

**MINUTES - BENSON CITY COUNCIL REGULAR MEETING
CITY HALL
OCTOBER 7, 2024**

The meeting was called to order at 5:30 p.m. by Mayor Evenson. Members present: Jack Evenson, Nancy Maanum, Gary Landmark, Dan Enderson and Chris Carruth. Members Absent: None. Also present: City Clerk Valerie Alsaker, Director of Finance Lisa Kent, Public Works Director Elliot Nelson, City Manager Rob Wolfington, City Attorney Stephen Kowal, CEDA Representative Hillary Tweed, Police Chief Ian Hodge, Liquor Store Manager Janie Reuss, Nic & Lali Newman, Rick Trinkle, and Reed Anfinson. Present Telephonically: Rick.

The Council recited the Pledge of Allegiance.

The Mayor asked for any additions, to which there were none. It was moved by Carruth, seconded by Maanum and carried unanimously to approve the agenda.

It was moved by Landmark, seconded by Enderson and carried unanimously to approve the consent agenda.

There was no one with unscheduled business.

The Mayor opened the Public Hearing for the Economic Development Authority (EDA) Enabling Resolution. Tweed approached. She said the EDA has been looking into updating the Enabling Resolution. The last update to the EDA Enabling Resolution was August 5, 1993. The 2024 EDA Handbook from the State of Minnesota outlines the purpose, powers and limitations of the EDA. The purpose of the EDA is to provide flexibility in business development programs for the City. This allows the City to focus on blighted area, economic development and housing development projects as well as give out business loans. The resolution update would give the Economic Development Authority the powers authorized in Minnesota State Statues 469.090 to 469.108, which would allow the EDA to manage the Economic Development Authority funds, the shares and proceeds from the CVEC stock and manage the Small Cities Development Program funds. It is important to note the Economic Development Authority will not have any control over the Xcel funds or TIF Districts, which will remain under City authority. The City Council has the right to modify the EDA Enabling Resolution to impose limits onto the EDA if they so feel is needed. The EDA budget will still need to be approved by the City Council. The EDA will have to continue to work on projects consistent with the Comprehensive Plan. Wolfington added this gives the EDA a set of tools in the toolbox which could bring in a business with a unique need. EDA can be a limited partner where the Council cannot. We may not use the tools, but they are available if need be. The history is the City Council was its own EDA, and that is where the CVEC stock came into play. Nic Newman came forward with a question what is the criteria for EDA limits. Tweed said in the past the EDA has made recommendations to the Council for approval. If the EDA isn't following state statute, the Council can redact the authority. Wolfington said their authority will have to abide by the 15 items in state statute and stay within those limits. Enderson said the EDA will remain business as normal, but a situation could come up in the future which will allow us to capitalize on working with a potential business. The Mayor said the Public Hearing will remain open.

Next Kowal approached to discuss the Conditional Use Permit for Rick Trinkle at 813 – 13th St. N. He wishes to build a garage that is larger than allowed. He demolished the previous single car garage

that was previously on the lot. The new garage he wishes to build is 1,152 sq. ft., which is 152 sq. ft larger than allowed by ordinance. there is currently a shed on the lot, which is 288 sq. ft. This makes the garage a second ancillary building. With that, Kowal said the garage will be placed on the current spot the previous garage was. The garage will allow him to get his vehicles off the street, and give him somewhere to work on them. He presented the Planning Commission's findings of fact from the public hearing today at noon as follows:

1. Compliance with the Comprehensive Plan:
 - The proposed construction is to replace a dilapidated single-car detached garage with a new two-car garage. The proposed project is in compliance with and does not appear to contradict the Comprehensive Plan. Among other things, the comprehensive plan promotes City growth, safety and resident wellbeing. None of the three proposed nonconforming uses (size of the structure or number of accessory structures) contradict the Comprehensive Plan. In fact, they will likely benefit the property by providing a protected parking area, consistent with other houses in the neighborhood.
2. Promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals or comfort:
 - This construction project, with a proposed result consistent with the community appearance, will likely enhance the neighborhood and improve general public welfare. There is no evidence of concern over endangering the public, or negatively affecting health, morals, or comfort of other residents. No one has expressed concern over safety or wellbeing aspect of the project. One neighbor, in attendance at the public hearing, expressed support for the project.
3. Will not be injurious to the use and enjoyment of other property in the immediate vicinity or diminish and impair property values within the neighborhood:
 - The proposed structure will be 152 ft² larger than typically allowed. There are no concerns over restriction of light or air to neighboring properties because the height of the proposed building is the same or lower than the previous detached garage located on the site. The proposed investment in this property is likely to marginally improve local property values.
4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district:
 - The proposed project does not involve encroachment into buffer zones or greenspace requirements, and does not violate requirements for setbacks or height restrictions. It will not impede surrounding property owners or their successors from developing or improving their properties.
5. Will conform to the applicable regulations of the district in which it is located:
 - Yes, there are no proposed zoning or other regulation infringements planned. The project requires a conditional use permit to allow a second accessory structure larger than 1,000 ft², with a larger footprint than the principal structure. The principal structure has an approximate 892 ft² footprint. The difference of around 260 ft² in size will likely not be readily apparent to the untrained eye, especially considering that the principal structure is two stories. The use will be private, not commercial, and otherwise conforming to the regulations of the R-2 district.
6. Complies with the general and specific performance standards as specified by Section 154.178 of the Benson zoning ordinance:
 - Yes, there is no conflict with ordinance §154.178, or any applicable performance standard.

After further discussion, Enderson offered the following resolution:

**CITY OF BENSON
COUNTY OF SWIFT
STATE OF MINNESOTA
(RESOLUTION 2024-19)**

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A
GARAGE AT 813 13TH St. N. IN THE CITY OF BENSON**

WHEREAS, pursuant to Benson Code of Ordinances §154.178(B)(1), Richard Trinkle filed a complete application for a Conditional Use Permit (CUP) with the City of Benson Zoning Administrator, requesting approval to build a detached garage on his lot located at 813 13th St. N. that would exceed 1,000 ft², be approximately 260 ft² larger in gross floor area than the principal structure on the lot, and be a second accessory building on the lot; and

WHEREAS, on October 7, 2024, at 12:00 PM the City Planning Commission, having provided proper notice to affected residents pursuant to City Ordinance, held a public hearing to consider the possible adverse effects of the proposed conditional uses, to determine the appropriateness of the request, and to make corresponding findings of fact pursuant to Benson Code of Ordinances § 154.178(B)(4); and

WHEREAS, the Planning Commission found in favor of recommending to the Benson City Council approval of a CUP as requested by Mr. Trinkle, according to the findings of fact attached hereto; and

WHEREAS, upon consideration of the Planning Commission's findings of fact and recommendation, and this body's evaluation of the effect of the proposed use upon health, safety, welfare, traffic conditions, property values and effect on the Comprehensive City Plan, the City Council finds that the CUP should be approved.

NOW, THEREFORE BE IT RESOLVED BY THE BENSON CITY COUNCIL:

1. That the Planning Commission's report and findings of fact are hereby adopted by the City Council.
2. That the City Council hereby finds that the proposed use will not be detrimental to the health, safety, or general welfare of the community, nor will it cause serious traffic congestion or hazards, nor will it seriously depreciate surrounding property values, and the proposed use is in harmony with the general purpose and intent of Benson Code of Ordinances §154 and the Comprehensive City Plan.
3. That the requested CUP for the construction of the proposed accessory building should be approved.

Councilmember Carruth seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Landmark, Enderson, Maanum, Carruth. NAYES: None. Thereupon the Mayor declared Resolution 2024-19 duly passed and adopted.

Kent and Reuss approached the Council. Kent introduced Janie Reuss as the new Liquor Store Manager. She comes to us with 28 years of experience. The Council welcomed her aboard.

Tweed approached to say she and Wolfington met with Engan, Associates to discussed the construction documents which are near completion. She presented a pay request from Engan Associates

for further engineering work on the Armory project. She said they are ready to present the documents to the Council and asked for a special meeting on October 24, 2024 at the Armory to walk through and review them. It was moved by Landmark, seconded by Carruth and carried unanimously to hold a Special City Council meeting on October 24, 2024 at 5:30 p.m. at the Armory. It was then moved by Enderson, seconded by Maanum and carried unanimously to approve the pay request in the amount of \$28,026.94.

Kowal approached to continue discussion on the Hospital Board appointments. Swift County has no term limits, and the City has two consecutive term limits with the need to take one year off before reapplying. He referred to City ordinance on internal boards. He feels the Hospital Board is an external board, and can be changed by ordinance. There should be no need to change the Charter. After further discussion, the Council directed Kowal to draft up the language only for the Hospital Board and bring it back to the November 4, 2024 meeting.

Wolfington presented some minor changes to the WAPA agreement with the City in Exhibit C of our agreement with them. Wolfington said he and MRES have reviewed the changes and stated there are non-material changes, and recommend approval. It was moved by Enderson, seconded by Maanum and carried unanimously to approve the changes to Exhibit C as presented.

Wolfington discussed the electric rate study presented by Tim Miller from MRES at the last meeting. He is asking the Council to pump the breaks on the electric rate increase. He discussed several possible changes to the rate study such as Capital Outlay projects that seem to be inflated. The changes will make a difference in the electric rates increase, along with other factors that we will need to re-evaluate before setting any increases.

Alsaker approached and presented one more election judge to be appointed before the November 5, 2024 General Election. It was moved by Carruth, seconded by Landmark and carried unanimously to approve Donna Tatge as a 2024 election judge.

Alsaker presented a resolution for delinquent fire calls to the Council. Councilmember Carruth offered the following resolution:

**RESOLUTION SETTING ASSESSMENTS FOR FIRE SERVICE CHARGES
BY THE CITY OF BENSON, MINNESOTA FOR 2024 PAYABLE 2025
(RESOLUTION NO. 2024-20)**

BE IT RESOLVED, by the Benson City Council that the following assessments for 2024 Fire Service Charges as prepared by the City Manager are hereby approved and made a part thereof; and,

BE IT FURTHER RESOLVED, that the assessments hereinafter noted shall be submitted to the County Auditor on or before October 15, 2024 and placed on the tax roll for collection with the taxes Collectable in 2025.

	Name & Mailing Address	Legal Description & Parcel No.	Amount Due
Fire Call	Greg & Linda Beach 604 12 th St N Benson, MN 56215	Lot 2, Block 4 Lynn Park Additions 23-0659-000	\$1,100.00

Fire Call	Madison & Coleton Wilson 605 13 th St S Benson, MN 56215	Lots 3 & 4, Block 2 Hansen's Addition 23-0759-000	\$750.00
Fire Call	Melanie Overton 404 12 th St N Benson, MN 56215	Lots 11&12, Block 13 City of Benson 23-0071-000	\$900.00
Fire Call	Steven Harrison 410 13 th St N Benson, MN 56215	Lots 16,17, & 18 Block 24 City of Benson 23-0151-000	\$350.00
TOTAL			\$3,100.00

Councilmember Maanum seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Landmark, Enderson, Maanum, Carruth. NAYES: None. Thereupon the Mayor declared Resolution 2024-20 duly passed and adopted.

Kent presented a Liability Coverage Waiver Form from the League of Minnesota Cities Insurance Trust. There is a statutory tort limit for liability for cities that purchase liability insurance from them. We have the option to waive the limit and purchase a higher liability policy from them. After discussion it was moved by Enderson, seconded by Landmark and carried unanimously to not waive the monetary limits on municipal tort liability established by Minn. Stat. §466.04.

Mayor Evenson closed the Public Hearing at 6:17 p.m.

Councilmember Enderson offered the following resolution:

**CITY OF BENSON
COUNTY OF SWIFT
STATE OF MINNESOTA
(RESOLUTION 2024-21)**

**RESOLUTION FURTHER AMENDING RESOLUTION NO. 90-23,
AS AMENDED BY RESOLUTION NO. 93-18,
ESTABLISHING AN ECONOMIC DEVELOPMENT AUTHORITY UNDER MINNESOTA
STATUTES, SECTIONS 469.090 TO 469.108**

WHEREAS, Minnesota Statutes, Chapter 469 authorizes cities to establish Economic Development Authorities (“EDA”) with specified powers and obligations to promote and to provide incentives for economic development; and

WHEREAS, pursuant to Minnesota Statutes, Chapter 469, the City Council of the City of Benson, Minnesota (the “City”) has established an EDA by enabling resolution adopted May 21, 1990; and

WHEREAS, by resolution adopted August 5, 1993, the City modified the original EDA enabling resolution of May 21, 1990, altering the EDA’s powers and the number of member constituents; and

WHEREAS, the City Council of the City has determined that the enabling resolution should be further modified in order to expand the powers of the board of commissioners to include those statutory

powers available to an EDA, as authorized by Minnesota Statutes, Sections 469.090 to 469.108 or other law; and

WHEREAS, the City has provided public notice and conducted a public hearing on October 7, 2024 concerning the modification of the enabling resolution and has fulfilled all legal requirements for said modification.

NOW, THEREFORE, BE IT RESOLVED BY THE BENSON CITY COUNCIL:

(new matter underscored, old matter retained omitted, and old matter to be deleted enclosed in brackets)

1. The enabling resolution dated May 21, 1990, and modified by resolution dated August 5, 1993, is hereby further modified as follows:
 - a. The EDA shall possess all of the powers, rights, duties, and obligations as set forth in Minnesota Statutes, Sections 469.090 to 469.108 and other law.
 - b. The EDA shall be responsible for managing the following funds currently held and managed by the City:
 - i. Economic Development Authority Fund
 - ii. Shares and proceeds of Chippewa Valley Ethanol Company stock
 - iii. Small Cities Development Program Fund
 - c. To provide that the EDA shall not have any responsibility or authority over Tax Increment Finance Districts or funds in the City of Benson, or the NSP Xcel Energy Grant Fund.
2. Nothing shall prevent the City from modifying this enabling resolution to impose limits on the powers of the EDA or provide for other matters as authorized by Minnesota Statutes, Sections 469.090 to 469.108 or other law.

Councilmember Maanum seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Landmark, Enderson, Maanum, Carruth. NAYES: None. Thereupon the Mayor declared Resolution 2024-21 duly passed and adopted.

Mayor Evenson said the Personnel Committee met at direction of City Council, with Wolfington to negotiate a contract for City Manager services, which he presented to City Council. After discussion, it was moved by Enderson, seconded by Carruth and carried unanimously to approve the City Manager contract as presented.

There being no further business to come before the Council a motion was made by Landmark, seconded by Carruth and carried unanimously to adjourn the Council meeting at 6:19 p.m.

Mayor

City Clerk