot Nelson, Ian Hodge and Val Alsaker

Members Absent: Tim O'Conner,

Old Business

1. The January 9th Safety Class was reviewed. The topic was the Global Harmonization System (GHS) of labeling chemicals in the work place. All chemicals will have to be inventoried and labeled correctly. Last year we had notice of the chemical labeling changes taking place, this year we need to implement the new system. Next year will be the year to work out the bugs. 2016 OSHA will be looking for the new labeling on all chemicals. Rob talked about the class in April with the State Patrol, who will be talking about hazardous chemicals on the road as well as other hazards.

Rob also talked about a memo that came out from the Department of Transportation issuing a safety alert to notify the general public as well as emergency responders about recent railroad derailments and resulting fires caused by the type of crude oil being transported.

There was also discussion on our employees having to move 1 chlorine cylinder from one plant to another.

2. As a result of the AED layout inspection 12/18/13, it was discovered all AED's had expired batteries and pads. They have since been replaced. The monthly check list does not list checking AEDs. Val will insert this into the check lists.
3. The overhead door was repaired at the line garage. The overhead door company discussed the issue with the street department door from last month. The street department will be repairing the door by placing a board on the door, then attaching the opener to that.
4. Val will be making some changes to the new accident report form.

New Business

1. There was an incident of a police officer falling on the ice while on a call at a residence. Other than some bruises he was fine.
2. The next Safety Class will be on February 13, at 1pm in the Fire call. Topic is Lock-out, Tag-out.
3. Rob talked about two classes on pipeline safety and information coming up in February.

Other Business

1. Val presented a summary of all the incident/accidents from 2013. The committee reviewed the information.
2. There will be a cross training class offered in Marshall for the Electric Department and a couple employees from the public works to take and be able to assist the Electric Department if they are short staffed or in an emergency situation, as a lineman cannot work alone in certain situation.
3. The new Public Works Director replacing Elliot will start on 1/21/14. His name is Dan Gens.

There being no other business, the meeting was adjourned at 9:25 a.m.

CITY OF BENSON
APPLICATION FOR APPOINTMENT TO CITY BOARDS OR COMMISSIONS

Dear Applicant:

We welcome you as an applicant for one of the City's boards or commissions. These groups play a very important role in Benson City Government. These boards and commissions serve as advisory bodies to the Benson City Council. They provide information and recommendations to the City Council so the Council can make sound decisions regarding issues and policy matters.

Please fill out the information requested below. You are encouraged to attach any additional information which you believe qualifies you for appointment to the board or commission you have selected.



BOARD OR COMMISSION PREFERENCE:

- | | |
|---|--|
| <input type="checkbox"/> Airport Advisory Commission | <input type="checkbox"/> Housing & Redevelopment Authority |
| <input type="checkbox"/> Benson Area Tourism Board | <input type="checkbox"/> Library Board |
| <input checked="" type="checkbox"/> Cemetery Board | <input type="checkbox"/> Park Board |
| <input type="checkbox"/> Economic Development Authority | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Hospital Board | <input type="checkbox"/> Utilities Board |

RETURN APPLICATION TO:

Office of the City Manager
City of Benson
1410 Kansas Avenue
Benson, MN 56215
Telephone: 320-843-4775
Date Received: / /

PERSONAL INFORMATION:

Name JAMES A. MILLER Address 406 S. E. 1st St Benson 56215

Telephone: Home 242 5837 Business Retired Zip

How long have you been a resident of Benson? 10 yrs

Have you served previously on any of Benson's boards or commission? YES NO

Have you served previously on any city board/commission in any other community? YES NO

Are any members of your immediate family in the same household presently employed by the City of Benson or serving on any of the City's boards or commissions? YES NO

Occupation: Name of Employer:

I am a member of the following civic organizations: Benson Legion Post

Please list your special interests, education, past experiences, etc., which you feel would benefit the City of Benson by your appointment to the board/commission you have indicated a preference to above:

Would like to ^{see} project completed -
Columbarium

Do you have any additional comments?

DESCRIPTION OF BENSON'S BOARDS AND COMMISSIONS

Airport Commission - Makes recommendations to the City Council for the use, management, and operation of the airport and shall advise the Council in all matters concerning the Airport.

Cemetery Committee - Advises and assists the City Council and City staff in the administration, maintenance and improvement of the Benson City Cemetery.

Housing and Redevelopment Authority - This Authority is a public corporation empowered to undertake certain types of redevelopment projects and low rent housing assistance programs pursuant to the provisions of the M.S.A. 462.411 thru 462.711. These projects may include such activities as planning, acquisition, demolition, clearance, rehabilitation and construction for the purpose of providing decent, safe and sanitary housing for persons of low and moderate income and the improvement and restoration of stagnant, undeveloped land.

Library Board - Acts as an advisory body to the City Council by providing information and make recommendations to the City Council on library matters.

Park Board - Acts as an advisory body to the City Council by making recommendations to the Council on issues associated with City parks, playgrounds, the swimming pool, skating rinks, and other related functions.

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Do you have any additional comments? _____

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CITY OF BENSON
APPLICATION FOR APPOINTMENT TO CITY BOARDS OR COMMISSIONS

Dear Applicant:

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Please fill out the information requested below. You are encouraged to attach any additional information which you believe qualifies you for appointment to the board or commission you have selected.

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- Airport Advisory Commission
- Benson Area Tourism Board
- Cemetery Board
- Economic Development Authority
- Hospital Board
- Housing & Redevelopment Authority
- Library Board
- Park Board
- Planning Commission
- Utilities Board

RETURN APPLICATION TO:

Office of the City Manager
City of Benson
1410 Kansas Avenue
Benson, MN 56215
Telephone: 320-843-4775
Date Received: ___/___/___

PERSONAL INFORMATION:

Name Tara J. Ulmaniec Address 402 13th St. N., P.O. Box 20, Benson MN

Telephone: Home 320-368-0238 Business 320-843-9119 Zip 56215

How long have you been a resident of Benson? 10 years

Have you served previously on any of Benson's boards or commission? YES NO

Have you served previously on any city board/commission in any other community? YES NO

Are any members of your immediate family in the same household presently employed by the City of Benson or serving on any of the City's boards or commissions? YES NO

Occupation: _____ Name of Employer: _____

I am a member of the following civic organizations: Benson Area Chamber of Commerce, Swift County Historical Society, Minnesota State Bar Association

Please list your special interests, education, past experiences, etc., which you feel would benefit the City of Benson by your appointment to the board/commission you have indicated a preference to above:

I have worked with Planning Commission as assistant to the city attorney.

Do you have any additional comments?

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| <input type="checkbox"/> Hospital Board | <input type="checkbox"/> Utilities Board |

RETURN APPLICATION TO:

Office of the City Manager
City of Benson
1410 Kansas Avenue
Benson, MN 56215
Telephone: 320-843-4775
Date Received: 1/11/2014

PERSONAL INFORMATION:

Name Marlene A. Skold Address 1020 Oakwood Ave Benson MN

Telephone: Home 843-3511 ^{em} Business 320 808-0230 Zip 56215

How long have you been a resident of Benson? 57 years

Have you served previously on any of Benson's boards or commission? YES NO Cemetery Board 2 terms

Have you served previously on any city board/commission in any other community? YES NO

Are any members of your immediate family in the same household presently employed by the City of Benson or serving on any of the City's boards or commissions? YES NO

Occupation: Retired Nursing instructor ^{School Nurse previous} Name of Employer: Benson Public Schools
Ridge Water College

I am a member of the following civic organizations: None at this time.

Am involved in church organizations

Please list your special interests, education, past experiences, etc., which you feel would benefit the City of Benson by your appointment to the board/commission you have indicated a preference to above:

4 of MN B.S. Degree + 60 Graduate Credits
Served as church librarian - 8 years - Trinity Lutheran Church
47 years librarian at Our Redeemers Lutheran Church - continues.
at on time SW Initiative Bd, local study club, life member Historical Society.

Do you have any additional comments? Ron Laycock asked me to serve on the
library Board. I have served as the Secretary for the
last 3 years. I would be willing to serve for another
term.

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LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:
 - conducts lawful gambling on five or fewer days, and
 - awards less than \$50,000 in prizes during a calendar year.
 If total prize value for the year will be \$1,500 or less, contact the licensing specialist assigned to your county.

Application fee (non refundable)

If application is postmarked or received 30 days or more before the event **\$50**; otherwise **\$100**.

ORGANIZATION INFORMATION

Organization name: Ducks Unlimited - Prairie Benson Chapter Previous gambling permit number: X-76002
 Minnesota tax ID number, if any: _____ Federal employer ID number (FEIN), if any: _____

Type of nonprofit organization. Check one.

Fraternal Religious Veterans Other nonprofit organization

Mailing address: 1408 Atlantic Ave City: Benson State: MN Zip code: 56215 County: Swift

Name of chief executive officer [CEO]: Greg Lee Daytime phone number: 320-843-4424 E-mail address: greglee2@embury mail.com

NONPROFIT STATUS

Attach a copy of ONE of the following for proof of nonprofit status.

- Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.**
 Don't have a copy? This certificate must be obtained each year from:
 Secretary of State, Business Services Div., 60 Empire Drive, Suite 100, St. Paul, MN 55103
 Phone: 651-296-2803
- IRS income tax exemption [501(c)] letter in your organization's name.**
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.
- IRS - Affiliate of national, statewide, or international parent nonprofit organization [charter]** *Previously Submitted*
 If your organization falls under a parent organization, attach copies of both of the following:
 a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 b. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.

Benson Golf Club
 Address [do not use PO box]: 2222 Atlantic Ave City or township: Benson Zip code: 56215 County: Swift

Date[s] of activity. For raffles, indicate the date of the drawing.

March 29th 2014

Check each type of gambling activity that your organization will conduct.

Bingo* Raffle Paddlewheels* Pull-tabs* Tipboards*

*Gambling equipment for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to www.gcb.state.mn.us and click on **Distributors** under the **WHO'S WHO? LIST OF LICENSEES**, or call 651-639-4000.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT

**CITY APPROVAL
for a gambling premises
located within city limits**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days [60 days for a 1st class city].
- The application is denied.

Print city name _____

Signature of city personnel _____

Title _____ Date _____

Local unit of government must sign

**COUNTY APPROVAL
for a gambling premises
located in a township**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print county name _____

Signature of county personnel _____

Title _____ Date _____

TOWNSHIP. If required by the county.

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits.

[A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.166.]

Print township name _____

Signature of township officer _____

Title _____ Date _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief executive officer's signature Gregory A. Lee Date 1.30.14

Print name Gregory A. Lee

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
 - all gambling conducted on one day.
- Only one application is required if one or more raffle drawings are conducted on the same day

Send application with:

- a copy of your proof of nonprofit status, and
- application fee (non refundable). Make check payable to "State of Minnesota."

To: Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Financial report and recordkeeping required

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at www.gcb.state.mn.us.

Within 30 days of the event date, complete and return the financial report form to the Gambling Control Board.

Questions?

Call the Licensing Section of the Gambling Control Board at 651-639-4000.

This form will be made available in alternative format (i.e. large print, Braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board.

All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney

General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.



3724 West Avera Drive
PO Box 88920
Sioux Falls, SD 57109-8920
Telephone: 605.338.4042
Fax: 605.978.9360
www.mrenergy.com

January 21, 2014

Mayor & Council: 1/27/14

MRES MEMO ON LEGISLATIVE
ISSUES IN ST PAUL -
MORE TO FOLLOW.

Rob Wolfington
1410 Kansas Ave
Benson, MN 56215

Ran

Dear Rob Wolfington:

The Minnesota legislators will officially meet in St. Paul beginning February 25. However, there is already a lot of activity in advance of session.

The House began allowing pre-filing of bills on January 13 and there are three bills that MRES will be actively working on for our members. One bill, HF 1903 would prohibit cities from hiring paid lobbyists. Obviously, the League of Cities and other organizations will join MRES in opposing this legislation. Two other bills are related in their topic and are both introduced by the same author, Rep. Andrew Falk (DFL-Murdock): HF 2103 and HF 2104. HF 2103 would mandate municipal and cooperative utilities contribute five percent of their Conservation Improvement Program (CIP) funds to the Made in Minnesota grant fund. It would also repeal the "same service territory" mandate—meaning Luverne Municipal CIP money could be spent on Minneapolis solar projects. HF 2104 is similar in that it allows cooperative and municipal utilities to voluntarily contribute CIP money to Made in Minnesota—however, they will not receive CIP savings credit in exchange for the contribution. It is doubtful HF 2103 or HF 2104 will move this session, but we need to be proactive on these bills.

Other issues that may arise this session include revising the definition of utility to allow third party sales behind the meter, limiting the fees charged by cities for inspection and permitting of solar installations, allowing electric utilities to collect on-bill for energy efficiency loans, requiring the filing of a tariff for rates for charging electric vehicles.

Finally, enclosed are two copies of the updated MRES[®] Legislative Guide. This will provide you with contact information for your area legislators. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Deb Birgen".

Deb Birgen
Manager, State Legislative Relations

Encl.

Val -
CC correspondence ✓✓ 2/13/14
2/10/14

2014 Benson High School Prom Afterbash

November 2013

We, the parents of the Junior Class of Benson High School, will be sponsoring an "Afterbash" party following the Junior-Senior Prom on April 26th, 2014 at the Benson Armory from 11:30 p.m. to 4:00 a.m. We want to provide them with an alcohol/drug free alternative that will make it a special and memorable evening.

To do this we are asking businesses, civic groups and organizations for their support. We fully realize how often one is asked for a donation, but as a committee of concerned parents, we feel that the Prom "Afterbash" is an important part of that evening.

We would appreciate any donations you could contribute in the form of cash, gift certificates, merchandise, tickets, or passes - any type of donation will be greatly appreciated. To aid in the budgeting and scheduling of games and entertainment for the Prom Afterbash, we would appreciate receiving donations as soon as possible or by April 1st, 2014, but will continue to accept donations until the date of Prom (April 26th, 2014). Checks should be made payable to "Prom Afterbash 2014".

Full use of the Armory!

Please mail or drop off your donation to:

Dean & Tammy Thompson ✓
202 18th St No
Benson, MN 56215

Susan & Tadd Egenes ✓
510 20th St. N
Benson, MN 56215

If you would like us to pick up your donation, please call one of the committee members listed below:

Tammy Thompson 843-4540

Susan Egenes 843-3747

The members of the Benson High School Junior and Senior classes appreciate any donation you can give.

Thank you.

Parents of the Junior Class
Benson High School

February 7, 2014

Memorandum: Cottage Square Development

TO: Mayor and City Council

FR: City Manager

Discussion: The City of Benson entered into a development agreement in 2007 with TK Management, LLC to develop the Cottage Square Subdivision. As part of the agreement the City of Benson provided a \$75,000 subsidy for engineering cost to develop the project. The developer agreed to construct the infrastructure no later than June 2008 and make application for two building permits and commence construction of both homes. In November 10, 2008 the developer asked for and received a one year extension to the development agreement. The development is still awaiting its first building permit and home construction. TK Management, LLC is still the owner of record.

Recommendation: Direct the City Attorney to recover the \$75,000 business subsidy from the developer.

cc
/

October 30, 2008

Dear Mayor and Members of the City Council,

Because of the economic and housing slow down that everyone is experiencing, TK Management LLC is requesting to amend our Development Agreement with the City requiring two homes to be constructed in Cottage Square by this time. We would appreciate if you would extend this agreement until November 1st, 2009. Our goal would be to start construction in the spring of 2009.

Thank you and we would appreciate your consideration.

Sincerely,



Paul Klimek
Its Vice-President
TK Management, LLC
1405 N Nokomis NE
Alexandria, MN 56308
320-763-9663
paulk@rea-alp.com

COPY

SUBDIVISION AGREEMENT

AGREEMENT entered into as of this 18th day of October, 2007 by and between TK Management, LLC., a Minnesota Limited Liability Company, herein referred to as the Subdivider, and the City of Benson, a Municipal Corporation, herein referred to as the City.

WHEREAS, the Subdivider has filed a preliminary plat of a Common Interest Community to be known as Cottage Square and said preliminary plat has been approved by the City; and,

WHEREAS, Section 153.65 of the Benson City Code provides that a Subdivider and the City shall, prior to the approval of a final plat, enter into an agreement for furnishing and paying the cost of improvements on site as listed in said section. The said improvements are herein collectively referred to as "the project".

NOW THEREFORE, the parties agree as follows, provided that the obligations undertaken by Subdivider shall be contingent upon successful closing of Subdivider's purchase of the project:

1. All improvements on site shall be completed and paid for in full by the Subdivider except the following:
 - A. Subject to the limitations contained in paragraph 4 hereof, the City shall reimburse the Subdivider for the cost of the sewer line from the main to the inside edge of the boulevard for each lot and for the cost of the water service line from the main to and including the curb stop for each lot.
 - B. The City shall determine the appropriate type of electric underground service and shall install it at its expense.
 - C. The City shall provide, at its expense, all engineering for the project, including the cost of the engineering feasibility study, plans, specifications, and construction inspection.
 - D. Each party shall be responsible for its own administration. All inspections of the project shall be conducted in accordance with applicable local and state laws and regulations.
 - E. The City shall provide, at its expense, any necessary fire hydrants with valves and decorative streetlights in accordance with applicable local and state laws and regulations.
 - F. No sidewalks shall be installed in the platted area.

G. Any easement or permission needed to allow for drainage of storm water into the existing retention pond lying east of Block Two (2) of Victory Addition to the City of Benson shall be obtained by the Subdivider prior to construction of utilities. The City will pay to Swift County HRA, a one-time fee of four thousand forty dollars (\$4,040.00) for its permission for said drainage.

2. Subdivider will submit to the City for approval, prior to filing, a Declaration of Common Interest Community prepared in accordance with Minnesota Statutes Chapter 515B.

3. All work done by the Subdivider or at Subdivider's direction shall be completed in a workmanlike manner and Subdivider guarantees the materials and workmanship for a period of one year from the date that the final inspection of the improvements is made. The City shall be notified of the schedule for any such work and shall have access to the work site for purposes of inspection at any time. No work performed shall be covered prior to inspection and approval thereof by the City.

4. The parties agree that the combined total of the reimbursements from the City pursuant to paragraph 1(A) of this agreement and the engineering costs to be paid by the City pursuant to paragraph 1(C) and the one-time fee to Swift County HRA pursuant to paragraph 1 (G) shall not exceed Seventy-five thousand dollars (\$75,000). If the total of these costs exceeds Seventy-five thousand dollars (\$75,000) the Subdivider shall pay the amount of the excess. All amounts due from the City for engineering will be paid at the time that written contracts for construction services on the project are issued or at such other time or times as may be set forth in a written contract for engineering services to which the City is a party. Any amount due from the City as a reimbursement to Subdivider pursuant to paragraph 1(A) will be paid at the time of substantial completion of the project.

5. The Subdivider shall, prior to commencement of construction, provide to the City, a performance bond, in a form acceptable to the City, sufficient to guarantee completion of the construction of the infrastructure for the project. In lieu of a performance bond the Subdivider may provide an irrevocable letter of credit from a financial institution approved by the City, in a form and in an amount acceptable to the City, sufficient to guarantee completion of the infrastructure construction. For purposes of this paragraph, tree removal and site preparation shall not be considered as the commencement of construction.

6. The Subdivider agrees and acknowledges that in agreeing to undertake the obligations set forth in this agreement the City has relied upon the Subdivider's assurance that each platted lot will be used for development of residential property. Accordingly, the Subdivider agrees that if, at any time, it sells or otherwise conveys a platted lot for any purpose other than for construction thereon of a residential structure, or for a common use consistent with the provisions of the Declaration of Common Interest Community, it will immediately reimburse the City for a portion of the City's total cost

related to its costs of improvements as set forth herein equal to the incremental cost calculated on a per lot basis. If, for any reason, Subdivider does not proceed with this project to the point where development of residential structures commences then Subdivider will reimburse to the City the full amount of all expenditures of the City pursuant to paragraphs 1(A) and 1(C) of this agreement. Such funds will be reimbursed within thirty (30) days of the date that Subdivider ceases work on the project.

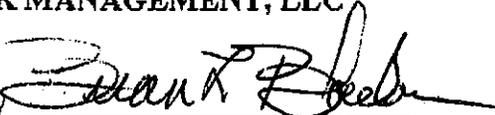
7. Subdivider agrees that construction of the infrastructure (sanitary sewer and water main) will be commenced in 2007 and completed by no later than June 30, 2008. Subdivider further agrees that it will, during the year 2007, make application for and obtain two (2) building permits for homes to be built in Cottage Square subdivision and will commence construction on both homes.

8. An event of default will be deemed to have occurred if either party fails to comply with any term, covenant, condition or agreement as set forth herein and such failure continues for a period of ten (10) days following written notice to the other party of the same. In the event of default, the non-defaulting party may enforce its rights under this agreement, subject to any limitations contained in this agreement, by any means available to it by law and shall be entitled to collect from the defaulting party, in addition to any damages, its costs and expenses incurred in the exercise of its remedies, including attorney fees.

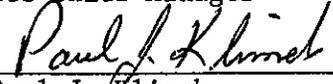
IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

TK MANAGEMENT, LLC

By

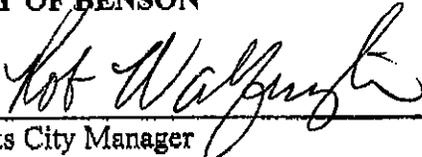

Brian L. Bloedorn
Its Chief Manager

By


Paul J. Klimek
Its Vice President

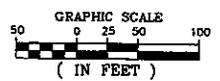
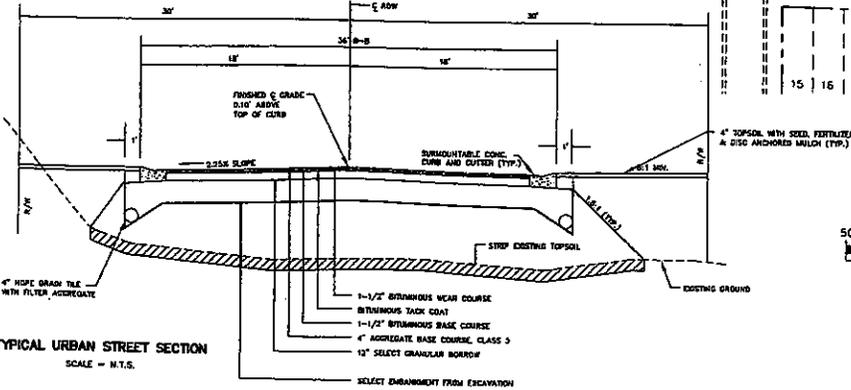
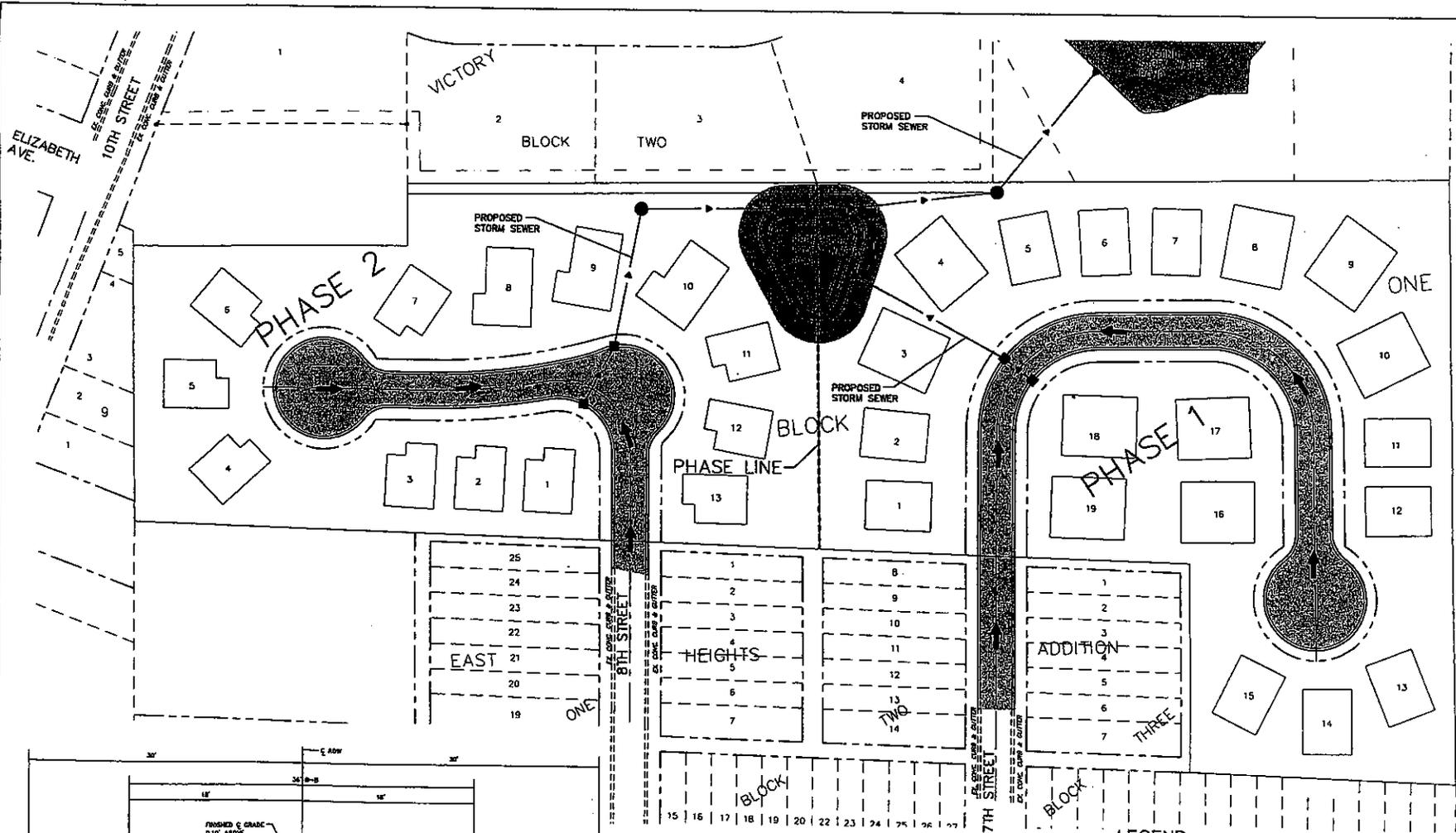
CITY OF BENSON

By


Its City Manager

By


Its Mayor



- LEGEND**
- ⊙ SANITARY MANHOLE
 - ⊞ TRANSFORMER BOX
 - ⊙ TELEPHONE PEDESTAL
 - ⊙ POWER POLE
 - ⊙ SIGN
 - ⊙ PROPERTY IRON
 - ⊙ DECIDUOUS TREE
 - ⊙ CONIFEROUS TREE
 - ⊙ TREE LINE
 - ⊙ CULVERT
 - SANITARY SEWER LINE
 - WT— UNDERGROUND TELEPHONE LINE
 - UG— UNDERGROUND ELECTRIC LINE
 - G— GAS LINE
 - PROPOSED STORM MANHOLE
 - PROPOSED CATCH BASIN
 - +— PROPOSED STORM SEWER LINE
 - SURFACE DRAINAGE FLOW
 - 1380— PROPOSED CONTOUR
 - ▨ PROPOSED ROAD SURFACE

To: Benson City Council
From: Benson Civic Center Board
Re: Insulation and Dehumidification Project
Date: February 6, 2014

Back on March 4th of 2013, representatives from this board presented a copy of a master plan that was prepared back in 1995 which outlined several improvement projects for the Benson Civic Center. The City Council was informed that we were looking to update the master plan for the building and begin plans for the next improvement.

Locker rooms were the number one need in 1995 which was fulfilled by constructing the addition to the East side of the building. The loan on this improvement will be paid off within the next few months.

Attached is an update to the master plan for the Civic Center. The wants and needs are similar to those identified several years ago. The Board feels strongly that the next project should be a system to control the moisture in the building. There currently is not enough insulation in the roof to control the condensation that occurs when the sun beats down on the roof while the inside stays nice and cold. The resulting moisture drips down and lands on the floor below. If it lands on the concrete where pedestrians are walking, a very hazardous slip condition occurs. Orange cones and warning signs are posted when these conditions exist. Obviously this is not an ideal condition for the building over the long term either.

Also attached is an engineering proposal from Engan Associates, P.A. for the design, bid, and installation of this project. The fixed cost is \$34,000 plus reimbursables so we rounded it up to \$40,000 for estimate purposes. The other projected costs are as follows:

AHU with Ductwork and Controls	\$ 85,000 - 115,000
2" Ceiling Insulation	\$ 95,000 - 155,000
Sealing top of exterior walls	<u>\$ 25,000 - 60,000</u>
Total Estimate including engineering	\$245,000 - 370,000

The Board has two funding sources to cover the costs of debt service and the operation of the building. The Benson Hockey Assn and also the rent from the North end of the building. Currently Hockey pays \$5,000 per month which most goes to pay for repairs and utility bills. A small portion plus the rent goes to the debt service.

In order to make this improvement we need two commitments from the City of Benson. One is to continue to pass through the rents from the North end of the building. The second is to guarantee the loan at the bank so the funds are available to pay the successful bidder(s).

We expect to have a report from the hockey association regarding the number of kids participating in the programs by Monday's meeting so that you can see what a valuable asset the building is to our community. Thank you for your time and consideration.

BENSON CIVIC CENTER, CITY OF BENSON, MINNESOTA 520.02

MASTER PLAN

Glen Pederson
City of Benson - City Clerk
1410 Kansas Avenue
Benson, MN 56215

Bill McGeary
Benson Civic Center Board President
907 10th St South
Benson, MN 56215

Project Statement - The Benson Civic Center Master Plan will identify short term and long to maintenance upgrade needs to improve and maintain the functions of the facility.

Existing Conditions

The existing facility has a 26,760 SF unheated ice arena facility, and a 14,040 SF heated space that is leased to a local business. The ice arena is naturally ventilated. Air infiltrates through the doors and the open roof ridge vent. Electric heaters are in the enclosed viewing areas, and infrared heaters over the rink bleachers. A recent locker addition was added to the East side of the building and a concessions addition was added to the West side of the building. The main structure is a built as a pre-engineered steel building. The ice making system is on top of the original floor slab covered in sand. Existing roof is a metal panel system held down with exposed screws and gaskets. The ice arena is only used in the winter for ice skating. Currently no spring or summer civic center events occur.

Issues to solve

1. Condensation occurs during the winter when the exterior temperature warms ups and the warm air infiltrates in the building and condenses on cold surfaces.
2. The roof has the potential for leaks to occur.
3. Work on the existing ice making system may cause damage.
4. Existing ice making equipment is outdate and may need to be replaced.
5. Updating the facility for spring, summer, and fall civic center events will be reviewed.
6. Gymnastics club maybe interested in using the existing heated area that is leased to a local business.

The following are approaches to resolve these issues:

1. Reduce Condensation:

- A. Option 1: Install close-celled foam installation
 - 1. Seals the perimeter of the building from air infiltration
 - 2. Forms a barrier over the existing cold surfaces
 - 3. Should be installed at the roof and exterior walls
 - 4. Mechanical ventilation will be required
 - 5. Work will need to occur over the existing ice making equipment
 - 6. Foam is toxic during installation; the building will need to be ventilated before occupancy.
 - 7. If the roof is leaking the foam will need on going maintenance
 - 8. A fire protection painted coating is required.
- B. Option 2: Install open-celled foam installation
 - 1. Seals the perimeter of the building from air infiltration
 - 2. Forms a barrier over the existing cold surfaces
 - 3. Should be installed at the roof and exterior walls
 - 4. Mechanical ventilation will be required
 - 5. Work will need to occur over the existing ice making equipment
 - 6. Foam is toxic during installation; the building will need to be ventilated before occupancy. Not as toxic as closed cell products.
 - 7. Roof leak maintenance can be managed as leaks go directly through the insulation so the leak area is identified.
 - 8. If the roof is leaks the foam will need on going maintenance
 - 9. A fire protection painted coating is required.
 - 10. A vapor barrier painted coating is required.
- C. Dehumidify interior air
 - 1. New air handler connected to a heat recovery system at the existing ice making equipment. New ductwork, piping, and controls will be installed. (12,000 CFM budgeted)

2. Solve roof leaks:

- A. Install new gaskets and screws for the existing roof panels
- B. Install new hidden fastener roof system
- C. Install an exterior roof insulation and membrane roof system.
 - 1. Roof screws maybe increase the opportunity for condensation.

3. Working over existing ice making equipment:

- A. Option 1. Work on the ice after the skating season
 - 1. Ice will provide some protection the equipment pipes
 - 2. Ice equipment pipes maybe damaged
 - 3. Cold weather installation may trap moisture
- B. Option 2. Provide protection over the equipment in the warm months
 - 1. Better weather installation conditions
 - 2. Ice equipment pipes maybe damaged

4. Replace existing ice making equipment

- A. Option 1: New piping installed under a new slab.
 - 1. May need to remove existing slab.
 - 2. Slab height can be set to work with existing hockey boards
 - 3. Accessibility to rink does not need to change
 - 4. Raised slab would prevent Arena spring, summer, fall uses
- B. Option 2: New piping installed on top of existing slab
 - 1. Installation could reuse existing boards
 - 2. Accessibility to rink does not need to change
 - 3. No slab would prevent Arena spring, summer, fall uses

5. Updating the Facility for all seasons

- A. New ventilation system sized for new occupancy
- B. New floor slab and under floor ice making equipment, remove existing slab
- C. New hockey boards

6. Gymnastics Program

- A. New Ventilation system sized for new occupancy
- B. Insulation upgrades
- C. Floor finish upgrades
- D. Wall Finish upgrades
- E. Restrooms and Changing rooms

Schedule: 2014 Construction

Construction Budget:

1. Reduce Condensation
 - A. Foam 3" insulation at roof Ice Arena: \$82,000 - \$135,000
 - B. Foam 5.5" insulation at roof Ice Arena: \$102,000 - \$155,000
 - C. Foam 3" insulation at walls Ice Arena: \$58,000 - \$70,600
 - D. AHU with ductwork and controls: \$75,000 - \$100,000

2. Solve Roof Leaks
 - A. New gaskets and screws \$50,000 - \$100,000
 - B. New concealed fastener roof \$268,000
 - C. New membrane roof system \$175,000

3. Protecting Existing Ice Equipment N/A

4. Replace existing ice making equipment
 - A. New Concrete Slab \$134,000
 - B. New Ice Equipment \$500,000 - \$650,000

5. Update Building for Spring, Summer, and Fall uses
 - A. Ventilation System Heating and Cooling \$375,200
 - B. Hockey Boards \$500,000
 - C. Additional Envelope upgrades \$100,000
 - D. Slab and Ice Equipment seen in item 4

6. Gymnastics Program
 - A. HVAC system upgrade \$200,000
 - B. Floor finish \$70,000
 - C. Wall Finish \$40,000
 - D. Insulate envelope \$80,000
 - E. Repair Roof new gaskets \$50,000
 - F. Restrooms and Changing Rooms \$40,000

Other Notes:

Spray foam insulation manufacturer recommend 5.5 inches of insulation for minimum energy performance. They recommend an open cell foam to allow for ease of roof leak maintenance. It was also noted that 2 to 3 inches would be acceptable for condensation control.

MN recommended installers include:

Corey Thorson – Central Lakes Insulation – Spicer, MN 320-894-1553

Dan Holthaus – MN Insealators – Monticello, MN 612-251-3607

Jack Petersen – Advanced Insulation Solutions – Brookings, SD 605-695-1522

Andrew Bjur AIA
Engan Associates PA
311 4th Street SW
Willmar, MN 56201

ENGAN
ASSOCIATES, P.A.
ARCHITECTS
INTERIOR DESIGNERS



January 28, 2014

Glen Pederson, City Clerk
City of Benson
1410 Kansas Avenue
Benson, MN 56215
(320) 843-5445

RE: **Benson Civic Center Insulation and Dehumidification Project** (P1454.02)

Dear Glen,

This letter is a proposal for design services for the 2014 Benson Civic Center Insulation and Dehumidification Project. The following outlines our understanding and proposed solution for this project.

The Benson Civic Center currently has condensation issues when the weather turns warmer. The existing building is not typically heated and has no mechanical ventilation. Air infiltrates through the doors and the open roof ridge vent. Some infra-red heaters are located for spectators. The ice-making system lies on top of the existing floor slab and has not been moved for many years.

The City of Benson is looking for a solution to reduce the condensation issues inside the facility. The main option we discussed with you was to insulate the underside of the roof deck and the metal frame with open-cell foam. An air-to-air heat exchanger system was discussed to improve the ventilation and help dehumidify the interior air.

It was also discussed that the insulation could be installed when the ice was in place. Damage to the cooling coil is a concern when moving equipment on the ice. It was noted that no equipment will be heavier than the existing Zamboni when it is full of water. Other concerns are that the roof may be leaking and could damage the insulation after it has been installed. This would cause a continuous maintenance issue. Open-cell foam was recommended to help locate the leaks. We also recommend replacing the roof screws.

We propose to develop separate bid construction documents for a two-part project consisting of:

- a) An insulation and roofing project
- b) A mechanical ventilation system upgrade project

Part 1: Insulation and Roofing Project (\$12,000)

Deliverables:

- Bid Documents
- Roof Plan
- Reflected Ceiling Plan
- Exterior elevations
- Walls Section
- Details
- Code Summary
- Project Manual
- Bidding and Negotiation
- Construction Administration

Part 2: Mechanical Ventilation and Dehumidification Project (\$16,000)

A new air handler will use some waste heat from the ice-making equipment when the building is occupied.

Deliverables:

- Bid Documents
- Mechanical Bid Documents
- Mechanical Specification Information

Mechanical Commissioning (\$6,000)

Electrical Design

Design-build by Owner-selected contractor.

Reimbursable Expenses

Travel, long-distance communication, printing, etc. will be reimbursed per the standard AIA agreement.

Schedule

February 3, 2014: Design Start

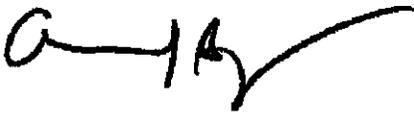
February 17, 2014: Documents go out to bidders

February 28, 2014: Bids due

March 7, 2014: Contract awarded

We look forward to working with the City of Benson on resolving concerns with the city arena.

Respectfully,

A handwritten signature in black ink, appearing to read 'Andrew Bjur', with a long, sweeping horizontal stroke extending to the right.

Andrew Bjur, AIA

AB/eam

2013
FIRE REPORT
BENSON FIRE DEPARTMENT

INTRODUCTION

The 2013 Fire Department Report from the City of Benson to the areas under contract for fire protection is included in the following pages. The first page is titled *2013 Annual Fire Department Report* showing the Benson Fire Department financials from 2004 - 2013, and projections for 2014. The 2004 - 2013 figures (with the exception of capital outlay) are the actual expenditures by the City of Benson in those calendar years. The 2013 figure is our year still subject to audit and the 2014 figures are projections. The second page titled *Fire Calls January 1, 2013 - December 31, 2013* is a breakdown of the fire and rescue squad calls that were made by the Benson Fire Department.

The second portion of the report is a copy of the Benson Fire Department's Annual Report as it is prepared for the Benson City Council.

BENSON FIRE DEPARTMENT FINANCIALS 2004 - 2014
NOTE: CAPITAL OUTLAY ADJUSTED TO TEN YEAR AVERAGES

COSTS	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Projected	TOTAL	AVERAGE
											2014		
Firemen's Compensation	\$41,236	\$39,114	\$46,467	\$53,991	\$47,861	\$52,337	\$40,034	\$43,738	\$46,054	\$56,500	\$48,000	\$515,332	\$46,848
Training	\$7,785	\$4,017	\$5,233	\$5,448	\$9,875	\$4,225	\$6,228	\$8,241	\$5,583	\$6,000	\$6,000	\$68,635	\$6,240
Insurance	\$12,060	\$15,020	\$14,117	\$16,565	\$15,837	\$16,046	\$18,363	\$19,522	\$19,246	\$20,300	\$22,000	\$189,076	\$17,189
Utilities	\$16,830	\$18,358	\$17,579	\$19,353	\$18,393	\$17,747	\$17,446	\$16,981	\$15,953	\$18,750	\$18,200	\$195,590	\$17,781
Operations & Maintenance	\$15,445	\$17,572	\$19,853	\$26,181	\$26,046	\$32,979	\$32,733	\$64,613	\$30,283	\$28,250	\$27,250	\$321,205	\$29,200
Capital Outlay	\$21,450	\$21,450	\$21,450	\$21,450	\$21,450	\$21,450	\$21,450	\$21,450	\$21,450	\$21,450	\$21,450	\$235,950	\$21,450
TOTAL COST	\$114,806	\$115,531	\$124,699	\$142,988	\$139,462	\$144,784	\$136,254	\$174,545	\$138,569	\$151,250	\$142,900	\$1,525,788	\$138,708
REVENUES													
Township Contracts	\$38,131	\$40,039	\$41,425	\$43,495	\$45,670	\$49,096	\$52,778	\$55,361	\$58,131	\$61,000	\$61,000	\$546,126	\$49,648
Fire & Rescue Calls	\$14,010	\$14,480	\$18,625	\$25,995	\$21,275	\$49,702	\$20,397	\$23,357	\$49,357	\$25,500	\$22,000	\$284,698	\$25,882
TOTAL REVENUES	\$52,141	\$54,519	\$60,050	\$69,490	\$66,945	\$98,798	\$73,175	\$78,718	\$107,488	\$86,500	\$83,000	\$661,324	\$60,120
% of Total Adjusted Costs	45.4	47.2	48.2	48.6	48.0	68.2	53.7	45.1	77.6	57.2	58.1	43.3	43.3
MUNICIPAL CONTRIBUTION	\$62,665	\$61,012	\$64,649	\$73,498	\$72,517	\$45,986	\$63,079	\$95,827	\$31,081	\$64,750	\$59,900	\$864,464	\$78,588
% of Total Adjusted Costs	54.6	52.8	51.8	51.4	52.0	31.8	46.3	54.9	22.4	42.8	41.9	56.7	56.7

BENSON FIRE CALLS FOR 2004 - 2013 & PROJECTIONS FOR 2014

FIRE CALLS	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Projected	TOTAL	AVERAGE
											2014		
Rural Fire Calls	28	32	22	33	22	20	10	12	26	23	23	251	23
Rural Rescue Calls	4	8	16	19	4	13	8	3	4	9	8	96	9
City Fire Calls	13	26	26	43	25	29	29	33	30	33	26	313	28
City Rescue Calls	7	2	3	5	5	5	1	2	2	2	3	37	3
TOTAL CALLS	52	68	67	100	56	67	48	50	62	67	63	697	63
Rural % of Calls	61.5	58.8	56.7	52.0	46.4	49.3	37.5	30.0	48.4	47.8	49.2	49.8	50.8
City % of Calls	38.5	41.2	43.3	48.0	53.6	50.7	62.5	70	51.6	52.2	46	50.2	49.2

GOVERNMENTAL UNIT	Sections	Percent	Present Contract	Proposed Contracts		
				2014	2015	2016
BENSON	36	100.0	\$6,942	\$7,150	\$7,365	\$7,586
CAMP LAKE	33	91.7	\$5,192	\$5,348	\$5,508	\$5,673
CASHEL	36	100.0	\$5,835	\$6,010	\$6,190	\$6,376
CLONTARF	1.5	4.2	\$3,412	\$3,514	\$3,620	\$3,728
GRACE	13	36.1	\$2,073	\$2,135	\$2,199	\$2,265
KILDARE	23.75	66.0	\$4,108	\$4,231	\$4,358	\$4,489
LANGHEI	18	50.0	\$2,791	\$2,875	\$2,961	\$3,050
ROLLING FORKS	12.5	34.7	\$1,805	\$1,859	\$1,915	\$1,972
SIX MILE GROVE	19.5	54.2	\$7,841	\$8,076	\$8,319	\$8,568
SWENODA	22	61.1	\$3,527	\$3,633	\$3,742	\$3,854
TORNING	36	100.0	\$16,348	\$16,838	\$17,344	\$17,864
TOTAL TOWNSHIPS	251.25	69.8	\$59,874	\$61,670	\$63,520	\$65,426

FIRE CALLS
JANUARY 1, 2013 - December 31, 2013

Township Calls	Calls	Calls Not Billed	Calls Billed	Calls Paid	Amount Billed	Amount Paid
Benson Twp	3	0	3	2	\$3,250.00	\$2,900.00
Camp Lake	0	0	0	0	\$0.00	\$0.00
Cashel	1	0	1	1	\$1,200.00	\$1,200.00
Clontarf Twp	2	0	2	2	\$1,500.00	\$1,500.00
Grace	1	1	0	0	\$0.00	\$0.00
Kildare	1	0	1	0	\$1,450.00	\$0.00
Langhei	0	0	0	0	\$0.00	\$0.00
Rolling Forks	1	0	1	1	\$1,100.00	\$1,100.00
Six-Mile Grove	2	0	2	2	\$1,850.00	\$1,850.00
Swenoda	0	0	0	0	\$0.00	\$0.00
Torning	9	1	8	7	\$6,300.00	\$5,550.00
Mutual Aid	3	1	2	2	\$2,650.00	\$2,650.00
Rescue Calls	9	4	5	0	\$3,690.50	\$0.00
TOTAL RURAL	32	7	25	17	\$22,990.50	\$16,750.00
City Calls	Calls	Calls Not Billed	Calls Billed	Calls Paid	Amount Billed	Amount Paid
Fire Calls	30	12	18	15	\$10,212.00	\$8,449.50
Weather Watch	3	3	0	0	\$0.00	\$0.00
Rescue Calls	2	1	1	1	\$267.25	\$267.25
TOTAL CITY	35	16	19	16	\$10,479.25	\$8,716.75
ALL FIRE/RESCUE CALLS RECORDED						
Rural Calls	32					
City Calls	35					
TOTAL	67					
Mutual Aid Requested of Us - 1 (Rural Fire)						
Mutual Aid We Requested - 2 (Rural Fire)						

**BENSON FIRE DEPARTMENT
ANNUAL REPORT**

JANUARY 1, 2013 - DECEMBER 31, 2013

**2013
ORGANIZATIONAL CHART**

CHIEF: Mark Schreck

1st ASST. CHIEF: Rob Lee

2nd ASST. CHIEF: Tom Ascheman

CAPTAIN: Dave Vollan

LIEUTENANT: Robert Hoberg

SECRETARY: Brad Pecora

2013 BENSON FIRE DEPT. MEMBERSHIP

2013 BENSON FIRE DEPT. MEMBERSHIP

MEMBER	notes	% OF Calls	% OF DRILLS	% OF Meetings	START DATE	YEARS OF SERVICE	ADDRESS	HOME	WORK	EMPLOYER
Tom Ascheman		87%	96%	100%	6/3/1998	16	145 - 20th Ave SE	843-3961	843-2380	Tom's Service
Steve Benson		76%	91%	100%	6/3/1998	16	625 - 7th St. N.	843-4761	843-4813	CVEC
Jeff DeHaan*		24%	70%	75%	10/13/1993	24	400 - Sanford Rd.	843-3839		State of Minnesota
Brandon Grimsley	s	40%	43%	42%	5/2/2012	2	161 20th ave NE	428-0598	815-0754	Swift County Sheriff
Brent Hill		48%	87%	92%	9/7/1988	25	613 - 11th St. S.	843-3823	320-214-5446	Mills Auto Center
Mike Hill		40%	91%	100%	10/4/2006	7	616 - 10th St. S.	843-3823	320-287-1171	Swift County Implement
Bob Hoberg		33%	83%	75%	11/6/2002	11	435 - Hwy 12 SW	842-3117	843-4150	Agralite Electric Co-op.
Tom Hoffman	✓	24%	39%	42%	8/4/1993	20	1005 - Oakwood Ave.	843-4312	843-4150	Agralite Electric Co-op.
Russell Kalthoff	✓	31%	43%	58%	12/3/2008	5	110 7th St. N., Danvers	567-2123	843-5714	CNH
Paul Larson		36%	74%	75%	5/2/2012	2	1002 12 st N	221-0199	221-0199	Benson Police Dept.
Rob Lee		60%	91%	83%	11/6/2002	11	615 - 10th St. N.	843-4832	842-4267	Swift County
Matt Mattheisen*		51%	91%	92%	5/1/1996	18	905 - 11th St. S.	842-4450	842-7221	DoMat's
Randy McLean		42%	91%	92%	12/3/2008	5	1745 Stone Ave	701-228-4332	843-4150	Agralite Electric Co-op.
Mike Molden	s	33%	65%	75%	1/1/2011	1	900 16th St. S.	843-3506		CNH
Brad Pecora		54%	87%	92%	1/1/2010	4	709 - 11th St. S.	314-8053	360-2749	FibroMinn
Mark Plumhoff		63%	83%	92%	11/6/2002	11	215 - 15th St. N.	843-4606	843-4813	CVEC
Jeff Reuss*		39%	87%	100%	1/3/2001	13	209 - Meadow Lane	843-3929	567-2315	State of Minnesota
Sean Roeman		45%	91%	100%	1/1/2011	1	608- 14th St. S.	297-0338		CVEC
Jeremy Schauer		43%	96%	100%	10/6/2004	9	605 - 10th St. S.	842-5904	843-4150	Agralite Electric Co-op
Mark Schreck		69%	96%	92%	1/6/1981	33	707 - 19th St. S.	843-4126	842-7561	Benson Body Shop, Inc.
Kaleb Schwendemann		61%	83%	83%	10/3/2012	1	204 12 st N	805-0060		Edens Green
Jeff Shea		81%	100%	100%	8/7/1996	17	702 - 15th St. N.	843-4374	843-2356	Swift County
Wayne Thompson	s	21%	65%	75%	12/1/2010	3	130- Armagh St. Clontarf	843-3072		CNH
Dave Tolifson		46%	87%	100%	1/6/2010	4	595- Pacific Ave.	843-4988		Agralite Electric Co-op
Eric Tolifson		70%	96%	100%	10/4/2006	7	701 - Pacific Ave.	843-3335		Willmar Aviation
Mike Touhey		64%	96%	100%	9/4/1985	28	607 - 10th St. S.	843-3579	843-4636	Loen Electric, Inc.
Dave Vollan		70%	100%	10%	3/3/1993	21	110 - 30th Ave NE	843-4804	842-5261	Swift County
Pat Winters		55%	96%	100%	4/7/1993	21	907 - 10th St. N.	843-4849	843-4932	CNH

* Denotes Interrupted years of service

1< Part Time d=from Danvers FD, 2<Part Time from Clontarf FD, 3<Leave of Absence, 4<Retired, 5<Resigned,

COMPARISON OF CALLS

YEAR	FIRE CALLS		RESCUE CALLS		MUTUAL AID		TOTAL
	CITY	RURAL	CITY	RURAL	*R	**WR	
1986	21	24					45
1987	14	45					59
1988	25	41					66
1989	22	38					60
1990	13	23					36
1991	11	19					30
1992	30	23					53
1993	27	14	0	4			45
1994	35	17	1	14			67
1995	33	17	1	5			56
1996	36	21	3	9			69
1997	21	28	0	7			56
1998	19	13	2	6			40
1999	21	20	3	13	5		62
2000	25	33	1	7	2		68
2001	26	18	1	8	8		61
2002	26	33	3	4	2		68
2003	18	32	1	15	7		73
2004	13	19	7	4	9		52
2005	26	28	2	8	4		68
2006	26	15	3	16	7		67
2007	43	20	5	19	13		100
2008	25	16	5	4	6		56
2009	29	16	5	13	4		67
2010	29	8	1	8	2		48
2011	27	15	2	2	4		50
2012	29	23	2	4	3	1	62
2013	32	20	2	10	1	2	67

*R – Requested of Us

**WR – We Requested

BENSON FIRE DEPARTMENT ANNUAL REPORT

January 1, 2013 - December 31, 2013

Monthly Meeting Attendance	84%
Amount Paid for Meetings	\$3,504.60
Monthly Drill Attendance.....	81%
Amount Paid for Drills	\$13,317.48
Officers Pay	\$7300.00
Yearly Fire Call Attendance ..	48%
Amount Paid for Fire Calls....	<u>\$13,258.08</u>
TOTAL PAY	\$37,380.16

CALLS

January 1, 2013 - December 31, 2013

Alarms - System Malfunctions	14
Vehicle.....	5
Investigate & Weather Watch.....	6
Co Detectors	6
Commercial	1
Grass ..	7
Structure Fires.....	15
Rescue	10
Mutual Aid.....	<u>3</u>
TOTAL	67

	Calls	Man Hours	Cost
Rural Fires	20	288	\$2,708.64
City Fires	33	126	\$1,496.88
Rural Rescue	9	68	\$807.84
City Rescue	2	4	\$38.61
Mutual Aid	3	92	\$1,092.96

WEST CENTRAL S.W.A.T. TEAM AGREEMENT

The parties to this Agreement are units of government responsible for the law enforcement in their respective jurisdictions. The parties desire to work cooperatively in the establishment of an organization to coordinate and address the formal framework of targeted investigations, memberships and personnel commitment, overall operations, resource availability, use of funds, general management and liability issues, as a joint powers entity. This Agreement is made pursuant to the authority conferred upon the parties by Minnesota Statutes, § 471.59.

The undersigned Governmental Units, in the joint and mutual exercise of their powers, agree as follows:

1. **Name.** The name of the joint powers entity shall be the "WEST CENTRAL S.W.A.T TEAM."
2. **Definitions:**
 - a. Agent – means a peace officer, employed by a member, who is assigned to the S.W.A.T. Team.
 - b. Board – means the governing board of the Team.
 - c. Fiscal agent – means a governmental unit that is a member of the Team and is responsible for the administration of financial and accounting functions for the Team.
 - d. Member – means a governmental unit that is a signatory to this agreement.
 - e. Team- means the West Central S.W.A.T. Team.
3. **Members.** The members of the Team are the following Governmental Units:
 - City of Appleton
 - City of Benson
 - City of Glenwood
 - City of Hancock
 - City of Montevideo

City of Morris
City of Starbuck
City of Wheaton
County of Lac Qui Parle
County of Pope
County of Stevens
County of Swift
County of Traverse
University of Minnesota Morris Police

3.1 The members shall cooperate and use their best efforts to ensure that the various provisions of the Agreement are fulfilled. The members agree to act in good faith to undertake resolution of disputes, if any, in an equitable and timely manner and in accordance with the provisions of this Agreement.

4. **Term.**

4.1 The term of this Agreement shall be for five (5) years, commencing January 1, 2012, unless terminated earlier pursuant to section 5.7(c) of this Agreement. This Agreement shall be automatically extended for successive five year terms upon the same terms, conditions, and covenants, unless the Team is dissolved prior to expiration of the initial or successive term.

4.2 Upon dissolution of the S.W.A.T Team, the Board shall provide for the distribution of all Team funds and assets in the following manner: (1) the board may propose and the members shall, if appropriate, approve, in accordance with item 5.7 below, to sell and liquidate non-monetary assets prior to distribution; (2) Only governmental units that have been members of the Team continuously for the twelve months immediately preceding dissolution shall be entitled to share in the distribution; and (3) Assets and funds shall be distributed in proportion to the full-time staffing contributions of each member to the Team during the twelve months immediately preceding dissolution, determined by the level of participation of each member for each of the twelve months immediately preceding dissolution. Property owned by members shall be returned to the members upon dissolution. A member whose membership terminates prior to dissolution of the Team is

entitled to the return of its own property, but is not entitled to any share or portion of Team funds or assets.

5. Governing Board.

- 5.1 The Team shall be governed by a governing board. Members of this board will be known as “Directors.” The Chief Law Enforcement Officer from each member, or his or her designee, shall serve as a Director. There shall also be one Director representing the Stevens County Attorney’s office, who shall not vote in any matters before the Governing Board
- 5.2 Directors shall not be deemed employees of, nor compensated by the Team.
- 5.3 The Board will elect a chair. The Chair shall have no more power than any other Director except that the Chair shall: be responsible to ensure that a schedule of regular meetings of the Board is determined and kept on file with the County Auditor and give notice of special meetings in accordance with the Open Meeting Law, and accordingly post or indicate, in compliance therewith, when regular or special meetings are scheduled or otherwise called; call meetings to order and provide for their orderly and efficient conduct; provide for the preparation of minutes; and, when authorized by the passage of a motion by board, execute contracts, agreements, reports, filings, and other documents on behalf of the Team. Any portion of a meeting shall be closed if it discusses active investigative data as defined in Section 13.82, Subdivision 7, or internal affairs data relating to allegations of law enforcement misconduct.
- 5.4 The Board will delegate operational control over activities to a Team Commander.
- 5.5 The Board will delegate financial and administrative oversight to a Team Coordinator, who shall be an employee of the member then serving as the fiscal agent for the Team.
- 5.6 The Board shall meet on a quarterly basis or more frequently as needed. A meeting may be called by any Director, or the Team Commander.
- 5.7 It shall require the affirmative vote of at least 70% of all members unit of governments to:
- (a) Approve or amend the budget;
 - (b) Approve the expenditure or distribution of Team funds; or to
 - (c) Abolish or dissolve the Team.

In all other matters, the Board may take action based on the vote of a simple majority. A quorum shall exist, and votes may be taken, if a majority of the Directors or their designees are present.

- 5.8 The Board may apply for and receive grants, and enter into contracts, including agreements for the purchase and rental of real property, incur expenses and make expenditures necessary and incidental to the effectuation of its purposes and consistent with its powers.
- 5.9 The Board may recommend changes in this Agreement to its members.
- 5.10 The Board may receive real or personal property by grant, devise, or bequest for the use of the Team.

6. Powers and Duties of the Team.

- 6.1 To accomplish the objectives herein, all Team members shall assign at least one peace officer licensed pursuant to Minnesota Statutes, § 626.84, subd.1, to the Team, or if unable to contribute officers, shall contribute assets to the Team.
- 6.2 A typical assignment to the Team should be for a minimum period of one year. However, assignments shall be at the pleasure of both the Team Board and the officer's employing agency and may be terminated at any time.
- 6.3 The Team Commander will direct investigative activities based on intelligence provided by the Team Board members with priority given to case investigations that directly impact the members' communities.
- 6.4 While assigned to the Team all personnel shall be under the direct supervision and control of the Team Commander or his or her designee. The Team Commander's duties shall include, but not be limited to:
 - (a) Guiding and directing the activities of personnel assigned to the Team;
 - (b) Establishing goals, priorities, and work assignments;
 - (c) Reviewing and approving reports;
 - (d) Scheduling assigned personnel;
 - (e) Providing input on employee evaluations, if requested; and,
 - (f) Allocating overtime work, if necessary.
- 6.5 The Team Commander may cooperate with other federal, state, and local law enforcement agencies to accomplish the purpose for which the Team is organized.

- 6.6 The Governmental Unit serving as the Fiscal Agent shall cause to be made an annual audit of the books and accounts of the Team and shall make and file a report to its members which includes the following information:
- (a) The financial condition of the Team;
 - (b) The status of all Team projects;
 - (c) The business transacted by the Team;
 - (d) Quarterly financial report;
 - (e) Other matters which affect the interests of the Team.
- 6.7 The Team's books, reports, and records shall be open to inspection by its member's at all reasonable times.
- 6.8 The Team members may not incur obligations or approve contracts that extend beyond the term of this Agreement or which will require the expenditure of funds in excess of funds available.
- 6.9 Nothing herein is intended or should be construed in any manner as creating or establishing the relationship of co-partners between the parties hereto or as constituting one of the members as the agent, representative or employee of another member for any purpose or in any manner whatsoever. Personnel assigned to the Team by one of the members shall not be considered temporary or permanent employees of any other member for any purpose whatsoever or be entitled to tenure rights or any rights or benefits by way of workers compensation, re-employment insurance, medical and hospital care, sick and vacation leave, severance pay, PERA or any other right or benefit of another member.
- 6.10 The members acknowledge that it is their sole responsibility to provide all salary compensation and fringe benefits to their employees. Benefits may include, but are not limited to: health care, disability insurance, life insurance, re-employment insurance, FICA, Medicare, and PERA.

7. **Insurance and Indemnification.**

- 7.1 The Team will maintain liability coverage with the League of Minnesota Cities Insurance Trust with a limit which must equal or exceed the maximum tort limits applicable to governmental entities as set forth in Minnesota Statutes **Sections 3.736, Subdivision 4,** and 466.04, Subdivision 1, under standard LMCIT liability coverage forms.

Alternatively, the Team may maintain equivalent private liability insurance coverage. Such coverage may be provided through separate policies for commercial general liability and law enforcement liability. Such private liability insurance policies must comply with the following requirements:

- Each policy shall have a limit of at least \$2,000,000 per occurrence. If the policy contains a general aggregate limit, the general aggregate limit shall not be less than the amount which equals or exceeds the maximum Minnesota tort caps under Minnesota Statutes **Sections 3.736, Subdivision 4**, and 466.04, Subdivision 1.
- The CGL insurance shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and contractually-assumed liability.
- Each member, and each member's officers, employees, and volunteers, shall be named as additional covered parties on each policy for all claims arising from Team activities or operations.

- 7.2 The Team may in its discretion procure coverage for auto liability and damage to or loss of property. If the Team at any time hires employees, it will immediately acquire and maintain workers' compensation coverage.
- 7.3 The Team agrees to defend and indemnify its members for any liability claims arising from Team activities or operations, and decisions of the Team Board. Nothing in this agreement shall constitute a waiver of the statutory limits on liability set forth in Minnesota Statutes **Sections 3.736 and Chapter 466** or a waiver of any available immunities or defenses, and the limits of liability under Minnesota Statutes **Sections 3.736 and Chapter 466** for some or all of the parties may not be added together to determine the maximum amount of liability for any party.
- 7.4 Nothing herein shall be construed to provide insurance coverage or indemnification to an officer, employee, or volunteer of any member for any act or omission for which the officer, employee, or volunteer is guilty of malfeasance in office, willful neglect of duty, or bad faith.
- 7.5 Any excess or uninsured liability shall be borne equally by all the members, but this does not include the liability of any individual officer, employee, or volunteer which arises from his or her own malfeasance, willful neglect of duty, or bad faith.

- 7.6 Each member shall be responsible for injuries to or death of its own personnel. Each member will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are assigned to the Team or are otherwise participating in or assisting with Team operations or activities. Each member waives the right to, and agrees that it will not, bring any claim or suit against the Team or any other member for any workers' compensation benefits paid to its own employee or dependents, that arise out of participation in or assistance with Team operations or activities, even if the injuries were caused wholly or partially by the negligence of any other member or its officers, employees, or volunteers.
- 7.7 Each member shall be responsible for damages to or loss of its own equipment. Each member waives the right to, and agrees that it will not, bring any claim or suit against the Team or any other member for damages to or loss of its equipment arising out of participation in or assistance with Team operations or activities, even if the damages or losses were caused wholly or partially by the negligence of any other members or its officers, employees, or volunteers.
- 7.8 All insurance policies and certificates required under this agreement shall be open to inspection by any member and copies of the policies or certificates shall be submitted to a member upon written request.

8. Finances.

- 8.1 Team operations will be financed from grant funds, and any funds voluntarily contributed by any member. Members will provide officers to be assigned to the Team but will not otherwise be required to provide funds without the prior amendment of this Agreement. Each Member shall contribute as follows: \$1,000.00 Dues annually.
- 8.2 The Fiscal Agent shall serve as sole administrator of all funds contributed by Team members or otherwise received by the Team, and in such capacity is authorized to receive all funds for deposit and make disbursements therefrom in accordance with generally accepted accounting principles. In conjunction therewith, the Fiscal Agent shall maintain current and accurate records of all obligations and expenditures of Team funds in accordance with generally accepted accounting principles. It shall also produce quarterly

financial and statistical reports which shall be disseminated to all Directors and the Team Commander. The Team shall maintain all such reports and related records for a period of six (6) years after dissolution of the Team.

8.3 The Board shall approve an annual operating budget for the Team. The Board may amend the budget as necessary.

8.4 The Team's funds may be expended by the Board in accordance with this Agreement in a manner determined by the Board. In no event shall there be an expenditure of Team funds except in accordance with the approved budget.

8.5 The Team shall not be obligated to reimburse Members for any expenses incurred or equipment furnished. Reimbursement may be provided if sufficient funds are available.

8.6 The Board may not incur debts beyond those either approved in the budget, or authorized by members.

8.7 **Fiscal Agent.** The Board shall designate the Minnesota County of Stevens, County Auditor/Treasurer be the 'authorized official' and thereby responsible for the management and disbursement of the Team grant awards, cash contributions, and any other fiscal resources. In no event shall there be a disbursement of Team funds from the County of Stevens depository without the approval/authority and signatures of the Commander and/or the Team Board Chair or Vice-Chair.

9. **Agents.**

9.1 Each member shall assign licensed peace officers to serve on the Team as agents in accordance with article 6.1.

For each subsequent year, each member will advise the Board, prior to October 1st, of the number of employees that the member will provide in the subsequent calendar year.

9.2 All agents assigned to the Team shall comply with the policies and rules adopted by the Team Board. In areas where the Team Board has not adopted a policy or rule, then personnel assigned to the Team shall comply with the policies and rules promulgated by their employing agency. The Team Commander, or his or her designee, shall refer disciplinary matters or other instances of misconduct involving an Agent to the Agent's Chief Law Enforcement Officer for investigation, referral, or disposition. However, nothing

herein shall be construed to prevent the Team Commander from reporting suspected criminal conduct directly to an outside agency for investigation.

10. **Standard Operating Procedures.** The Board shall authorize and enforce a standardized policy and procedures manual governing assigned Team operations and personnel. All assigned personnel shall follow the recommendations and guidelines of the manual as adopted.

10.1 Revisions and corrections. The Board may choose to update, revise and correct any portion of said policy and procedure manual upon recommendation, review, and approval of the full Board.

11 **Team Staff.** Each Member is encouraged to assign personnel to actively participate on the Team

11.1 Assigned personnel shall be experienced, full-time licensed peace officers in the State of Minnesota, assigned to serve on the Team.

11.2 Officers shall be at full-time duty status from the assigning Member, at full employment capacity and competent to carry out all duties and responsibilities of a licensed peace officer.

11.3 Assigned personnel will work in a cooperative, unified and collaborative effort.

11.4 Assigned personnel shall remain employees of the Member that has assigned them to the Team. Officers shall continue to receive salary and appropriate benefits from the assigning Member, not the Team.

11.5 Assigned personnel shall receive and complete all Peace Officer Standards and Training Board mandated training by the assigning Member.

12. **Commander.** The Team Commander shall be recommended by a Board Member; reviewed, approved and thereby appointed by the Board. The Commander will serve at the Board's pleasure and be subject to the full direction of the Board.

12.1 Duties and Responsibilities:

Update the Board as to the Team's activity.

Maintain, and report to the Chair and Board, a written quarterly financial report of all expenditures and receipts, and current fund balances.

Maintain, and report to the Chair and Board, a written quarterly summary accounting for all funds distributed, as requested.

Maintain, and report to the Chair and Board, a written quarterly summary of the activities and response of the team and its assigned Officers, as requested.

Maintain, supervise and complete any grant fund statistics and reporting requirements.

Receive, review and maintain reports regarding all Team operations, investigations and execution of search warrants initiated by the Team.

Work cooperatively with Member agencies and other agencies with venue over active investigations and subsequent prosecutions.

Conduct any other investigation, duty or assignment as deemed appropriate by the Chair and/or Board.

The Commander may exclude Assigned Officers from Team operations or further involvement, subject to review of the assigning Member, and review and approval by the Board.

13. **Equipment.** The Member assigning the Officer shall furnish a weapon and any other associated or required equipment. The Officer shall also complete all required firearm qualifications through the assigning Member.

13.1 The Member assigning the Officer shall furnish a vehicle. The Member shall pay any lease or rental payments, insurance, maintenance, and operating costs of the vehicle.

13.2 All property and equipment that has been acquired by the Team shall remain property of the Team and returned to the Team.

14. **Additional Members and Change in Membership.**

14.1 A governmental unit may join the Team and become a member upon approval by the Board of Directors and execution of a copy of this Agreement by its governing body.

14.2 The Board of Directors may involuntarily terminate a member if that member has failed to provide a minimum of one officer to staff the Team, or assets, or assigned dues.

14.3 In any case in which any other governmental unit joins the Team pursuant to paragraph 11.1, contributions by and reimbursement to such members shall be equitably determined and adjusted by the Board to reflect the participation by that member for less than one full year. The decision of the Board shall be final.

14.4 A member may, upon ninety (90) days' written notice to all other members, withdraw and cancel its participation in this Agreement.

15. **Counterparts.** This agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the undersigned Governmental Units, by action of their governing bodies, caused this Agreement to be executed in accordance with the authority of Minnesota Statutes, § 471.59.

WEST CENTRAL S.W.A.T. TEAM AGREEMENT

CITY OF BENSON

The Benson City Council duly approved this Agreement on the _____ day of _____, 201__.

City of Benson

Approved as to form
and legality:

Benson City Attorney

By: _____
Its Mayor

And: _____
Its City Administrator

(signatures continued on the following page)

MEMORANDUM:

Subject: Youth Anti-Tobacco Compliance Checks

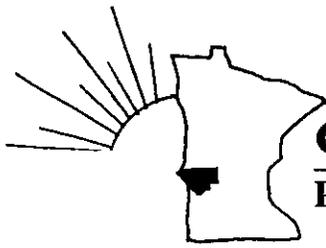
January 17, 2014

To: Mayor and City Council

Fr: City Manager W

Discussion: Please find attached for your consideration a proposed contract with Countyside Public Health to conduct annual youth anti-smoking compliance inspections. These inspections are required under the provisions of Chapter 112, Tobacco Product, Code of Ordinance. A copy of Chapter 112 is included in your packet for your reference.

Recommend: A motion by the City Council authorizing the City Manager to enter into an agreement with Countyside Public Health to conduct required anti-tobacco compliance checks, in accordance with Chapter 112 of the Benson City Cord of Ordinance.



COUNTRYSIDE
Public Health



Public Health
Prevent. Promote. Protect.

January 14, 2014

Hello,

Enclosed you will find the 2014 contract for services. Please, review the contract and sign both copies and make changes as you see fit. Then, if you will, send one copy back to me at...

Countryside Public Health
201 13th St S
Benson, MN 56215

If you have any questions, please contact Elizabeth Auch, Administrator, or myself at 320.843.4546.

Thank you,

Lacy Joyce
Fiscal Officer

www.countrysidepublichealth.org

BIG STONE
342 2nd Street NW
ORTONVILLE, MN 56278
(320) 839-6135 V/TTY
866-277-5587

CHIPPEWA
719 No. 7th St. • Suite 308
MONTEVIDEO, MN 56265
(320) 269-2174 V/TTY
800-894-0192

LAC QUI PARLE
422 5th Avenue • Suite 305
MADISON, MN 56256
(320) 598-7313 V/TTY
800-255-0736

SWIFT
201 13th St. S.
BENSON, MN 56215
(320) 843-4546 V/TTY
800-657-3291

YELLOW MEDICINE
415 9th Avenue, Suite 105
GRANITE FALLS, MN 56241
(320) 564-3010 V/TTY
800-407-3628

AN EQUAL OPPORTUNITY EMPLOYER

AGREEMENT

THIS AGREEMENT, Made on this day of **6th of January, 2014** between **City of Benson**, hereinafter called City, and Countryside Public Health, hereinafter called Countryside.

WITNESSETH:

WHEREAS, City has a youth anti-tobacco ordinance which requires yearly, mandatory compliance checks of tobacco retailers in City, and

WHEREAS, these mandatory compliance checks are to be conducted in order to ensure that City retail establishments are not selling tobacco products to minors, and

WHEREAS, Countryside is in the business of providing compliance check services to Counties,

NOW, THEREFORE, In consideration thereof, the parties hereto agree as follows:

- ✓ 1. City agrees to retain Countryside for the purpose of assisting the County Sheriff's Office with compliance checks.
- ✓ 2. Countryside will conduct compliance checks and administer all services necessary to successfully implement the compliance checks program including but not limited to: i) recruitment and training of youth compliance checkers, and ii) follow-up activities surrounding the compliance checks. City will pay Countryside One Hundred and twenty-five dollars (\$125.00) per retail establishment licensed to sell tobacco products in the City. This One Hundred and twenty-five dollars (\$125.00) payment will cover an unlimited number of compliance checks in a licensed retail establishment, but a compliance check must be completed at least once yearly for each licensed retail establishment in the City. The One Hundred and twenty-five dollars (\$125.00) payment for each retail establishment will come due after completion of at least one compliance check in a respective establishment and under no circumstance shall City be required to pay Countryside prior to any services rendered. If a retail establishment has been issued a license for less than a full year's term, Countryside shall charge City a prorated fee.
- ✓ 3. Countryside agrees to itemize all bills for services sent to City.
- ✓ 4. This agreement shall be effective through **December 31, 2014**.

IN WITNESS WHEREOF. The parties have executed this agreement the day and year first above written.

Authorizing Representative



Elizabeth Auch, Administrator/DON
Countryside Public Health

CHAPTER 112: TOBACCO PRODUCTS

Section

- 112.01 Purpose
- 112.02 Definitions
- 112.03 License required
- 112.04 License application and issuance
- 112.05 License fee and term; transferability
- 112.06 Conditions of license; compliance checks
- 112.07 License revocation
- 112.08 Employee education and training; employee violations
- 112.09 Prohibited purchase, possession, or use of tobacco products

- 112.99 Penalty

§ 112.01 PURPOSE.

(A) The Surgeon General has determined that cigarette smoking is dangerous to human health. Tobacco is the leading cause of preventable death in Minnesota and the United States. Preventing tobacco use among young people is critical to ending the U.S. tragedy of deaths from tobacco-related causes.

(B) The enactment of this chapter directly pertains to and is in furtherance of the health, safety, and general welfare of the residents of the city, particularly those residents under 18 years of age. ('75 Code, § 14.901) (Ord. 1090.95, passed 2-16-95)

§ 112.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

TOBACCO PRODUCTS. Cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready-rubbed, or other smoking tobacco, snuff, snuff flower, cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing, sniffing, or smoking in a pipe, rolling paper, or other tobacco-related devices.

VENDING MACHINE. Any mechanical, electric, or electronic device, appliance, or any other medium or object designed or used for vending purposes which upon insertion of money, tokens, or any other form of payment dispenses tobacco products. ('75 Code, § 14.902) (Ord. 1090.95, passed 2-16-95; Am. Ord. 1098.96, passed 3-11-96; Am. Ord. 1107.01, passed 7-23-01)

§ 112.03 LICENSE REQUIRED.

No person shall directly or indirectly or by means of any device keep for retail sale, sell at retail, or otherwise dispose of any tobacco product at any place in the city unless a license therefor shall first have been obtained.

('75 Code, § 14.903) (Ord. 1090.95, passed 2-16-95) Penalty, see § 112.99

§ 112.04 LICENSE APPLICATION AND ISSUANCE.

(A) Application for such license shall be made to the Clerk on a form supplied by the city. Such application shall state the full name and address of the applicant, the location of the building and the part intended to be used by the applicant under such license, the kind of business conducted at such location, and such other information as shall be required by the application form. Upon the filing of the application with the Clerk and completion of a brief written questionnaire covering applicable law, the application shall be presented to the Council for consideration, and if granted by the Council, a license shall be issued by the Clerk upon payment of the required fee.

(B) At the time of licensing, the merchant will be provided with materials to be used to train retail clerks. The merchant will also be provided with any signage that is required by law. The applicant is required to sign a statement acknowledging that, as a condition of licensing, each merchant will at least once each year, undergo an unannounced compliance check conducted by or under the authority of the city using minors over the age of 15 years but under the age of 18 years. ('75 Code, § 14.905) (Ord. 1090.95, passed 2-16-95; Am. Ord. 1107.01, passed 7-23-01)

SEE
COUNTRYSIDE
FOR
CONTRACT
SERVICES

§ 112.05 LICENSE FEE AND TERM; TRANSFERABILITY.

The fee for every such license shall be as may be adopted by from time to time by Council resolution or ordinance. Every license shall expire on December 31 after its issuance. For any license issued after January 31 in any year the fee shall be computed at the rate as may be adopted from time to time by Council resolution or ordinance for each month covered by the license. Licenses shall not be transferable from one person to another.

('75 Code, § 14.906) (Ord. 1090.95, passed 2-16-95)

§ 112.06 CONDITIONS OF LICENSE; COMPLIANCE CHECKS.

(A) *Restrictions.*

(1) No license shall be issued except to a person of good moral character. No license shall be issued to an applicant for sale of tobacco products at any place other than his or her established place of business. No license shall be issued for the sale of tobacco products at a

movable place of business; nor shall any license be issued for the sale of tobacco products at more than one place of business. No person shall sell or give away any tobacco, tobacco paper, or tobacco wrapper to any person below the age of 18 years. No person shall keep for sale, sell, or dispose of any tobacco containing opium, morphine, jimsonweed, belladonna, strychnia, cocaine, marijuana, or any other deleterious or poisonous drug except nicotine.

(2) A license shall comply with all applicable regulations of the state relating to the sale or dispensing of tobacco products. If more restrictive, the regulations of the city shall not be preempted by the regulations of the state.

(3) No licensee shall sell or dispense any tobacco product by use of a vending machine.

(4) Cigarettes shall be sold only in prepackaged packs containing no less than 20 cigarettes. No licensee shall offer for sale single packages of cigarettes or of smokeless tobacco in open displays which are accessible to the public without the intervention of a store employee. ('75 Code, § 14.904)

(B) *Display of license.* Every such license shall be kept conspicuously posted about the place for which the license is issued and shall be exhibited to any person upon request. ('75 Code, § 14.907)

(C) Compliance checks Compliance checks will be conducted at least one time per year under the guidance of a law/health enforcement agency to assess and enforce tobacco vendors' compliance with state and city age-of-sale laws. Violations will require more frequent checks. Data obtained from compliance checks shall be provided as soon as is reasonably possible to the tobacco vendor that was the subject of such check and to the City Council. ('75 Code, § 14.908) (Am. Ord. 1090.95, passed 2-16-95; Am. Ord. 1098.96, passed 3-11-96; Am. Ord. 1107.01, passed 7-23-01) Penalty, see § 112.99

§ 112.07 LICENSE REVOCATION.

Every such license may be revoked by the Council for a violation of any provision of this code if the licensee has been given reasonable notice and an opportunity to be heard. ('75 Code, § 14.909) (Am. Ord. 1090.95, passed 2-16-95)

§ 112.08 EMPLOYEE EDUCATION AND TRAINING; EMPLOYEE VIOLATIONS.

A licensee shall be responsible for educating its employees about the penalties for violations of the provisions of this chapter and providing periodic training to employees about applicable laws governing sales of tobacco products. A violation by any employee of the provisions of this chapter may also constitute a violation by the licensee by whom such employee was employed at the time of the violation. ('75 Code, § 14.910(A)) (Am. Ord. 1090.95, passed 2-16-95; Am. Ord. 1098.96, passed 3-11-96)

§ 112.09 PROHIBITED PURCHASE, POSSESSION, OR USE OF TOBACCO PRODUCTS.

Whoever possesses, smokes, chews, or otherwise ingests, purchases, or attempts to purchase any tobacco product and is under the age of 18 years shall be penalized as provided in § 112.99. This section does not apply to a person under the age of 18 years who purchases or attempts to purchase tobacco products while under the supervision of a responsible adult for training, education, research, or enforcement purposes.

('75 Code, § 14.911) (Ord. 1098.96, passed 3-11-96) Penalty, see § 112.99

§ 112.99 PENALTY.

(A) *Penalty.*

KEY
→

(1) Any violation of the provisions of §§ 112.01 through 112.08 shall result in the following penalties:

✓ (a) For licensees:

1. First violation: An administrative penalty of \$75;
2. Second violation on the same licensed premises within 24 months of the initial offense: An administrative penalty of \$200;
3. Third violation on the same licensed premises within 24 months of the initial offense: An administrative penalty of \$250 and, suspension of the license for no less than seven days;

✓ (b) For employees of licensees: An administrative penalty of \$50.

(2) *Appeals.* No suspension or penalty may take effect until the licensee, or employee, accused of a violation of this chapter has received notice, served personally on or by mail, of the alleged violation and an opportunity for a hearing. Any employee or licensee may request an appeal hearing of any proposed fine or suspension before the City Council by written or verbal request to the City Manager within ten days of the violation. The appeal will be heard at the next regular Council meeting after notice is received. A notice of appeal shall stay imposition of a fine or suspension until the appeal is heard. A decision by the City Council that a violation has occurred must be in writing. ('75 Code, § 14.910(B)) (Am. Ord. 1090.95, passed 2-16-95; Am. Ord. 1098.96, passed 3-11-96; Am. Ord. passed 5-11-98; Am. Ord. 1107.01, passed 7-23-01)

Right to
A HEARING
BEFORE
THE
CITY
Council.

(3) *Defense.* It is an affirmative defense to the charge of selling tobacco to a person under the age of 18 years in violation of this chapter that the licensee or employee making the sale relied in good faith upon proof of age as described in M.S. § 340A.503, subdivision G. (Am. Ord. 1107.01, passed 7-23-01)

(B) Whoever violates § 112.09 shall pay an administrative penalty of \$35 and shall participate in an appropriate education/diversion program. ('75 Code, § 14.911) (Ord. 1098.96, passed 3-11-96; Am. Ord. 1107.01, passed 7-23-01)

(C) *Prosecution.* Nothing in this section shall prohibit the city from seeking prosecution of any alleged violation of this chapter under the applicable provisions of Minnesota Statutes. (Am. Ord. 1107.01, passed 7-23-01; Am. Ord. 1118.06, passed 1-9-06)

Cross-reference:

Appeals of administrative decisions to Council, see § 30.05

MEMORANDUM

Subject: Draft Waster Water Permit, City of Benson

January 21, 2014

TO: Benson Mayor and City Council

FR: City Manager

*W
1/21/14*

The Minnesota Pollution Control Agency has prepared a DRAFT five year permit outlined by the National Pollution Discharge Elimination System regulations (NPDES) for the Benson Wastewater treatment Facility. This draft permit will replace the existing permit which expired on March 41, 2014. The permit requirements are essentially the same with additional requirements for monitoring salty discharges (water softening and industrial discharges). Additional reporting requirements were added to the permit. The DRAFT permit has been reviewed by city staff and consulting engineers.

The public comment period for this DRAFT permit will run from January 17 thru February 18, 2014. The MnPCA will evaluate the public comments and incorporate these comments into the final draft.

The City Council may request that the MnPCA to hold a public information meeting in Benson to discuss the permit. Instructions on the process to request such a meeting are outlined in the attached correspondence.

Recommendation: (1) The City Council review the attached permit; and, (2) The City Council meet with the Public Works Director and discuss the impact of the permit on the wastewater treatment facility; and (3) decline the offer to require the MnPCA to host a local information meeting – unless requested by local citizens.





Minnesota Pollution Control Agency

Marshall Office | 504 Fairgrounds Road | Suite 200 | Marshall, MN 56258-1688 | 507-537-7146

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

January 17, 2014

W
✓
1/21/14

The Honorable Paul Kittelson
Mayor, City of Benson
1410 Kansas Avenue
Benson, MN 56215

RE: Draft Reissued NPDES/SDS Permit Number MN0020036
Benson Wastewater Treatment Facility
T121N, R39W, Section 6, Torning Township, Swift County, Minnesota

Dear Mayor Kittelson:

The Minnesota Pollution Control Agency (MPCA) staff recently completed a review of your National Pollutant Discharge Elimination System (NPDES) / State Disposal System (SDS) Permit application. Enclosed is a draft of the reissued permit and public notice for your facility. Please carefully review these documents.

As discussed via telephone on January 13, 2014, with Eric Lembke of Stantec Consulting Ltd., the Facility Description has been edited to clarify the facility components. No additional changes have been made to the pre-public notice draft version of the permit.

Special attention should be directed to the following:

Limits and Monitoring Requirements

Influent and Effluent Flow Monitoring: Since the facility has the ability to monitor both influent and effluent flow, this draft Permit contains flow monitoring and reporting requirements for Station SD001 and Station WS001.



Salty Discharge Monitoring: The draft permit contains once per month effluent monitoring for the following parameters: chloride, calcium and magnesium hardness as CaCO₃, specific conductance, total dissolved solids (TDS), sulfates as SO₄, bicarbonates (HCO₃), sodium, calcium, magnesium, and potassium. The data will be recorded on a Supplemental Form provided on the MPCA website <https://www.pca.state.mn.us/hqzqb28> and the form must be submitted with the monthly Discharge Monitoring Reports (DMRs). Please refer to the Limits and Monitoring Requirements, on pages 6 to 8 and Chapter 4, Surface Discharge Stations, on page 10 of this draft permit for additional information.

 Nitrogen Series Monitoring: The draft Permit requires additional monitoring for nitrite plus nitrate-nitrogen, ammonia nitrogen, and Kjeldahl nitrogen, at a frequency of two times per year for the five-year term of the Permit. The data will be recorded on a custom supplemental form provided on the MPCA website <https://www.state.mn.us/hqzqb28> and must be submitted with the DMR for the month when the sample is collected. The TDS monitoring is also part of this required monitoring, but it is being recommended that it be sampled monthly as part of the salty discharge monitoring. If the salty discharge monitoring is discontinued in the future, TDS monitoring will remain at a twice per year monitoring requirement. These additional parameters are being added to every permitted municipal facility with an annual wet weather design flow of 100,000 gallons per day or greater.

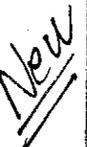
 Mercury: This Permit contains requirements for mercury monitoring and for submittal of a Mercury Pollutant Minimization Plan (MMP). These requirements were added in response to the U.S. Environmental Protection Agency's approval of the Minnesota state-wide Mercury Total Maximum Daily Load (TMDL) plan. Guidance for completing the MMP is available on the MPCA internet site at <http://www.pca.state.mn.us/gp0rb25>. More information on the TMDL can be found on the MPCA internet site at <http://www.pca.state.mn.us/wfhy9ef>. Specific mercury monitoring requirements are found in the Surface Discharge Stations Chapters of this permit. Those requirements include sampling for total suspended solids via a grab sample taken at the same time as the mercury grab samples are taken.

 Phosphorus: Phosphorus is a common constituent in many wastewater discharges and a pollutant that has the potential to negatively impact the quality of Minnesota's lakes, wetlands, rivers, and streams. Phosphorus promotes algae and aquatic plant growth often resulting in decreased water clarity and oxygen levels. In addition to creating general aesthetic problems, these conditions can also impact a water body's ability to support healthy fish and other aquatic species. Therefore, phosphorus discharges are being carefully evaluated throughout the state.

 The draft Permit contains an annual total phosphorus mass limit of 1,361 kilograms per year (kg/yr). This limit is being added in response to the draft Lake Pepin TMDL study.

 Chapter 1: Mercury Minimization Plan

The Facility is required to submit an updated MMP 180 days prior to permit expiration.

 Chapter 4: Surface Discharge Stations

Special Requirements for Salty Discharges - Please review requirements 2.1-2.3 of this chapter carefully. The Permittee may request a reduction in monitoring if, after two years of data, the monitoring does not indicate a reasonable potential to exceed a water quality standard. If monitoring results indicate a reasonable potential for any of the parameters, the Permittee will be required to submit an application for permit modification and, if necessary, a compliance schedule will be added to the Permit to ensure progress towards meeting the water quality standards.

The Honorable Paul Kittelson

Page 3

January 17, 2014

Chapter 7: Pretreatment

New state pretreatment rules, Minn. R. ch. 7049, are now effective and their requirements are incorporated into this chapter. Please review these permit requirements carefully.

If you have any questions regarding any of the terms and conditions of the draft permit, please contact Ashley Wahl of my staff, at 507-476-4264.

Sincerely,

A handwritten signature in cursive script that reads "Randall S. Soderbeck for".

Gene M. Soderbeck, P.E.

Supervisor, Southwest Regional & SSTS Policy and Planning Unit

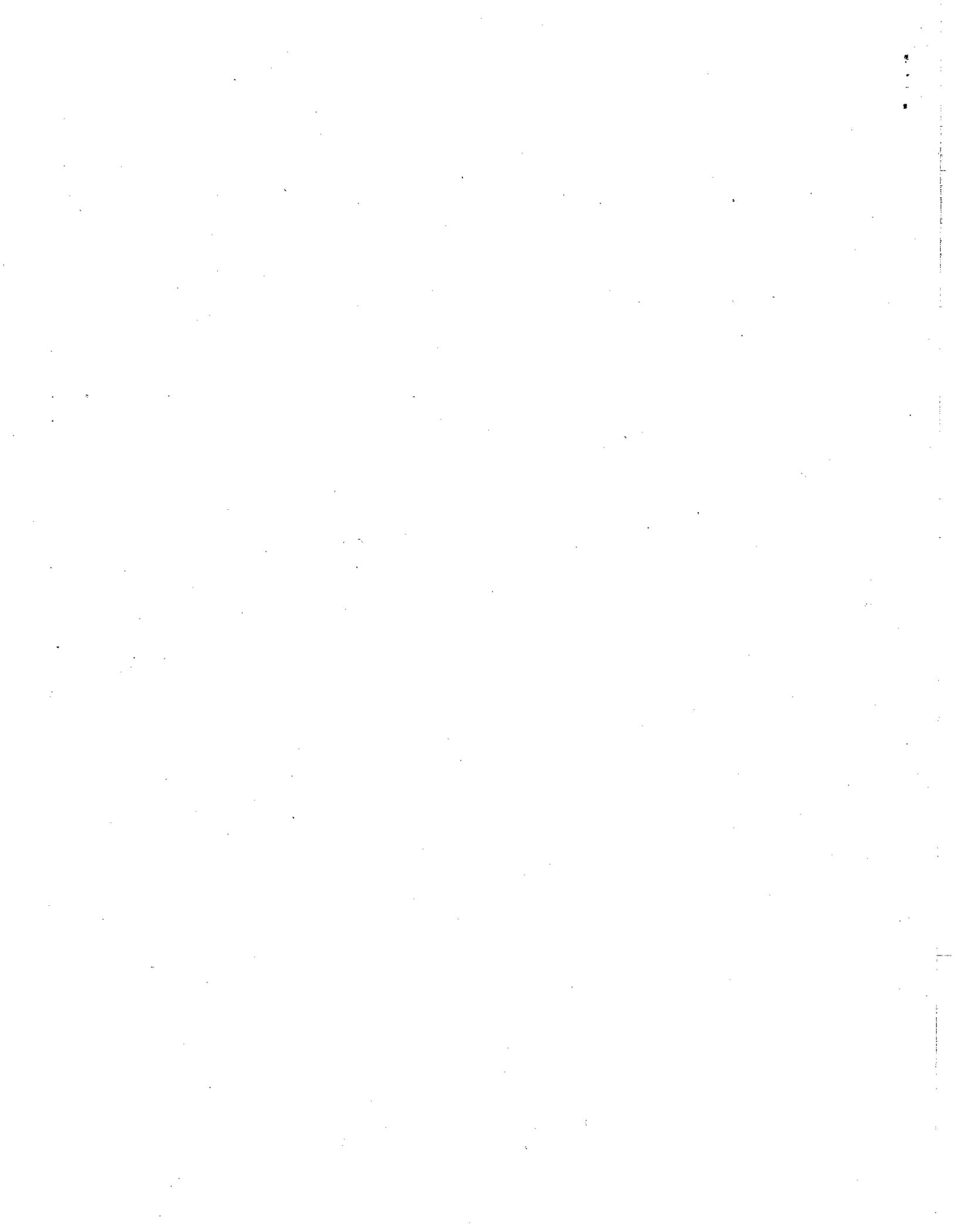
SSTS Section

Municipal Division

GMS/AW:cb

Enclosures: Draft Permit, Public Notice

cc: Randy Peterson, People Service Inc. (w/enclosure)
Eric Lembke, Stantec Consulting Ltd. (w/enclosure)
Rob Wolfington, City of Benson (w/enclosure)





Minnesota Pollution Control Agency

STATE OF MINNESOTA

Minnesota Pollution Control Agency

MUNICIPAL DIVISION

PUBLIC NOTICE OF INTENT TO REISSUE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) /
STATE DISPOSAL SYSTEM (SDS) PERMIT MN0020036

Public Comment Period Begins:

January 17, 2014

Public Comment Period Ends:

February 18, 2014

Current Permit Issued:

✓ April 6, 2009

Current Permit Expiration Date:

✓ March 31, 2014

Name and Address of Permittee:

City of Benson
1410 Kansas Avenue
Benson, Minnesota 56215

Facility Name and Location:

Benson Wastewater Treatment Facility
200 - 22nd Street South
T121N, R39W, Section 6,
Benson, Swift County, Minnesota

Receiving Water: Chippewa River (Class 2B, 3C, 4A, 4B, 5, 6 water)

Description of Permitted Facility

The Benson Wastewater Treatment Facility (Facility) is located in the NE ¼ of the SW ¼ of Section 6, Township 121 North, Range 39 West, Torning Township, Swift County, Minnesota.

The existing Facility consists of a bar screen, an aerated grit tank, fine screen, an overflow retention basin, a primary clarifier, two trickling filters, four solids contact tanks, two final clarifiers, two effluent filters, cascade aeration, a chlorination unit, dechlorination, one primary and one secondary anaerobic sludge digester, a sludge storage tank, and an emergency generator. A chemical feed system provides phosphorus removal. This is a Class A facility.

The Facility has a continuous discharge (Discharge SD001) to the Chippewa River (Class 2B, 3C, 4A, 4B, 5, 6 water) and is designed to treat an average wet weather design flow (AWWDF) of 985,000 gallons per day (gpd) with a five-day carbonaceous biochemical oxygen demand (CBOD₅) strength of 123 milligrams per liter (mg/L) at AWWDF.

The location of the facility is shown on the map on page 4.

In accordance with MPCA rules regarding nondegradation for all waters that are not Outstanding Resource Value Waters, nondegradation review is required for any new or expanded significant discharge (Minn. R. 7050.0185). A significant discharge is 1) a new discharge (not in existence before January 1, 1988) that is greater than 200,000 gpd to any water other than a Class 7 water or 2) an expanded discharge that expands by greater than 200,000 gpd that discharges to any water other than a Class 7 water or 3) a new or expanded discharge containing any toxic pollutant at a mass loading rate likely to increase the concentration of the toxicant in the receiving water by greater than one percent over the baseline quality. The flow rate used to determine significance is the AWWDF. The January 1, 1988, AWWDF for this facility is 782,000 gpd.

This Permit also complies with Minn. R. 7053.0275 regarding anti-backsliding.

Any point source discharger of sewage, industrial, or other wastes for which a NPDES permit has been issued by the MPCA that contains effluent limits more stringent than those that would be established by Minn. R. 7053.0215 to 7053.0265 shall continue to meet the effluent limits established by the permit, unless the permittee establishes that less stringent effluent limits are allowable pursuant to federal law, under section 402(o) of the Clean Water Act, United States Code, title 33, section 1342.

Preliminary Determination on the Draft Permit

The MPCA Commissioner has made a preliminary determination to reissue this NPDES/SDS permit for a term of approximately five years.

A draft permit is available for review at the MPCA office at the Marshall address listed below, at the Willmar regional office and on-line at <http://www.pca.state.mn.us/index.php/public-notices/list.html>.

A copy of the draft permit will be mailed to you if the MPCA receives your written or oral request at this office. If you have questions about this draft permit or the Commissioner's preliminary determination, please contact Ashley Wahl at 507-476-4264.

Written Comments

You may submit written comments on the conditions of the draft permit or on the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the permit application or the draft permit.
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft permit that you believe should be changed.
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting

You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern.
2. The information required under items 1 through 3 of "Written Comments," identified above.
3. A statement of the reasons the MPCA should hold a public informational meeting.
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with Minn. R. 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft permit; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft permit. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 7000.1900, as discussed above.
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing.
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing.
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision

You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the permit issuance. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of Minn. Stat. § 116.02, subd. 6(4), the decision whether to issue the permit and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the permit; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the Board as provided in Minn. R. 7000.0650.

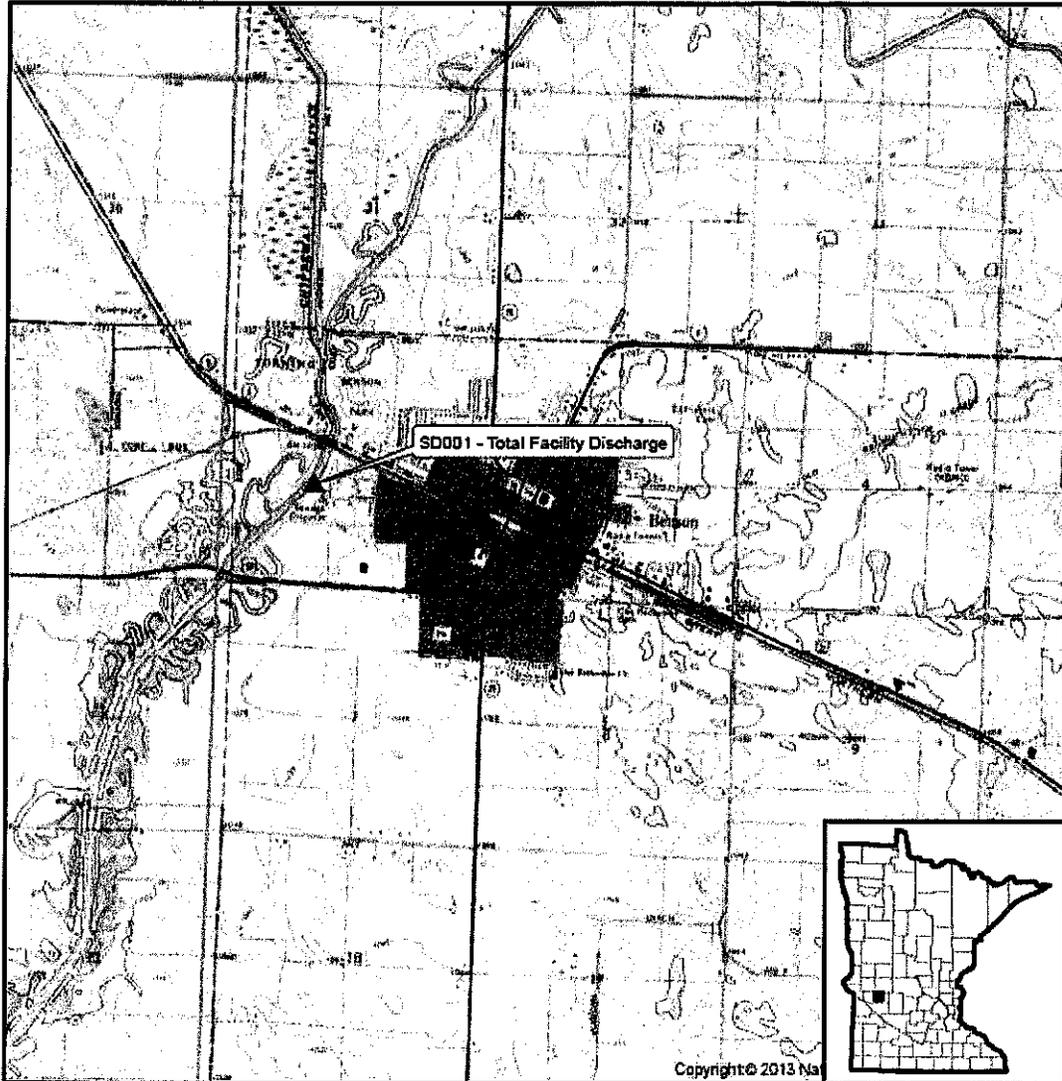
The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, the MPCA staff as authorized by the Board, will make the final decision on the draft permit.

Comments, petitions, and/or requests must be submitted in writing on or before the end date of the public comment period identified on page 1 of this notice to:

Ashley Wahl
Municipal Division
504 Fairgrounds Road, Suite 200
Marshall, Minnesota 56258

Topographic Map of Permitted Facility

MN0020036 Benson Wastewater Treatment Facility
T121N, R39W, Section 6
Torning Township, Swift County, Minnesota



Map produced by: MPCA Staff, 9/24/2013
Source: USGS Quad
Scale: 1:35,572

0 0.375 0.75 1.5 Miles





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Facility Description

The Benson Wastewater Treatment Facility (Facility) is located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 121 North, Range 39 West, Torning Township, Swift County, Minnesota.

The existing Facility consists of a bar screen, an aerated grit tank, fine screen, an overflow retention basin, a primary clarifier, two trickling filters, four solids contact tanks, two final clarifiers, two effluent filters, cascade aeration, a chlorination unit, dechlorination, one primary and one secondary anaerobic sludge digester, a sludge storage tank, and an emergency generator. A chemical feed system provides phosphorus removal. This is a Class A facility.

The Facility has a continuous discharge (Discharge SD001) to the Chippewa River (Class 2B, 3C, 4A, 4B, 5, 6 water) and is designed to treat an average wet weather design flow (AWWDF) of 985,000 gallons per day (gpd) with a five-day carbonaceous biochemical oxygen demand strength of 123 milligrams per liter at AWWDF.

The location of the Facility is shown on the map on page 4 and the locations of designated monitoring stations are specified on the "Summary of Stations" on page 5.

In accordance with the MPCA rules regarding nondegradation for all waters that are not Outstanding Resource Value Waters, nondegradation review is required for any new or expanded significant discharge (Minn. R. 7050.0185). A significant discharge is 1) a new discharge (not in existence before January 1, 1988) that is greater than 200,000 gpd to any water other than a Class 7 water or 2) an expanded discharge that expands by greater than 200,000 gpd that discharges to any water other than a Class 7 water or 3) a new or expanded discharge containing any toxic pollutant at a mass loading rate likely to increase the concentration of the toxicant in the receiving water by greater than one percent over the baseline quality. The flow rate used to determine significance is the AWWDF. The January 1, 1988, AWWDF for this Facility is 782,000 gpd.

This permit also complies with Minn. R. 7053.0275, regarding anti-backsliding.

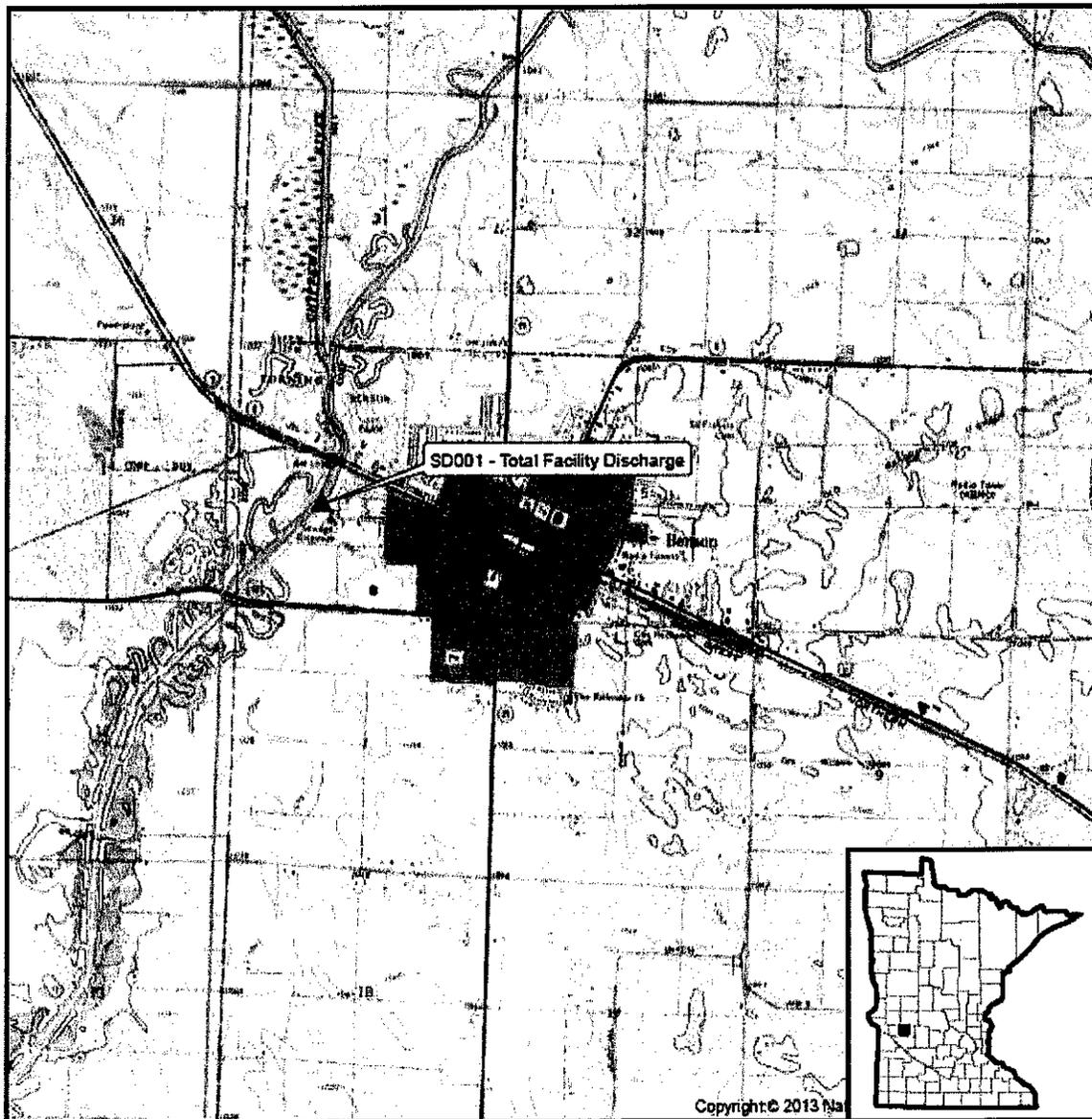
Any point source discharger of sewage, industrial, or other wastes for which a National Pollutant Discharge Elimination System permit has been issued by the MPCA that contains effluent limits more stringent than those that would be established by Minn. R. 7053.0215 to Minn. R. 7053.0265, shall continue to meet the effluent limits established by the permit, unless the permittee establishes that less stringent effluent limits are allowable pursuant to federal law, under section 402(o) of the Clean Water Act, United States Code, title 33, section 1342.

Topographic Map of Permitted Facility

MN0020036 Benson Wastewater Treatment Facility

T121N, R39W, Section 6

Torning Township, Swift County, Minnesota



Map produced by: MPCA Staff, 9/24/2013
Source: USGS Quad
Scale: 1:35,572

0 0.375 0.75 1.5 Miles



**Benson Wastewater Treatment Facility
Summary of Stations**

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Surface Discharge Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
SD001	Effluent To Surface Water	Total Facility Discharge	NE Quarter of the SW Quarter of Section 6, Township 121 North, Range 39 West

Waste Stream Stations

<u>Station</u>	<u>Type of Station</u>	<u>Local Name</u>	<u>PLS Location</u>
WS001	Influent Waste	Influent Waste Stream	NE Quarter of the SW Quarter of Section 6, Township 121 North, Range 39 West

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The Permittee shall comply with the limits and monitoring requirements as specified below.

SD 001: Total Facility Discharge

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Bicarbonates (HCO ₃)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	1 x Month	
BOD, Carbonaceous 05 Day (20 Deg C)	18.62	kg/day	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
BOD, Carbonaceous 05 Day (20 Deg C)	5	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
BOD, Carbonaceous 05 Day (20 Deg C)	37.23	kg/day	Maximum Calendar Week Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
BOD, Carbonaceous 05 Day (20 Deg C)	10	mg/L	Maximum Calendar Week Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
BOD, Carbonaceous 05 Day (20 Deg C) Percent Removal	85	%	Minimum Calendar Month Average	Jan-Dec	Calculation	2 x Week	
Calcium, Total (as Ca)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	1 x Month	
Chloride, Total	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	1 x Month	
Chlorine, Total Residual	0.038	mg/L	Daily Maximum	Jan-Dec	Grab	1 x Day	3
Fecal Coliform, MPN or Membrane Filter 44.5C	200	#100ml	Calendar Month Geometric Mean	Apr-Oct	Grab	2 x Week	
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement, Continuous	1 x Day	
Flow	Monitor Only	mgd	Calendar Month Maximum	Jan-Dec	Measurement, Continuous	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement, Continuous	1 x Day	
Hardness, Calcium & Magnesium, Calculated (as CaCO ₃)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	1 x Month	
Magnesium, Total (as Mg)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	1 x Month	
Mercury, Dissolved (as Hg)	Monitor Only	ng/L	Calendar Month Maximum	Jul	Grab	1 x Month	2
Mercury, Total (as Hg)	Monitor Only	ng/L	Calendar Month Maximum	Jul	Grab	1 x Month	2
Nitrite Plus Nitrate, Total (as N)	Monitor Only	mg/L	Calendar Month Average	Apr, Sep	24-Hour Flow Composite	1 x Month	
Nitrogen, Ammonia, Total (as N)	35.67	kg/day	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
Nitrogen, Ammonia, Total (as N)	9.5	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
Nitrogen, Kjeldahl, Total	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
Oxygen, Dissolved	Monitor Only	mg/L	Calendar Month Minimum	Jan-Dec	Grab	1 x Day	1
pH	9.0	SU	Calendar Month Maximum	Jan-Dec	Grab	1 x Day	1
pH	6.0	SU	Calendar Month Minimum	Jan-Dec	Grab	1 x Day	1
Phosphorus, Total (as P)	1.0	mg/L	12 Month Moving Average	Jan-Dec	24-Hour Flow Composite	2 x Week	2
Phosphorus, Total (as P)	1361	kg/yr	12 Month Moving Total	Jan-Dec	Calculation	2 x Week	2
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
Phosphorus, Total (as P)	Monitor Only	kg/mo	Calendar Month Total	Jan-Dec	24-Hour Flow Composite	2 x Week	

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The Permittee shall comply with the limits and monitoring requirements as specified below.

SD 001: Total Facility Discharge

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Potassium, Total (as K)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	1 x Month	
Sodium, Total (as Na)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	1 x Month	
Solids, Total Dissolved (TDS)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	1 x Month	
Solids, Total Suspended (TSS)	88.68	kg/day	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
Solids, Total Suspended (TSS)	30	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
Solids, Total Suspended (TSS)	133	kg/day	Maximum Calendar Week Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
Solids, Total Suspended (TSS)	45	mg/L	Maximum Calendar Week Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
Solids, Total Suspended (TSS) Percent Removal	85	%	Minimum Calendar Month Average	Jan-Dec	Calculation	2 x Week	
Solids, Total Suspended (TSS), grab (Mercury)	Monitor Only	mg/L	Calendar Month Maximum	Jul	Grab	1 x Month	2
Specific Conductance	Monitor Only	umh/cm	Calendar Month Maximum	Jan-Dec	Measurement	1 x Month	
Sulfate, Total (as SO4)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	1 x Month	

WS 001: Influent Waste Stream

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
BOD, Carbonaceous 05 Day (20 Deg C)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
BOD, Carbonaceous 05 Day (20 Deg C)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	2 x Week	
Flow	Monitor Only	mgd	Calendar Month Average	Jan-Dec	Measurement, Continuous	1 x Day	
Flow	Monitor Only	mgd	Calendar Month Maximum	Jan-Dec	Measurement, Continuous	1 x Day	
Flow	Monitor Only	MG	Calendar Month Total	Jan-Dec	Measurement, Continuous	1 x Day	
pH	Monitor Only	SU	Calendar Month Maximum	Jan-Dec	Grab	1 x Day	1
pH	Monitor Only	SU	Calendar Month Minimum	Jan-Dec	Grab	1 x Day	1
Phosphorus, Total (as P)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	
Precipitation	Monitor Only	in	Calendar Month Total	Jan-Dec	Measurement	1 x Day	
Solids, Total Suspended (TSS)	Monitor Only	mg/L	Calendar Month Average	Jan-Dec	24-Hour Flow Composite	2 x Week	

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The Permittee shall comply with the limits and monitoring requirements as specified below.

WS 001: Influent Waste Stream

Parameter	Limit	Units	Limit Type	Effective Period	Sample Type	Frequency	Notes
Solids, Total Suspended (TSS)	Monitor Only	mg/L	Calendar Month Maximum	Jan-Dec	24-Hour Flow Composite	2 x Week	

Notes:
 1 -- Analyze immediately.
 2 -- See Surface Discharge Stations Chapter for additional information.
 3 -- Whenever chlorine is added. Analyze immediately. This means within 15 minutes or less of sample collection. A Method Detection Limit and a Reporting Limit must be established for this parameter. The Reporting Limit cannot be greater than 0.1 mg/L.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**Chapter 1. Mercury Minimization Plan****1. Mercury Pollutant Minimization Plan**

- 1.1 The Permittee is required to complete and submit a Mercury Pollutant Minimization Plan (MMP) to the MPCA as detailed in this section. If the Permittee has previously submitted a MMP, it must update its MMP and submit the updated MMP to the MPCA. The purpose of the MMP is to evaluate collection and treatment systems to determine possible sources of mercury as well as potential mercury reduction options. Guidelines for developing a MMP are detailed in this section.
- 1.2 The specific mercury monitoring requirements are detailed in the limits and monitoring section of this permit. Information gained through the MMP process can be used to reduce mercury concentrations. As part of its mercury control strategy, the Permittee should consider selecting activities based on the potential of those activities to reduce mercury loadings to the wastewater treatment facility.
- 1.3 The Permittee shall submit a Mercury Minimization Plan by 180 days before permit expiration. At a minimum, the MMP must include the following:
 - a) A summary of mercury influent and effluent concentrations and biosolids monitoring data using the most recent five years of monitoring data, if available.
 - b) Identification of existing and potential sources of mercury concentrations and/or loading to the facility. As appropriate for your facility, you should consider residential, institutional, municipal, and commercial sources (such as dental clinics, hospitals, medical clinics, nursing homes, schools, laundries, and industries with potential for mercury contributions). You should also consider other influent mercury sources, such as stormwater inputs, ground water (inflow & infiltration) inputs, lift station components, and waste streams or sewer tributaries to the wastewater treatment facility.
 - c) An evaluation of past and present WWTF operations to determine those operating procedures that maximize mercury removal.
 - d) A summary of any mercury reduction activities implemented during the last five years.
 - e) A plan to implement mercury management and reduction measures during the next five years.

Chapter 2. Total Residual Oxidants - Domestic**1. General Requirements**

- 1.1 "Daily Maximum" for Total Residual Chlorine (TRC) concentration limits means:
 - a. The value of a single sample in a 24-hour period if the concentration of TRC in that sample is 0.038 mg/L or less, or below the Reportable Limit (RL).
 - b. If the concentration of TRC in the first sample is greater than 0.038 mg/L or greater than the RL, reporting the average of two to twelve samples analyzed in a 24-hour period is allowed. The second sample must be taken two hours after the first sample and subsequent samples are to be taken at one-hour intervals thereafter, not to exceed a total of twelve samples in a 24-hour period. Values below the Reportable Limit for TRC are assumed to be zero for averaging purposes only. Whenever daily TRC values are averaged, the 0.038 mg/L limit must be met and the average value must be reported, not < the RL.
 - c. The average value of multiple daily TRC effluent sample analyses must meet the 0.038 mg/L limit to be in compliance.
- 1.2 Total Residual Chlorine must be analyzed immediately. This means within 15 minutes or less of sample collection. (40 CFR Part 136 and Standard Methods for the Examination of Water and Wastewater, Latest Edition)
- 1.3 A Method Detection Limit (MDL) must be established for this parameter.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**Chapter 2. Total Residual Oxidants - Domestic****1. General Requirements**

- 1.4 The Reportable Limit must be established for this parameter. This should be based on the Method Detection Limit and laboratory, analyst, and equipment used in the analysis. The Reportable Limit cannot be greater than 0.1 mg/L.
- 1.5 The Method Detection Limit and Reportable Limit should be reassessed when the method, equipment, laboratory, or analyst changes.
- 1.6 Monitoring results below the Reportable Limit should be reported as "<" the Reportable Limit. For example, if the Reportable Limit is 0.01 mg/L and a parameter is not detected at a value of 0.01 mg/L or greater, the concentration shall be reported as "<0.01mg/L." The symbol "<" means "less than."
- 1.7 The equipment should be checked against a known standard at least monthly.

Chapter 3. Waste Stream Stations**1. Requirements for Specific Stations**

- 1.1 WS 001: Submit a monthly DMR by 21 days after the end of each calendar month following permit issuance.

2. Sampling Location

- 2.1 Samples for Station WS001 shall be collected at a point representative of total influent flow to the system.

Chapter 4. Surface Discharge Stations**1. Requirements for Specific Stations**

- 1.1 SD 001: Submit a monthly DMR by 21 days after the end of each calendar month following permit issuance.

2. Special Requirements**Salty Discharge Monitoring**

- 2.1 The Permittee may request a reduction in monitoring after 2 years of sampling results, if the monitoring does not indicate a reasonable potential to exceed a water quality standard limit.
- 2.2 If monitoring results indicate a reasonable potential for any of the parameters, the Permittee will be required to submit an application for a permit modification. If necessary, a compliance schedule will be added to the permit to ensure progress towards meeting the water quality standards.

3. Sampling Location

- 3.1 Samples for Station SD001 shall be taken at a point that is representative of the total discharge to the receiving water.
- 3.2 Samples and measurements required by this permit shall be representative of the monitored activity.

4. Surface Discharges

- 4.1 Floating solids or visible foam shall not be discharged in other than trace amounts.
- 4.2 Oil or other substances shall not be discharged in amounts that create a visible color film.
- 4.3 The Permittee shall install and maintain outlet protection measures at the discharge stations to prevent erosion.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**Chapter 4. Surface Discharge Stations****5. Winter Sampling Conditions**

- 5.1 The Permittee shall sample flows at the designated monitoring stations including when this requires removing ice to sample the water. If the station is completely frozen throughout a designated sampling month, the Permittee shall check the "No Discharge" box on the Discharge Monitoring Report (DMR) and note the ice conditions in Comments on the DMR.

6. Phosphorus Limits and Monitoring Requirements

- 6.1 Phosphorus limits are to be calculated as follows.
- 6.2 "12-Month Moving Average" is a rolling average. To calculate, add all of the monthly average values during the last 12 months and divide by 12.
- 6.3 "12-Month Moving Total" is a rolling total. For the first 11 months after this limit is effective, report the mass phosphorus discharged by calculating each month's kg/month, then adding each month's kg/month from the first month the new limit is effective through the 11th month after this limit became effective. This value should be reported on the eDMR in the 12-Month Moving Total field. If using the eDMR calculator tool, replace the calculated value with this value. Starting the 12th month after this limit became effective and thereafter, calculate each kg/month then add all of the monthly values (kg/mo) during the last twelve months, starting with the monthly total for the month of the current reporting period. Calculate kg/month for each month by multiplying the total volume of effluent flow (MG) by the monthly average concentration and by a 3.785 conversion factor to get kg/month. Starting the 12th month after this limit became effective and thereafter, the eDMR calculator tool will provide the correct value for this limit.

7. Mercury Limits and Monitoring Requirements

- 7.1 Permittees are required to sample for TSS (grab sample) at the same time that Total/Dissolved Mercury samples are taken. Total Mercury, Dissolved Mercury, and TSS (grab sample) samples must be collected via grab samples. All results must be recorded on DMRs.
- 7.2 Total and Dissolved Mercury samples must be analyzed using the most current versions of EPA Method 1631 with clean techniques method 1669. Should another mercury analytical method that has a reportable quantitation level of <0.5 ng/L that allows for low-level sample characterization be approved by the EPA and certified by an MPCA recognized accreditation body, the method may be used in place of 1631/1669.

8. Discharge Monitoring Reports

- 8.1 The Permittee shall submit monitoring results for discharges in accordance with the limits and monitoring requirements for this station. If no discharge occurred during the reporting period, the Permittee shall check the "No Discharge" box on the Discharge Monitoring Report (DMR).

Chapter 5. Domestic Wastewater -- Mechanical System**1. Bypass Structures**

- 1.1 All structures capable of bypassing the treatment system shall be manually controlled and kept locked at all times.

2. Sanitary Sewer Extension Permit

- 2.1 The Permittee may be required to obtain a Sanitary Sewer Extension Permit from the MPCA for any addition, extension or replacement to the sanitary sewer. If a sewer extension permit is required, construction may not begin until plans and specifications have been submitted and a written permit is granted except as allowed in Minn. Stat. 115.07, Subd. 3(b).

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**Chapter 5. Domestic Wastewater -- Mechanical System****3. Operator Certification**

- 3.1 The Permittee shall provide a Class A state certified operator who is in direct responsible charge of the operation, maintenance and testing functions required to ensure compliance with the terms and conditions of this permit.
- 3.2 The Permittee shall provide the appropriate number of operators with a Type IV certification to be responsible for the land application of biosolids or semisolids from commercial or industrial operations.
- 3.3 If the Permittee chooses to meet operator certification requirements through a contractual agreement, the Permittee shall provide a copy of the contract to the MPCA, WQ Submittals Center. The contract shall include the certified operator's name, certificate number, company name if appropriate, the period covered by the contract and provisions for renewal; the duties and responsibilities of the certified operator; the duties and responsibilities of the permittee; and provisions for notifying the MPCA 30 days in advance of termination if the contract is terminated prior to the expiration date.
- 3.4 The Permittee shall notify the MPCA within 30 days of a change in operator certification or contract status.

Chapter 6. Biosolids-Land Application**1. Authorization**

- 1.1 This permit authorizes the Permittee to store and land apply domestic wastewater treatment biosolids in accordance with the provisions in this chapter and Minnesota Rules, ch. 7041.
- 1.2 Permittees who prepare bulk biosolids must obtain approval of the sites on which bulk biosolids are applied before they are applied unless they are Exceptional Quality Biosolids. Site application procedures are set forth in Minn. R. ch. 7041.0800.

2. Compliance Responsibility

- 2.1 The Permittee is responsible for ensuring that the applicable requirements in this chapter and Minn. R. ch. 7041 are met when biosolids are prepared, distributed, or applied to the land.

3. Notification Requirements

- 3.1 The Permittee shall provide information needed to comply with the biosolids requirements of Minn. R. ch. 7041 to others who prepare or use the biosolids.

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Chapter 6. Biosolids-Land Application

4. Pollutant Limits

- 4.1 Biosolids which are applied to the land must not exceed the ceiling concentrations in Table 1 and must not be applied so that the cumulative amounts of pollutant in Table 2 are exceeded.

Table 1 Ceiling Concentrations (dry weight basis)

Parameter in units mg/kg

Arsenic 75
 Cadmium 85
 Copper 4300
 Lead 840
 Mercury 57
 Molybdenum 75
 Nickel 420
 Selenium 100
 Zinc 7500

Table 2 Cumulative Loading Limits

Parameter in units lbs/acre

Arsenic 37
 Cadmium 35
 Copper 1339
 Lead 268
 Mercury 15
 Molybdenum not established*
 Nickel 375
 Selenium 89
 Zinc 2500

*The cumulative limit for molybdenum has not been established at the time of permit issuance

5. Pathogen and Vector Attraction Reduction

- 5.1 Biosolids shall be processed, treated, or be incorporated or injected into the soil to meet one of the vector attraction reduction requirements in Minnesota Rules, pt. 7041.1400.
- 5.2 Biosolids shall be processed or treated by one of the alternatives in Minnesota Rules, pt. 7041.1300 to meet the Class A or Class B standards for the reduction of pathogens. When Class B biosolids are applied to the land, the site restrictions in Minnesota Rules, pt. 7041.1300 must also be met.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**Chapter 6. Biosolids-Land Application****5. Pathogen and Vector Attraction Reduction**

5.3 The minimum duration between application and harvest, grazing or public access to areas where Class B biosolids have been applied to the land is as follows:

- a. 14 months for food crops whose harvested parts may touch the soil/biosolids mixture (such as melons, squash, tomatoes, etc.), when biosolids are surface applied, incorporated or injected.
- b. 20 months or 38 months depending on the application method for food crops whose harvested parts grow in the soil (such as potatoes, carrots, onions, etc.). The 20 month time period is required when biosolids are surface applied or surface applied and incorporated after they have been on the soil surface for at least four (4) months. The 38 month time period is required when the biosolids are injected or surface applied and incorporated within four (4) months of application.
- c. 30 days for feed crops, other food crops (such as field corn, sweet corn, etc.), hay or fiber crops when biosolids are surface applied, incorporated or injected.
- d. 30 days for grazing of animals when biosolids are surface applied, incorporated or injected.
- e. One year where there is a high potential for public contact with the site, (such as a reclamation site located in populated areas, a construction site located in a city, turf farms, plant nurseries, etc.) and 30 days where there is low potential for public contact (such as agricultural land, forest, a reclamation site located in an unpopulated area, etc.) when biosolids are surface applied, incorporated, or injected.

6. Management Practices

6.1 The management practices for the land application of biosolids are described in detail in Minn. R. ch. 7041.1200 and must be followed unless specified otherwise in a site approval letter or a permit issued by the MPCA.

6.2 Overall management requirements:

- a. Biosolids must not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under Section 4 of the Endangered Species Act or its designated critical habitat.
- b. Biosolids must not be applied to flooded, frozen or snow covered ground so that the biosolids enter wetlands or other waters of the state.
- c. Biosolids must be applied at an agronomic rate unless specified otherwise by the MPCA in a permit.
- d. Biosolids shall not be applied within 33 feet of a wetland or waters of the state unless specified otherwise by the MPCA in a permit.

7. Monitoring Requirements

7.1 Representative samples of biosolids applied to the land must be analyzed by methods specified in Minnesota Rule pt. 7041.3200 for the following parameters: arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, zinc, Kjeldahl nitrogen, ammonia nitrogen, total solids, volatile solids, phosphorus, potassium and pH.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**Chapter 6. Biosolids-Land Application****7. Monitoring Requirements**

- 7.2 At a minimum, biosolids must be monitored at the frequencies specified in Table 3 for the parameters listed above, and any pathogen or vector attraction reduction requirements in Minnesota Rules, pts. 7041.1300 and 7041.1400 if used to determine compliance with those parts.

Table 3 Minimum Sampling Frequencies

Biosolids Applied* (metric tons/365-day period)	Biosolids Applied* (tons/365-day period)	Frequency (times/365-day period)
>0 but <290	>0 but <320	1
>=290 but <1,500	>=320 but <1,650	4
>=1,500 but <15,000	>=1,650 but <16,500	6
>=15,000	>=16,500	12

* Either the amount of bulk biosolids applied to the land or the amount of biosolids received by a person who prepares biosolids that are sold or given away in a bag or other container for application to the land (dry weight basis).

- 7.3 Representative samples of biosolids that are transferred to storage units and are stored for more than two years shall be analyzed by methods specified in Minnesota Rule pt. 7041.3200 for each cropping year they are stored for the following parameters: arsenic, cadmium, copper, lead, molybdenum, nickel, selenium, and zinc. Mercury is specifically NOT included in the stored biosolids analysis because of the short holding time [28 days] required between sampling and analysis.
- 7.4 Increased sampling frequencies are specified for the parameters listed in Table 4. Sampling at a frequency at twice the minimum frequencies in Table 3 is required if concentrations listed in Table 4 are exceeded (based on the average of all analyses made during the previous cropping year).

Table 4 Increased Frequency of Sampling

Parameter (mg/kg dry weight basis)
Arsenic 38
Cadmium 43
Copper 2150
Lead 420
Mercury 28
Molybdenum 38
Nickel 210
Selenium 50
Zinc 3750

8. Records

- 8.1 The Permittee shall keep records of the information necessary to show compliance with pollutant concentrations and loadings, pathogen reduction requirements, vector attraction reduction requirements and management practices as specified in Minnesota Rules, pt. 7041.1600, as applicable to the quality of biosolids produced.

9. Reporting Requirements

- 9.1 By December 31 following the end of each cropping year, the Permittee shall submit a Biosolids Annual Report for the land application of biosolids on a form provided by or approved by the MPCA. The report shall include the requirements in Minnesota Rules, part 7041.1700.

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Chapter 6. Biosolids-Land Application

9. Reporting Requirements

9.2 The permittee shall submit a Biosolids Annual Report by December 31 of each year for biosolids storage and/or transfer activities occurring during the cropping year previous to December 31. The report must indicate whether or not biosolids were transferred and/or stored. If biosolids were transferred, the report must describe how much was transferred, where it was transferred to, the name of the facility that accepted the transfer and the contact person at that facility. "Cropping year" means a year beginning on September 1 of the year prior to the growing season and ending August 31 the year the crop is harvested. For example, the 2012 cropping year began September 1, 2011, and ended August 31, 2012.

9.3 For biosolids that are stored for more than two years, the Biosolids Annual Report must also include the analytical data from the representative sample of the biosolids generated during the cropping year.

9.4 The Permittee shall submit the Biosolids Annual Report to:

Biosolids Coordinator
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

9.5 The Permittee must notify the MPCA in writing when 90 percent or more of any of the cumulative pollutant loading rates listed for any Land Application Sites has been reached for a site.

Chapter 7. Domestic Wastewater -- Pretreatment

1. Pretreatment - Definitions

1.1 An "Individual Control Mechanism" is a document, such as an agreement or permit, that imposes limitations or requirements on an individual industrial user of the POTW.

1.2 "Significant Industrial User" (SIU) means any industrial user that:

- a. discharges 25,000 gallons per day or more of process wastewater;
- b. contributes a load of five (5) % or more of the capacity of the POTW; or
- c. is designated as significant by the Permittee or the MPCA on the basis that the SIU has a reasonable potential to adversely impact the POTW, or the quality of its effluent or residuals. (Minn. R. 7049.0120, Subp. 24)

2. Pretreatment - Permittee Responsibility to Control Users

2.1 It is the Permittee's responsibility to regulate the discharge from users of its wastewater treatment facility. The Permittee shall prevent any pass through of pollutants or any inhibition or disruption of the Permittee's facility, its treatment processes, or its sludge processes or disposal that contribute to the violation of the conditions of this permit or any federal or state law or regulation limiting the release of pollutants from the POTW. (Minn. R. 7049.0600)

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Chapter 7. Domestic Wastewater -- Pretreatment

2. Pretreatment - Permittee Responsibility to Control Users

2.2 The Permittee shall prohibit the discharge of the following to its wastewater treatment facility:

- a. pollutants which create a fire or explosion hazard, including any discharge with a flash point less than 60 degrees C (140 degrees F);
- b. pollutants which would cause corrosive structural damage to the POTW, including any waste stream with a pH of less than 5.0;
- c. solid or viscous pollutants which would obstruct flow;
- d. heat that would inhibit biological activity, including any discharge that would cause the temperature of the waste stream at the POTW treatment plant headworks to exceed 40 degrees C (104 degrees F);
- e. pollutants which produce toxic gases, vapors, or fumes that may endanger the health or safety of workers; or
- f. any pollutant, including oxygen demanding pollutants such as biochemical oxygen demand, released at a flow rate or pollutant concentration that will cause interference or pass through. (Minn. R. 7049.0140)

2.3 The Permittee shall prohibit new discharges of non-contact cooling waters unless there is no cost effective alternative. Existing discharges of non-contact cooling water to the Permittee's wastewater treatment facility shall be eliminated, where elimination is cost-effective, or where an infiltration/inflow analysis and sewer system evaluation survey indicates the need for such removal.

2.4 If the Permittee accepts trucked-in wastes, the Permittee shall evaluate the trucked in wastes prior to acceptance in the same manner as it monitors sewerage wastes. The Permittee shall accept trucked-in wastes only at specifically designated points. (Minn. R. 7049.0140, Subp. 4)

2.5 Pollutant of concern means a pollutant that is or may be discharged by an industrial user that is, or reasonably should be of concern on the basis that it may cause the permittee to violate any permit limits on the release of pollutants. The following pollutants shall be evaluated to determine if they should be pollutants of concern: pollutants limited in this permit, pollutants for which monitoring is required in this permit, pollutants that are likely to cause inhibition of the Permittee's POTW, pollutants which may interfere with sludge disposal, and pollutants for which the Permittee's treatment facility has limited capacity. (Minn. R. 7049.0120, Subp. 13)

3. Control of Significant Industrial Users

3.1 The Permittee shall impose pretreatment requirements on SIUs which will ensure compliance with all applicable effluent limitations and other requirements set forth in this permit or any federal or state law or regulation limiting the release of pollutants from the POTW. These requirements shall be applied to SIUs by means of an individual control mechanism. (Minn. R. 7049.0600)

3.2 The Permittee shall not knowingly enter into an individual control mechanism with any user that would allow the user to contribute an amount or strength of wastewater that would cause violation of any limitation or requirement in the permit, or any applicable federal, state or local law or regulation. (Minn. R. 7049.0600 Subp. 3)

4. Monitoring of Significant Industrial Users

4.1 The Permittee shall obtain from SIUs specific information on the quality and quantity of the SIU's discharges to the Permittee's POTW. Except where specifically requested by the Permittee and approved by the MPCA, this information shall be obtained by means of representative monitoring conducted by the Permittee or by the SIU under requirements imposed by the Permittee in the SIU's individual control mechanism. Monitoring performed to comply with this requirement shall include all pollutants for which the SIU is significant and shall be done at a frequency commensurate with the significance of the SIU. (Minn. R. 7049.0710)

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**Chapter 7. Domestic Wastewater -- Pretreatment****5. Reporting and Notification**

5.1 If a SIU discharges to the POTW during a given calendar year, the Permittee shall submit a Pretreatment Annual Report for that calendar year, due by January 31 of the following year. The Pretreatment Annual Report shall be submitted on forms provided by the agency or shall provide equivalent information.

The Permittee shall submit the pre-treatment report to the following address:

MPCA
Attn: WQ Submittals Center
520 Lafayette Road North
St. Paul, Minnesota 55155-4194 (Minn. R. 7049.0720)

5.2 The Permittee shall notify the MPCA in writing of any:

- a. SIU of the Permittee's POTW which has not been previously disclosed to the MPCA;
- b. anticipated or actual changes in the volume or quality of discharge by an industrial user that could result in the industrial user becoming an SIU as defined in this chapter; or
- c. anticipated or actual changes in the volume or quality of discharges by a SIU that would require changes to the SIU's required local limits.

This notification shall be submitted within 30 days of identifying the IU as a SIU. Where changes are proposed, they must be submitted prior to changes being made. (Minn. R. 7049.0700, Subp. 1)

5.3 Upon notifying the MPCA of a SIU or change in a SIU discharge as required above, the Permittee shall submit the following information on forms provided by the agency or in a comparable format:

- a. the identity of the SIU and a description of the SIU's operation and process;
- b. a characterization of the SIU's discharge;
- c. the required local limits that will be imposed on the SIU;
- d. a technical justification of the required local limits; and
- e. a plan for monitoring the SIU which is consistent with monitoring requirements in this chapter. (Minn. R. 7049.0700)

5.4 In addition, the Permittee shall, upon request, submit the following to the MPCA for approval:

- a. additional information on the SIU, its processes and discharge;
- b. a copy of the individual control mechanism used to control the SIU;
- c. the Permittee's legal authority to be used for regulating the SIU; and
- d. the Permittee's procedures for enforcing the requirements imposed on the SIU. (Minn. R. 7049.0700, Subp. 3)

5.5 The permittee shall notify MPCA of any of its industrial users that may be subject to national categorical pretreatment standards.

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5.6 This permit may be modified in accordance with Minnesota Rules, ch. 7001 to require development of a pretreatment program approvable under the Federal General Pretreatment Regulation (40 CFR 403).

Chapter 8. Total Facility Requirements**1. General Requirements****General Requirements**

- 1.1 Incorporation by Reference. The following applicable federal and state laws are incorporated by reference in this permit, are applicable to the Permittee, and are enforceable parts of this permit: 40 CFR pts. 122.41, 122.42, 136, 403 and 503; Minn. R. pts. 7001, 7041, 7045, 7050, 7052, 7053, 7060, and 7080; and Minn. Stat. Sec. 115 and 116.
- 1.2 Permittee Responsibility. The Permittee shall perform the actions or conduct the activity authorized by the permit in compliance with the conditions of the permit and, if required, in accordance with the plans and specifications approved by the Agency. (Minn. R. 7001.0150, subp. 3, item E)
- 1.3 Toxic Discharges Prohibited. Whether or not this permit includes effluent limitations for toxic pollutants, the Permittee shall not discharge a toxic pollutant except according to Code of Federal Regulations, Title 40, sections 400 to 460 and Minnesota Rules 7050, 7052, 7053 and any other applicable MPCA rules. (Minn. R. 7001.1090, subp.1, item A)
- 1.4 Nuisance Conditions Prohibited. The Permittee's discharge shall not cause any nuisance conditions including, but not limited to: floating solids, scum and visible oil film, acutely toxic conditions to aquatic life, or other adverse impact on the receiving water. (Minn. R. 7050.0210 subp. 2)
- 1.5 Property Rights. This permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)
- 1.6 Liability Exemption. In issuing this permit, the state and the MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under this permit. To the extent the state and the MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act. (Minn. R. 7001.0150, subp. 3, item O)
- 1.7 The MPCA's issuance of this permit does not obligate the MPCA to enforce local laws, rules, or plans beyond what is authorized by Minnesota Statutes. (Minn. R. 7001.0150, subp.3, item D)
- 1.8 Liabilities. The MPCA's issuance of this permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. (Minn. R. 7001.0150, subp.3, item A)
- 1.9 The issuance of this permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. (Minn. R. 7001.0150, subp.3, item B)
- 1.10 Severability. The provisions of this permit are severable and, if any provisions of this permit or the application of any provision of this permit to any circumstance are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 1.11 Compliance with Other Rules and Statutes. The Permittee shall comply with all applicable air quality, solid waste, and hazardous waste statutes and rules in the operation and maintenance of the facility.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**Chapter 8. Total Facility Requirements****1. General Requirements**

1.12 Inspection and Entry. When authorized by Minn. Stat. Sec. 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. (Minn. R. 7001.0150, subp.3, item I)

1.13 Control Users. The Permittee shall regulate the users of its wastewater treatment facility so as to prevent the introduction of pollutants or materials that may result in the inhibition or disruption of the conveyance system, treatment facility or processes, or disposal system that would contribute to the violation of the conditions of this permit or any federal, state or local law or regulation.

Sampling

1.14 Representative Sampling. Samples and measurements required by this permit shall be conducted as specified in this permit and shall be representative of the discharge or monitored activity. (40 CFR 122.41 (j)(1))

1.15 Additional Sampling. If the Permittee monitors more frequently than required, the results and the frequency of monitoring shall be reported on the Discharge Monitoring Report (DMR) or another MPCA-approved form for that reporting period. (Minn. R. 7001.1090, subp. 1, item E)

1.16 Certified Laboratory. A laboratory certified by the Minnesota Department of Health and/or registered by the MPCA shall conduct analyses required by this permit. Analyses of dissolved oxygen, pH, temperature, specific conductance, and total residual oxidants (chlorine, bromine) do not need to be completed by a certified laboratory but shall comply with manufacturers specifications for equipment calibration and use. (Minn. Stat. Sec. 144.97 through 144.98 and Minn. R. 4740.2010 and 4740.2050 through 4740.2120) (Minn. R. 4740.2010 and 4740.2050 through 2120)

1.17 Sample Preservation and Procedure. Sample preservation and test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and Minn. R. 7041.3200.

1.18 Equipment Calibration: Flow meters, pumps, flumes, lift stations or other flow monitoring equipment used for purposes of determining compliance with permit shall be checked and/or calibrated for accuracy at least twice annually. (Minn. R. 7001.0150, subp. 2, items B and C)

1.19 Maintain Records. The Permittee shall keep the records required by this permit for at least three years, including any calculations, original recordings from automatic monitoring instruments, and laboratory sheets. The Permittee shall extend these record retention periods upon request of the MPCA. The Permittee shall maintain records for each sample and measurement. The records shall include the following information (Minn. R. 7001.0150, subp. 2, item C):

- a. The exact place, date, and time of the sample or measurement;
- b. The date of analysis;
- c. The name of the person who performed the sample collection, measurement, analysis, or calculation; and
- d. The analytical techniques, procedures and methods used; and
- e. The results of the analysis.

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Chapter 8. Total Facility Requirements

1. General Requirements

- 1.20 Completing Reports. The Permittee shall submit the results of the required sampling and monitoring activities on the forms provided, specified, or approved by the MPCA. The information shall be recorded in the specified areas on those forms and in the units specified. (Minn. R. 7001.1090, subp. 1, item D; Minn. R. 7001.0150, subp. 2, item B)

Required forms may include:

DMR Supplemental Form

Individual values for each sample and measurement must be recorded on the DMR Supplemental Form which, if required, will be provided by the MPCA. DMR Supplemental Forms shall be submitted with the appropriate DMRs. You may design and use your own supplemental form; however it must be approved by the MPCA.

Note: Required summary information MUST also be recorded on the DMR. Summary information that is submitted ONLY on the DMR Supplemental Form does not comply with the reporting requirements.

- 1.21 Submitting Reports. Discharge Monitoring Reports (DMRs), DMR supplemental forms, and related attachments shall be submitted electronically via the MPCA Online Services Portal after authorization is approved. Authorization must be applied for and approved prior to submittal via the Online Services Portal.

DMRs and DMR Supplemental Forms shall be electronically submitted by the 21st day of the month following the monitoring period end or as otherwise specified in this permit. Electronic DMR submittal must be complete on or before 11:59 PM of the 21st day of the month following the end of the monitoring period or as otherwise specified in this permit. A DMR shall be submitted for each required station even if no discharge occurred during the monitoring period. (Minn. R. 7001.0150, subps. 2.B and 3.H)

If electronic submittal is not possible, the Permittee must apply for an exception to electronic submittal. Exceptions requests for extreme conditions (no computer on-site is not an extreme condition) must at a minimum contain the extreme reason for the exception, actions to be taken, and date the facility will submit eDMR. All exception requests, and paper DMRs, DMR supplemental forms, and related attachments must be submitted by the 21st day of the month following the monitoring period end to:

MPCA

Attn: Discharge Monitoring Reports
520 Lafayette Road North
St. Paul, Minnesota 55155-4194.

Other reports required by this permit shall be submitted on or before the due date specified in the permit to:

MPCA

Attn: WQ Submittals Center
520 Lafayette Road North
St. Paul, Minnesota 55155-4194.

- 1.22 Incomplete or Incorrect Reports. The Permittee shall immediately submit an electronically amended report or DMR to the MPCA upon discovery by the Permittee or notification by the MPCA that it has submitted an incomplete or incorrect report or DMR. The amended report or DMR shall contain the missing or corrected data along with a cover letter explaining the circumstances of the incomplete or incorrect report. If it is impossible to electronically amend the report or DMR, the Permittee shall immediately notify the MPCA and the MPCA will provide direction for the amendment submittals. (Minn. R. 7001.0150 subp. 3, item G)

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT**Chapter 8. Total Facility Requirements****1. General Requirements**

- 1.23 Required Signatures. All DMRs, forms, reports, and other documents submitted to the MPCA shall be signed by the Permittee or the duly authorized representative of the Permittee. Minn. R. 7001.0150, subp. 2, item D. The person or persons that sign the DMRs, forms, reports or other documents must certify that he or she understands and complies with the certification requirements of Minn. R. 7001.0070 and 7001.0540, including the penalties for submitting false information. Technical documents, such as design drawings and specifications and engineering studies required to be submitted as part of a permit application or by permit conditions, must be certified by a registered professional engineer. (Minn. R. 7001.0540)
- 1.24 Detection Level. The Permittee shall report monitoring results below the reporting limit (RL) of a particular instrument as "<" the value of the RL. For example, if an instrument has a RL of 0.1 mg/L and a parameter is not detected at a value of 0.1 mg/L or greater, the concentration shall be reported as "<0.1 mg/L." "Non-detected," "undetected," "below detection limit," and "zero" are unacceptable reporting results, and are permit reporting violations. (Minn. R. 7001.0150, subp. 2, item B)
- Where sample values are less than the level of detection and the permit requires reporting of an average, the Permittee shall calculate the average as follows:
- If one or more values are greater than the level of detection, substitute zero for all nondetectable values to use in the average calculation.
 - If all values are below the level of detection, report the averages as "<" the corresponding level of detection.
 - Where one or more sample values are less than the level of detection, and the permit requires reporting of a mass, usually expressed as kg/day, the Permittee shall substitute zero for all nondetectable values. (Minn. R. 7001.0150, subp. 2, item B)
- 1.25 Records. The Permittee shall, when requested by the Agency, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit. (Minn. R. 7001.0150, subp. 3, item H)
- 1.26 Confidential Information. Except for data determined to be confidential according to Minn. Stat. Sec. 116.075, subd. 2, all reports required by this permit shall be available for public inspection. Effluent data shall not be considered confidential. To request the Agency maintain data as confidential, the Permittee must follow Minn. R. 7000.1300.

Noncompliance and Enforcement

- 1.27 Subject to Enforcement Action and Penalties. Noncompliance with a term or condition of this permit subjects the Permittee to penalties provided by federal and state law set forth in section 309 of the Clean Water Act; United States Code, title 33, section 1319, as amended; and in Minn. Stat. Sec. 115.071 and 116.072, including monetary penalties, imprisonment, or both. (Minn. R. 7001.1090, subp. 1, item B)
- 1.28 Criminal Activity. The Permittee may not knowingly make a false statement, representation, or certification in a record or other document submitted to the Agency. A person who falsifies a report or document submitted to the Agency, or tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under this permit is subject to criminal and civil penalties provided by federal and state law. (Minn. R. 7001.0150, subp.3, item G., 7001.1090, subps. 1, items G and H and Minn. Stat. Sec. 609.671)
- 1.29 Noncompliance Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (40 CFR 122.41(c))

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1.30 Effluent Violations. If sampling by the Permittee indicates a violation of any discharge limitation specified in this permit, the Permittee shall immediately make every effort to verify the violation by collecting additional samples, if appropriate, investigate the cause of the violation, and take action to prevent future violations. If the permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall within 24 hours of the discovery of the noncompliance, orally notify the commissioner and submit a written description of the noncompliance within 5 days of the discovery. The written description shall include items a. through e., as listed below. If the Permittee discovers other non-compliance that does not explicitly endanger human health, public drinking water supplies, or the environment, the non-compliance shall be reported during the next reporting period to the MPCA with its Discharge Monitoring Report (DMR). If no DMR is required within 30 days, the Permittee shall submit a written report within 30 days of the discovery of the noncompliance. This description shall include the following information:

- a. a description of the event including volume, duration, monitoring results and receiving waters;
- b. the cause of the event;
- c. the steps taken to reduce, eliminate and prevent reoccurrence of the event;
- d. the exact dates and times of the event; and
- e. steps taken to reduce any adverse impact resulting from the event. (Minn. R. 7001.0150, subp. 3k)

1.31 Upset Defense. In the event of temporary noncompliance by the Permittee with an applicable effluent limitation resulting from an upset at the Permittee's facility due to factors beyond the control of the Permittee, the Permittee has an affirmative defense to an enforcement action brought by the Agency as a result of the noncompliance if the Permittee demonstrates by a preponderance of competent evidence:

- a. The specific cause of the upset;
- b. That the upset was unintentional;
- c. That the upset resulted from factors beyond the reasonable control of the Permittee and did not result from operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or increases in production which are beyond the design capability of the treatment facilities;
- d. That at the time of the upset the facility was being properly operated;
- e. That the Permittee properly notified the Commissioner of the upset in accordance with Minn. R. 7001.1090, subp. 1, item I; and
- f. That the Permittee implemented the remedial measures required by Minn. R. 7001.0150, subp. 3, item J.

Release

1.32 Unauthorized Releases of Wastewater Prohibited. Except for discharges from outfalls specifically authorized by this permit, overflows, discharges, spills, or other releases of wastewater or materials to the environment, whether intentional or not, are prohibited. However, the MPCA will consider the Permittee's compliance with permit requirements, frequency of release, quantity, type, location, and other relevant factors when determining appropriate action. (40 CFR 122.41 and Minn. Stat. Sec 115.061)

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Chapter 8. Total Facility Requirements

1. General Requirements

1.33 Discovery of a release. Upon discovery of a release, the Permittee shall:

- a. Take all reasonable steps to immediately end the release.
- b. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 (metro area) immediately upon discovery of the release. You may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area).
- c. Recover as rapidly and as thoroughly as possible all substances and materials released or immediately take other action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If the released materials or substances cannot be immediately or completely recovered, the Permittee shall contact the MPCA. If directed by the MPCA, the Permittee shall consult with other local, state or federal agencies (such as the Minnesota Department of Natural Resources and/or the Wetland Conservation Act authority) for implementation of additional clean-up or remediation activities in wetland or other sensitive areas.

1.34 Sampling of a release. Upon discovery of a release, the Permittee shall:

- a. Collect representative samples of the release. The Permittee shall sample the release for parameters of concern immediately following discovery of the release. The Permittee may contact the MPCA during business hours to discuss the sampling parameters and protocol. In addition, Fecal Coliform Bacteria samples shall be collected where it is determined by the Permittee that the release contains or may contain sewage. If the release cannot be immediately stopped, the Permittee shall consult with MPCA regarding additional sampling requirements. Samples shall be collected at least, but not limited to, two times per week for as long as the release continues.
- b. Submit the sampling results on the Release Sampling Form (<http://www.pca.state.mn.us/index.php/view-document.html?gid=18867>). The Release Sampling Form shall be submitted to the MPCA with the next DMR or within 30 days whichever is sooner.

Bypass

1.35 Anticipated bypass. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if the bypass is for essential maintenance to assure efficient operation of the facility. The permittee shall submit prior notice, if possible at least ten days before the date of the bypass to the MPCA (40 CFR 122.41(m)(2) and 122.41(m)(3) and Minn. R. Ch. 7001.1090, subp. 1, J).

The notice of the need for an anticipated bypass shall include the following information:

- a. The proposed date and estimated duration of the bypass;
- b. The alternatives to bypassing; and
- c. A proposal for effluent sampling during the bypass. Any bypass wastewater must enter waters of the state from outfalls specifically authorized by this permit. Therefore, samples shall be collected at the frequency and location identified in this permit or two times per week for as long as the bypass continues, whichever is more frequent.

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Chapter 8. Total Facility Requirements

1. General Requirements

- 1.36 All other bypasses are prohibited. The MPCA may take enforcement action against the Permittee for a bypass, unless the specific conditions described in Minn. R. Ch. 7001.1090 subp. 1, K and 122.41(m)(4)(i) are met.

In the event of an unanticipated bypass, the permittee shall:

- a. Take all reasonable steps to immediately end the bypass.
- b. Notify the Minnesota Department of Public Safety Duty Officer at 1(800)422-0798 or (651)649-5451 (metro area) immediately upon commencement of the bypass. You may contact the MPCA during business hours at 1(800)657-3864 or (651)296-6300 (metro area). (Minn. Stat. Sec 115.061)
- c. Immediately take action as may be reasonably possible to minimize or abate pollution to waters of the state or potential impacts to human health caused thereby. If directed by the MPCA, the Permittee shall consult with other local, state or federal agencies for implementation of abatement, clean-up, or remediation activities.
- d. Only allow bypass wastewater as specified in this section to enter waters of the state from outfalls specifically authorized by this permit. Samples shall be collected at the frequency and location identified in this permit or two times per week for as long as the bypass continues, whichever is more frequent. The permittee shall also follow the reporting requirements for effluent violations as specified in this permit.

Operation and Maintenance

- 1.37 The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control, and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible Minn. R. 7001.0150. subp. 3, item F.
- 1.38 In the event of a reduction or loss of effective treatment of wastewater at the facility, the Permittee shall control production or curtail its discharges to the extent necessary to maintain compliance with the terms and conditions of this permit. The Permittee shall continue this control or curtailment until the wastewater treatment facility has been restored or until an alternative method of treatment is provided. (Minn. R. 7001.1090, subp. 1, item C)
- 1.39 Solids Management. The Permittee shall properly store, transport, and dispose of biosolids, septage, sediments, residual solids, filter backwash, screenings, oil, grease, and other substances so that pollutants do not enter surface waters or ground waters of the state. Solids should be disposed of in accordance with local, state and federal requirements. (40 CFR 503 and Minn. R. 7041 and applicable federal and state solid waste rules)
- 1.40 Scheduled Maintenance. The Permittee shall schedule maintenance of the treatment works during non-critical water quality periods to prevent degradation of water quality, except where emergency maintenance is required to prevent a condition that would be detrimental to water quality or human health. (Minn. R. 7001.0150. subp. 3, item F and Minn. R. 7001.0150. subp. 2, item B)
- 1.41 Control Tests. In-plant control tests shall be conducted at a frequency adequate to ensure compliance with the conditions of this permit. (Minn. R. 7001.0150. subp. 3, item F and Minn. R. 7001.0150. subp. 2, item B)

Changes to the Facility or Permit

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Chapter 8. Total Facility Requirements

1. General Requirements

1.42 Permit Modifications. Except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, no person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity. (Minn. R. 7001.0030)

Permittees that propose to make a change to the facility or discharge that requires a permit modification must follow Minn. R. 7001.0190. If the Permittee cannot determine whether a permit modification is needed, the Permittee must contact the MPCA prior to any action. It is recommended that the application for permit modification be submitted to the MPCA at least 180 days prior to the planned change.

1.43 No person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted except as provided under Minnesota Statutes, section 115.07, subdivisions 1 and 3, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity.

1.44 Plans, specifications and MPCA approval are not necessary when maintenance dictates the need for installation of new equipment, provided the equipment is the same design size and has the same design intent. For instance, a broken pipe, lift station pump, aerator, or blower can be replaced with the same design-sized equipment without MPCA approval.

If the proposed construction is not expressly authorized by this permit, it may require a permit modification. If the construction project requires an Environmental Assessment Worksheet under Minn. R. 4410, no construction shall begin until a negative declaration is issued and all approvals are received or implemented.

1.45 Report Changes. The Permittee shall give advance notice as soon as possible to the MPCA of any substantial changes in operational procedures, activities that may alter the nature or frequency of the discharge, and/or material factors that may affect compliance with the conditions of this permit. (Minn. R. 7001.0150, subp. 3, item M)

1.46 Chemical Additives. The Permittee shall receive prior written approval from the MPCA before increasing the use of a chemical additive authorized by this permit, or using a chemical additive not authorized by this permit, in quantities or concentrations that have the potential to change the characteristics, nature and/or quality of the discharge.

The Permittee shall request approval for an increased or new use of a chemical additive at least 60 days, or as soon as possible, before the proposed increased or new use.

This written request shall include at least the following information for the proposed additive:

- a. The process for which the additive will be used;
- b. Material Safety Data Sheet (MSDS) which shall include aquatic toxicity, human health, and environmental fate information for the proposed additive. The aquatic toxicity information shall include at minimum the results of: a) a 48-hour LC50 or EC50 acute study for a North American freshwater planktonic crustacean (either Ceriodaphnia or Daphnia sp.) and b) a 96-hour LC50 acute study for rainbow trout, bluegill or fathead minnow or another North American freshwater aquatic species other than a planktonic crustacean;
- c. A complete product use and instruction label;
- d. The commercial and chemical names and Chemical Abstract Survey (CAS) number for all ingredients in the additive (If the MSDS does not include information on chemical composition, including percentages for each ingredient totaling to 100%, the Permittee shall contact the supplier to have this information provided); and
- e. The proposed method of application, application frequency, concentration, and daily average and maximum rates of use. (Minn. R. 7001.0170)

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Chapter 8. Total Facility Requirements

1. General Requirements

1.47 Upon review of the information submitted regarding the proposed chemical additive, the MPCA may require additional information be submitted for consideration. This permit may be modified to restrict the use or discharge of a chemical additive and include additional influent and effluent monitoring requirements.

Approval for the use of an additive shall not justify the exceedance of any effluent limitation nor shall it be used as a defense against pollutant levels in the discharge causing or contributing to the violation of a water quality standard.

1.48 MPCA Initiated Permit Modification, Suspension, or Revocation. The MPCA may modify or revoke and reissue this permit pursuant to Minn. R. 7001.0170. The MPCA may revoke without reissuance this permit pursuant to Minn. R. 7001.0180.

1.49 TMDL Impacts. Facilities that discharge to an impaired surface water, watershed or drainage basin may be required to comply with additional permits or permit requirements, including additional restriction or relaxation of limits and monitoring as authorized by the CWA 303(d)(4)(A) and 40 CFR 122.44.1.2.i., necessary to ensure consistency with the assumptions and requirements of any applicable US EPA approved wasteload allocations resulting from Total Maximum Daily Load (TMDL) studies.

1.50 Permit Transfer. The permit is not transferable to any person without the express written approval of the Agency after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. (Minn. R., 7001.0150, subp. 3, item N)

1.51 Facility Closure. The Permittee is responsible for closure and post-closure care of the facility. The Permittee shall notify the MPCA of a significant reduction or cessation of the activities described in this permit at least 180 days before the reduction or cessation. The MPCA may require the Permittee to provide to the MPCA a facility Closure Plan for approval.

Facility closure that could result in a potential long-term water quality concern, such as the ongoing discharge of wastewater to surface or ground water, may require a permit modification or reissuance.

The MPCA may require the Permittee to establish and maintain financial assurance to ensure performance of certain obligations under this permit, including closure, post-closure care and remedial action at the facility. If financial assurance is required, the amount and type of financial assurance, and proposed modifications to previously MPCA-approved financial assurance, shall be approved by the MPCA. (Minn. Stat. Sec. 116.07, subd. 4)

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Chapter 8. Total Facility Requirements

1. General Requirements

1.52 Permit Reissuance. If the Permittee desires to continue permit coverage beyond the date of permit expiration, the Permittee shall submit an application for reissuance at least 180 days before permit expiration. If the Permittee does not intend to continue the activities authorized by this permit after the expiration date of this permit, the Permittee shall notify the MPCA in writing at least 180 days before permit expiration.

If the Permittee has submitted a timely application for permit reissuance, the Permittee may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160):

- a. The Permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this permit;
- b. The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the expiration date of the permit;
- c. The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies.

CITY OF



MINNESOTA

February 6, 2014

Ashley Wahl
Minnesota Pollution Control Agency
Municipal Division
504 Fairgrounds Road
Suite 200
Marshall, MN 56258

Reference: Benson, MN NPDES Permit #MN0020036

Dear Ms. Wahl,

The City has reviewed the draft NPDES permit for our wastewater treatment facility and have noticed the following errors under "Limits and Monitoring Requirements" for "SD 001":

1. For "Nitrogen, Ammonia, Total (as N)", the mass limit in the previous permit was 35.37 kg/day. The "Effective Period" for this Parameter should be June-September.
2. For "Nitrogen, Ammonia, Total (as N)" concentration limit, the "Effective Period" should be June-September.
3. For "Nitrogen, Kjeldahl, Total", the "Effective Period" should be April, September and the "Frequency" should be 1 x Month.

Please make these corrections in the NPDES permit prior to issuing a Final Permit.

Regards,

Rob Wolfington, City Manager
City of Benson

c. Eric Lembke, Stantec

1410 KANSAS AVE. • BENSON, MINNESOTA 56215

City Offices: 320-843-4775

City Fax: 320-842-7151

Municipal Utilities: 320-843-3707

WWW.BENSONMN.ORG

E-MAIL: STAFF@BENSONMN.ORG

**A RESOLUTION SUPPORTING THE RENEWABLE FUEL STANDARD
(RESOLUTION NO. 2014-)**

WHEREAS: The Renewable Fuel Standard (RFS) has been a successful, forward-looking policy that drives down the price of gasoline, creates jobs, sparks new business and investment in our community and reduces our dependence on foreign oil; and,

WHEREAS: The U.S. Environmental Protection Agency (EPA) has recently proposed reducing the RFS targets for ethanol, which will have serious negative consequences for our local consumers, businesses and community; and,

WHEREAS: The RFS drives down the price of gas, saving consumers an average of \$1.09 a gallon in 2011 and allowing our community members to keep more of their hard-earned money; and,

WHEREAS: Ethanol can produced here in Minnesota, which creates jobs and sparks news businesses and investment in our community, supporting over \$5 billion in economic activity and 12,500 jobs in Minnesota each year according to an independent study by the Minnesota Department of Agriculture; and,

WHEREAS: Using more Minnesota-made fuels reduces our dangerous dependence on foreign oil, keeping more of our money here at home instead of sending it overseas, often to countries hostile to the United States; and,

WHEREAS: Ethanol is a cleaner-burning fuel than gasoline, reducing greenhouse gas emission and protecting our air, land and water; and,

THEREFORE BE IT RESOLVED: That our community opposes any reduction in the RFS and calls on the EPA to protect current targets for ethanol production.

February 7, 2014

Memorandum: Amendment to People Service O&M Agreement

TO: Mayor and City Council

FR: City Manager

PeopleService, Inc. has a maintenance and operations agreement with the City of Benson to operate and maintain the Benson Wastewater Treatment Facility and on-call weekend water inspections. The amendment decreases the annual maintenance and repair budget from \$28,463 to \$24,000. The amendment also transfers responsibility for the purchase of chemical supplies from PeopleService, Inc to the City of Benson -- this will allow the city to take advantage to a newly enacted sales tax exemption.

Recommendation: Approve the proposed amendment to the PeopleService Contract.

SECOND AMENDMENT TO O&M AGREEMENT

WHEREAS, PeopleService, Inc., a Nebraska corporation (PeopleService), entered into an Agreement with the City of Benson, Minnesota, dated June 22, 2009, for the management, operation, and maintenance of the Owner's wastewater treatment system (the "Agreement");

WHEREAS, the Agreement was amend in writing effective January 1, 2011;

WHEREAS, the parties have agreed to compensation adjustments via Letter of Acknowledgement effective January 1st 2012, 2013 and 2014; and

WHEREAS, the parties now desire to amend the Agreement in order to exclude chemicals and reduce the maximum annual maintenance/repair amount.

NOW, THEREFORE the Agreement made and entered into between the City of Benson, Minnesota and PeopleService dated June 22, 2009, for the management, operations, and maintenance of the Owner's wastewater treatment systems is amended as follows:

- Paragraph 1.4 is hereby amended to decrease the maximum annual maintenance/repair amount from \$28,463 to \$24,000.
- Paragraph 4.1 is hereby amended to decrease the monthly compensation from \$25,176 to \$21,717.
- Paragraph 5.4 is hereby deleted from the Agreement and the Owner shall now be responsible for the direct payment for all chemicals used at the facilities.

Except as amended herein, the Operations and Maintenance Agreement entered into by the parties on June 22, 2009 is hereby ratified and confirmed and shall remain in full force and effect in accordance with the terms and conditions thereof.

This amendment shall be effective January 1, 2014, and is agreed to by both parties as evidenced by endorsement below.

PEOPLESERVICE, INC.

BENSON, MINNESOTA

By: _____
President

By: _____
Mayor

Attest: _____
Assistant Secretary

Attest: _____
City Clerk

**RESOLUTION AUTHORIZING MISSOURI RIVER ENERGY SERVICES DIRECT
REIMBURSEMENT FOR BOARD OF DIRECTOR TRAVEL EXPENSES
(RESOLUTION NO. 2014-)**

WHEREAS, Rob Wolfington is the City Manager of the City of Benson, Minnesota; and

WHEREAS, Rob Wolfington is a member of the Board of Directors of Missouri River Energy Services (MRES); and

WHEREAS, MRES will reimburse Rob Wolfington reasonable travel and lodging expenses for attending MRES Board and Committee meetings as well as certain identified meeting sponsored by the American Public Power Association (APPA) and DEED;

WHEREAS, it will be more efficient for both City of Benson and Rob Wolfington for MRES to reimburse Rob Wolfington directly rather than making payment to City of Benson and having City of Benson reimburse Rob Wolfington, but MRES requires a motion from the City of Benson, City Council to authorize such direct reimbursement;

NOW THEREFORE BE IT RESOLVED by City of Benson that Rob Wolfington is hereby authorized to be reimbursed directly by MRES for the reasonable travel and lodging expenses associated with Rob Wolfington's attendance at MRES Board of Directors and Committee meetings as well as the meetings of the APPA and DEED designated by MRES.

**POLICE OFFICER DECLARATION
(RESOLUTION NO. 2014-)**

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 John Reigstad 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.

February 8, 2014

Memorandum: Wastewater Treatment Plant – Trickling Filter Project

TO: Mayor and City Council

FR: City Manager

Discussion: Please see the attached letter from our consulting engineers: A project is underway at the wastewater treatment facility to replace the column supporting the trickling filter arm. Upon inspection it appears that several components of the distributor sustained damage and will need to be replaced as part of the project. According to the information received the new equipment will add an estimated \$30,000 to \$40,000 to the project. The project was originally bid at \$86,000. More information will be gathered and an exact sum will be calculated later next week.

Recommendation: Delegate to staff authority to approve a change order as per engineers recommendations to repair the additional damage in the trickling filter.



Stantec Consulting Services Inc.
2335 Highway 36 West
St. Paul MN 55113
Tel: (651) 636-4600
Fax: (651) 636-1311

February 6, 2014
File: 193800112

Mayor/Council!

Rob Wolfington
City of Benson
1410 Kansas Ave
Benson, MN 56215-1718

WWTF PROJECT TO
REPLACE / FIX TRICKLING
FILTER.

Reference: Trickling Filter Distributor Failure

Dear Rob,

As part of the repairs to the trickling filter distributor at the wastewater treatment plant, the distributor was inspected for condition and assessed for repair or replacement. In an ideal situation the distributor would have been inspected prior to bidding a project however due to the urgency of the repairs the inspection was put into the contract. On February 3, Stantec received information concerning the distributor and drive system (motor, gear drive, shaft) from KHC Construction and we are currently assessing that information. It appears that several components of the distributor sustained damage and will need to be replaced.

In addition the City requested that a pipe tee be installed at each end of the trickling filter influent pipe to accommodate flushing. According to the information received from KHC it appears the repairs to the distributor and the new tees will cost between \$30,000 and \$40,000. We will be discussing the replacement effort and cost with KHC over the next few days and will refine the cost. Subsequently we will submit our recommendation along with construction cost to the City for approval.

Please feel free to contact Eric Lembke or myself with any questions concerning this matter.

Regards,

STANTEC CONSULTING SERVICES INC.

Tom Dye
Senior Project Manager
Phone: (651) 967-4651
thomas.dye@stantec.com

c. Eric Lembke, Stantec



INVOICE

W
1/21/14

Invoice Number 757602
Invoice Date January 15, 2014
Customer Number 92404
Project Number 193800112

Bill To

City of Benson
Accounts Payable
1410 Kansas Avenue
Benson MN 56215
United States

Please Remit To

Stantec Consulting Services Inc. (SCSI)
13980 Collections Center Drive
Chicago IL 60693
United States
Federal Tax ID 11-2167170

Project Description: 000037-11000-0 City of Benson General

Stantec Project Manager: Lembke, Eric S
Stantec Office Location: St. Paul MN
Current Invoice Due: \$10,149.75
For Period Ending: January 3, 2014

Due on Receipt

INVOICE

Invoice Number 757602
Project Number 193800112

Top Task 300 2013 General

Low Task 305 City Staff Meetings
Meet with City to discuss economic development, creamery, CIP, etc. Meeting with staff to begin planning efforts for the upgrades to street and utility infrastructure.

Professional Services

Category/Employee	Hours	Rate	Current Amount
Project Manager	9.50	133.00	1,263.50
	<u>9.50</u>		<u>1,263.50</u>
Professional Services Subtotal	<u>9.50</u>		<u>1,263.50</u>
Low Task 305 Subtotal	515.46500.343	631.75	1,263.50
	101.45800.227	631.75	

Low Task 308 Public Works- Sanitary
Prepare for and meet with City staff to discuss trickling filter repairs and our proposed design, review distributor column drawings, prepare cost estimate, send repair recommendations to City for the Council packet, prepare quote package, send out bid package to contractors, answer contractor questions, review bids and send to City.

Professional Services

Category/Employee	Hours	Rate	Current Amount
Engineering Technician	12.25	90.00	1,102.50
	<u>12.25</u>		<u>1,102.50</u>
Project Manager	28.00	148.00	4,144.00
	10.50	133.00	1,396.50
	<u>38.50</u>		<u>5,540.50</u>
Project Technician	2.00	69.00	138.00
	<u>2.00</u>		<u>138.00</u>
Senior Principal	1.50	164.00	246.00
	<u>1.50</u>		<u>246.00</u>
Professional Services Subtotal	<u>54.25</u>		<u>7,027.00</u>

Low Task 308 Subtotal 600.16590 7,027.00

Low Task 312 Creamery Marketing Development
Collect market data, review flyer with staff, meet with City to review materials and market research.

Professional Services

Category/Employee	Hours	Rate	Current Amount
Landscape Architect	3.00	110.00	330.00
	<u>3.00</u>		<u>330.00</u>

INVOICE

Invoice Number

757602

Project Number

193800112

Project Manager

7.50 148.00 1,110.00

7.50 **1,110.00**

Senior Planner

3.25 129.00 419.25

3.25 **419.25**

Professional Services Subtotal

13.75 **1,859.25**

Low Task 312 Subtotal

515,46500.343 **1,859.25**

Top Task 300 Total

10,149.75

Total Fees & Disbursements

\$10,149.75

INVOICE TOTAL (USD)

\$10,149.75

Minnesota Municipal Utilities Association

3025 Harbor Lane North, Suite 400

Plymouth, MN 55447-5142

Phone: 763-551-1230 Accounting: 763-746-0704 Fax: 763-551-0459

e-mail: lpederson@mmua.org

INVOICE

DATE	INVOICE NO.
1/9/2014	42538

BILL TO
Benson Municipal Utilities 1410 Kansas Avenue Benson, MN 56215

PURCHASE ORDER	TERMS	DUE DATE
	Net 30	2/8/2014

DESCRIPTION	QTY	RATE	AMOUNT
2014 Electric Utility Member Dues January 1 - December 31, 2014 Based on 3,223 population, 38,439 mwhrs. sold and \$3,269,000 electric revenue in 2011. (See enclosed dues rate sheet to see how your dues were calculated.) Electric dues can be paid quarterly. To opt for this please pay 25% of this amount and you will be billed for remaining balance on a quarterly basis.	1	5,746.00	5,746.00

Subtotal	\$5,746.00
Sales Tax (6.875%)	\$0.00
Total Due	\$5,746.00
Payments/Credits	\$0.00
BALANCE DUE	\$5,746.00

For proper credit, please include invoice number with remittance.

Thank you!



2014 Regular Membership Dues

ELECTRIC UTILITIES

MMUA dues for 2014 are based upon product sold during the calendar year 2011 according to the US Energy Information Administration. If the utility serves electric and water customers, dues are paid on the electric utility operation only.

ELECTRIC MEMBERSHIP DUES AS SHOWN ON THE ENCLOSED INVOICE ARE CALCULATED AS FOLLOWS:

- (1) If your city's population is 1,100 or less, your dues are calculated at the rate of \$0.8995 per city resident plus .018868% of electric revenue less revenue from sales to any customer that has been granted an exemption from the CIP program.
- (2) If your city's population is 1,101 to 5,500, your dues are calculated at the rate of \$.1334474 per megawatt-hour sold up to a maximum of \$11,716, plus .018868% of electric revenue less revenue from sales to any customer that has been granted an exemption from the CIP program.
- (3) If your city's population is more than 5,500 and your sales are 750,000 megawatt-hours or less, your dues are calculated at the rate of \$.1334474 per megawatt-hour up to a maximum of \$21,553, plus .018868% of electric revenue less revenue from sales to any customer that has been granted an exemption from the CIP program.
- (4) If your city's population is more than 5,500 and your sales are in excess of 750,000 megawatt-hours, your dues are calculated at the rate of \$.1334474 up to a maximum of \$44,140, plus .018868% of electric revenue less revenue from sales to any customer that has been granted an exemption from the CIP program.