

**MINUTES - BENSON CITY COUNCIL REGULAR MEETING
CITY HALL
NOVEMBER 6, 2023**

The meeting was called to order at 5:30 p.m. by Mayor Evenson. Members present: Jack Evenson, Chris Carruth, Dan Enderson, Nancy Maanum, Mark Schreck. Members Absent: None. Also present: Director of Finance Lisa Kent, City Clerk Valerie Alsaker, City Manager Kyle Harris, CEDA Representatives Hillary Tweed and Laura Mitteness, Assistant City Attorney Stephen Kowal, Jeff, Benton, Jason and Corey Schaefer and Reed Anfinson. Telephonically: Pete Aldritt from Magney Construction, Inc.

The Council recited the Pledge of Allegiance.

The Mayor asked for any changes to the agenda. Harris asked to move item 15 up to item 6 on the agenda. It was moved by Schreck, seconded by Carruth and carried unanimously to approve the amended agenda.

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

- October 16, 2023 City Council Meeting
- October 26, 2023 Special City Council Meeting
- September 18, 2023 EDA Meeting
- Bolton & Menk Pay Request – Airport Master Plan Update - \$9,600.00
- Pioneerland Library System 4th Quarter 2023 Pay Request - \$24,650.75
- WAPA – Drought Adder Review
- Xcel Grant – Quarterly Report
- Donald Vergin Park Board Appointment Term Expiring December 31, 2026
- Stephen Kowal Airport Commission Appointment Term Expiring 12.31.2026
- Electronic Transfers:
 - Payroll – October 19, 2023 - \$98,610.12
 - Journal Entries - September 2023 - \$6,520,072.83

Mayor Evenson asked for anyone with unscheduled business, to which there was no one.

Harris presented pay request #13 from Magney Construction, Inc. for the wastewater plant digester. He was expecting Pete Aldritt via teleconference, but he isn't on-line yet. Harris said the project is nearly complete. Painting pipes, replace a check valve and the flare manufacturing company will be out this month to fine tune the methane burning flare. Harris said we originally thought we were over budget, but upon further review, it appears all that is left to pay on this project is the project retainer amount. After discussion it was moved by Enderson, seconded by Maanum and carried unanimously to approve pay request #13 in the amount of \$36,070.64.

Mayor Evenson said the following discussion is a continuance of the evaluation of the performance of a City of Benson employee under Minnesota Statutes, section 13D.04, Subdivision 3, clause a. The employee is Dan Gens. He went on to say on October 26, 2023 the City Council held a Special City Council open meeting, with a short closed period to evaluate the performance of City of Benson employee Dan Gens. In accordance with governing law, at this Council meeting, which is the

next possible Council meeting following the previously mentioned meeting, the City Council is required to summarize the conclusions of the evaluation reached by the Council at the October 26, 2023 meeting. As chairman of the meeting, The Mayor provided a summary of the conclusions reached by the Council from the October 26 evaluation:

That the City Council desires to reach an amicable resolution with Mr. Gens in the form of a Separation and Release Agreement, which will be considered at today's meeting. He addressed the Council saying Members, I will entertain a motion as follows: to approve the Separation and Release Agreement between the City of Benson and Dan Gens. It was then moved by Schreck to approve the severance package and approve the Separation and Release Agreement as presented. The motion was seconded by Carruth and carried unanimously.

At this time, Pete Aldritt joined the meeting telephonically and answered Council's questions. He said he was thinking by the end of the this month, the project should be complete. He then thanked the City of Benson for their business and said it was a pleasure working with our employees.

Alsaker approached to present a memo from Swift County's Public & Property Services Director pertaining to the Voting Operations, Technology & Election Resources Account (VOTER) revenue source for county and municipal election administrations from the State of Minnesota. She went on to explain the County is asking we allow Swift County to retain our share of the \$4,440.44 . The City's amount will not end up to be very substantial, and we are not in need of any elections supplies at this time. She went on to say there will be three elections next year and Swift County will play a major role in elections, with the City staffing our precincts. After discussion Alsaker recommended allowing Swift County to keep our share of the VOTER funds. It was moved by Schreck, seconded by Maanum and carried unanimously to designate our share of the VOTER monies to Swift County.

Next Alsaker presented the annual agreement with Countryside Public Health for tobacco compliance administration. It was moved by Enderson, seconded by Schreck and carried unanimously to approve the agreement with Countryside Public Health as presented.

Harris approached and informed the Council the north wall of the power plant is failing. He said Design Tree Engineering said several years ago, the large overhead door and walk-in door next to it were improperly installed. This has made for an unsafe work environment. This structural issue is prohibiting staff from working in there as well as taking our generators off-line. Harris explained the proposed repair work, which will entail installing steel pillars and beams as well as filling in the walk-in door. Harris went on to say he discussed repairs with Marcus Construction as well as Terra Construction, with Marcus able to come and make the repairs as soon as next week. Harris said the total cost should run \$25,650 for the repairs discussed. He said he signed a contract with Marcus Construction today for the work because of the urgency to get the necessary repairs underway. After discussion, it was moved by Schreck, seconded by Enderson and carried unanimously to approve the work and contract as presented.

Tweed approached the Council to present a property parcel split request at the old Fibrominn site on Industry Drive which is City owned. Abundant Ag is interested in a 14.87 acre split on this property to include the old fuel hall, administrative building and truck wash building. She said that would leave a 62.44 acre parcel for future development. She referred the Council to the map of the piece of land. After discussion, it was moved by Maanum, seconded by Enderson and carried unanimously to approve the parcel split as presented.

Next Tweed said the purchase option the City had with Nature Energy expired yesterday. She has a second request from Abundant Ag to purchase the 14.87 parcel of land discussed previously at a price of \$1.00. Enderson asked if there was any further information from Nature Energy on their plans at the

site. Tweed said not as of today. Tweed went on to explain these talks of a parcel split started well before today and Nature Energy was included in on the discussion. It is agreed that if Nature Energy does come with their plans to build their plant, a 30' piece of road way will shift back to Nature Energy for accessibility to the rest of the property, with an agreement between the two parties. After further discussion, it was moved by Enderson, seconded by Maanum and carried unanimously to approve the purchase agreement with Abundant Ag as presented. Carruth asked when will Abundant Ag be operational, to which Jason Schaeffer responded next year. Carruth asked if the current electrical service to the site is adequate. Tweed stated City staff ensured it will meet their needs.

Harris presented two quotes for a new heated pressure washer for public works. The current pressure washer has had several repairs. He presented a quote for repairs for the old pressure washer in the amount of \$3,212.44.00, and two quotes for a new pressure washer. One from Diamond Industrial Cleaning for \$5,995.00, which has four wheels, and one from PSI Powerwashers, Inc. for \$6,295.00 with four wheels. After discussion, it was moved by Carruth, seconded by Enderson and carried unanimously to approve the quote for a new pressure washer from PSI Powerwashers, Inc. in the amount of \$6,295.00.

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 Schreck, seconded by Maanum and carried unanimously to not waive the monetary limits on municipal tort liability established by Minn. Stat. §466.04.

The Council reviewed the September 2023 budget report.

Next was discussion on grant monies received from SWIF. The "Second Slide in '25" committee headed up by Shelly Mikkelson applied for a \$10,000 grant for the slide project. They received the full grant amount. SWIF, who controls the money, is asking for the City to sign for the grant to include recognizing SWIF as donating to the fundraiser. Harris said he is not comfortable signing the grant paperwork on behalf of the committee. Evenson stated the Committee applied for the grant. Enderson said since they are not a tax-exempt committee, we agreed to be the fiscal agent, and he would like to see the agreement from SWIF. After further discussion, Council directed Harris to confer with the City Attorney and Shelly Mikkelson to resolve the matter.

Harris discussed a pool report from Horizon Pools. He said he sent the report to each Councilmember's email for review. He stated this report reflects the report from 2018, with a few cost differences. He expressed concerns with the evaluation and has reached out to other pool companies for a second opinion with no response to date. There was discussion on what projects might take priority and the next steps for addressing these issues.

Mayor Evenson said at the October 16, 2023 meeting, after coming out of the City Manager's review, a recommendation on a wage increase was not stated. He went on to say Harris's contract said he is eligible for a pay increase. It was moved by Carruth, seconded by Enderson and carried unanimously to grant Harris a wage increase in accordance with his contract.

There being no further business to come before the Council a motion was made by Maanum, seconded by Carruth and carried unanimously to adjourn the Council meeting at 6:42 p.m.

Mayor

City Clerk