

**MINUTES - BENSON CITY COUNCIL REGULAR MEETING
CITY HALL
DECEMBER 2, 2024**

The meeting was called to order at 5:30 p.m. by Mayor Evenson. Members present: Jack Evenson, Nancy Maanum, Gary Landmark and Dan Enderson. 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, Jeff Reuss, Jerrica Cook, Jessica Goshey, Craig Jenner, Tom Anderson, and Don Lenz. Telephonically Eric Payne, Greg Peterson and an unknown individual.

The Council recited the Pledge of Allegiance.

The Mayor asked for any changes to the agenda. Alsaker asked to move the Cigarette Licenses down as a separate agenda item. It was moved by Maanum, seconded by Enderson and carried unanimously to approve the amended agenda.

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

The Mayor called for anyone with unscheduled business. Jerrica Cook approached the Council. The Mayor said she would have two minutes to talk. Cook addressed the notice she received declaring her dog a “dangerous dog”. She said after her dog bit the mail carrier, she thought when the quarantine time was over, that was the end of the situation. She received a dog at large ticket from the Police and was served the order to have her dog destroyed a week and a half later. She said as a former postal worker, the postal service has other ways for a residence to receive mail. She went on to say since this was her dog’s first offence, she asked if she could train the dog and have him neutered instead of destroying him. Mayor Evenson asked if she had filed for an appeal. She replied yes. Evenson then said it is now out of the Council’s hands with the independent party hearing. Wolfington said the hearing is at the City Attorney’s office at 10 a.m. this Wednesday, with County Commissioner Pete Peterson as the hearing officer. Cook asked why she wasn’t notified when the Council was going to hear the case. Wolfington said according to State Statute, the hearing is her chance to be heard. He then offered her good luck in her case.

Kowal approached to discuss some changes to the Lodging Tax Ordinance Chapter 118. Use of proceeds could be changed to having the EDA manage the lodging tax. Wolfington said there could be an EDA visitor Bureau or a separate board like the tourism board that would report to the EDA or make the EDA the tourism board. After some discussion on the details of what is proposed in the ordinance change in the packet, Wolfington and Kowal decided to do more research on what the mentioned changes would mean, and requested no action from the Council.

Wolfington presented information from Tim Blodgett, Vice President of Member Services with MRES, showing that our electricity is deemed carbon free. He also presented information breaking down the diverse mix of power supply resources that bring electricity to our citizens, such as the percentages of hydro, wind, solar, nuclear and other sources.

Next were two pay requests from AE2S. Nelson approached and reminded the Council we have tasked AE2S with help in permitting and work on meeting new regulations in the wastewater plant. The first pay request is for Wastewater Plant permitting assistance and sulfate response. It was moved by Landmark, seconded by Maanum and carried unanimously to approve the pay request to AE2S in the amount of \$10,534.25. The second pay request is for Wastewater facility plan discussed at a previous meeting. It was moved by Enderson, seconded by Maanum and carried unanimously to approve the pay request from AE2S in the amount of \$10,178.00.

The Mayor opened the Truth in Taxation Public Hearing. Wolfington said the State of Minnesota requires a truth in taxation meeting from cities the first meeting in December before setting the final levy. He discussed the funds effecting the levy as well as the enterprise funds. There was a question on the 12% increase on the proposed property tax statements that came out. Wolfington said the Council has to set a preliminary budget by the second meeting in September every year. Once the levy is set, by the final budget, the levy cannot be raised above the preliminary levy, but can be lowered. He went on to say staff went to work and brought the levy down to less than half, and that will be reflected in the final property tax statements that will come out next year. There was a question comparing homes valued the same in different communities, and the difference in property taxes. Wolfington said the State requires the County Assessors enter home sale information into their programs which determines homestead credits and the rates for property taxes for the next year. Don Lenz asked when the payment in lieu of taxes money from the sale of Fibrominn runs out, to which Enderson answered 2024 is the last year of that money. Lenz also had questions about the Xcel monies and how that has been used. Wolfington said that money has been used for economic development purposes and isn't meant as a property tax reduction fund. Lenz then asked about the COVID money we received to which Wolfington stated it has been used.

There being no further public comment, the Mayor closed the Public Hearing at 6:33 p.m.

Tweed approached and presented a pay request for work on the Cottage Square Second Addition. She said this pay request is for work Mike Amborn has done on phase III, also known as the Cottage Square Second Addition. This bill is for the preliminary Plat, sending notices to surrounding property owners and meeting with a neighbor. It was moved by Landmark, seconded by Maanum and carried unanimously to approve the pay request from Rodeberg & Berryman for the cottage Square new development in the amount of \$14,685.00.

Tweed presented the preliminary plat for Council consideration. She said there was a public hearing at the Planning Commission meeting today. The Planning Commission recommended approval to the City Council of the preliminary plat. The plan includes improvements from the initial drawings presented to the Planning Commission at a previous meeting to include road and storm sewer water movement over to the holding pond. There will be mature trees removed in the development of the subdivision. Tweed went on to note in the notice that went out, there was an error. The notice stated the development is a planned unit development, which it is strictly a new subdivision. She noted there was one written comment opposing the subdivision next to their back yard. Wolfington said he and Kowal were looking at the subdivision shortly before the Council meeting. Kowal approached to discuss Phase I & II confusion, which was originally a planned unit development in 2008. Wolfington said that project failed due to the housing issues in 2008, and was never completed. Kowal went on to say he is recommending to Council to make a motion to waive design standards in the preliminary plat of Phase III, in this case as it appears the road width in this subdivision is 2' too narrow for new subdivision. Ordinance 153.51 allows the Council to waive the design standard. He went on to say he feels the subdivision is a good plan otherwise. He also stated he feels there should be a couple of variances brought

in the future on the project dealing with lots and the number of units on a lot as well as set-backs. After further discussion, it was moved by Enderson, seconded by Maanum and carried unanimously to approve the preliminary plat of Cottage Square Second addition, also waiving the minimum road standard according to ordinance 153.51 to allow the road to be 2' narrower than the set standard in ordinance.

Kent approached the Council to ask City Council consideration of Conway Deuth and Schmiesing (CDS) as our auditor for 2024. After discussion, it was moved by Landmark, seconded by Maanum and carried unanimously to approve CDS as the City's auditor for the 2024 audit in the amount of \$37,500.

Alsaker approached to discuss the special election the City will need to hold due to the vacancy left by former City Council member Chris Carruth. She went on to say she and City Attorney Kowal have been discussing City Charter, Ordinance and State Statutes on when the election can be held. Alsaker went on to say she and Kowal have agreed on April 8, 2025 as the date to hold the special election. Councilmember Maanum offered the following resolution:

**CITY OF BENSON RESOLUTION CALLING
FOR SPECIAL ELECTION
(RESOLUTION NO. 2024-29)**

WHEREAS, a vacancy exists on the Benson City Council for Council Member with a term expiring the first business day in January 2027.

WHEREAS, the vacancy occurred before the first day to file affidavits of candidacy for the next regular city election.

WHEREAS, the vacancy occurred when more than two years remain in the unexpired term.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BENSON, MINNESOTA, AS FOLLOWS:

1. A special election is ordered to fill the vacancy on the Benson City Council. The person elected shall fill the vacancy for the remainder of the term.
2. The special election will be held on Tuesday April 8, 2025
3. The city clerk is hereby authorized and directed to cause written notice of said special election to be provided to the Swift County Auditor at least seventy-four (74) days before the date of said special election. The notice shall include the date of said special election and the office to be voted on at said special election.
4. The city clerk shall cause all published and posted notices be provided and conduct the special election as required by State of Minnesota election laws.

Councilmember Enderson seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Landmark, Enderson, Maanum. NAYES: None. Thereupon the Mayor declared Resolution 2024-29 duly passed and adopted.

Next was the 2025 Cigarette Licenses. Alsaker said there are usually five licenses, but this year there are only four as Darold's SuperValu is not going to sell cigarettes any more. She went to say she has

received the license applications from two of the four establishments. To not hold up the two businesses who already submitted their licenses, she asked the Council to approve all four licenses with a contingency the other two are turned in by the end of the year. It was then moved by Landmark, seconded by Enderson and carried unanimously to approve the 2025 cigarette licenses for Glacial Plains Coop and Amoco Food Shop, immediately, and approving Holiday Stationstore and Family Dollar cigarette licenses contingent upon receiving their application before December 31, 2024.

Wolfington said the City had six applications for the position of Public Works Director. After interviewing the applicants, Wolfington recommend Jeff Reuss as the next Public Works Director. He comes with 20 plus year of DOT highway construction, underground services, contract management as well as he has been the City Fire Chief for several years. It was moved by Enderson, seconded by Maanum and carried unanimously to offer Jeff Reuss the position of Public Works Director. It was then moved by Landmark, seconded Maanum and carried unanimously to authorize Wolfington to sign an employment agreement with Reuss.

Wolfington said we received word this afternoon that State DEED approved the armory design plan. Tweed said they had no comments or concerns and gave approval to move forward with the bid process. It was moved by Enderson, seconded by Landmark and carried unanimously to approve the bid packet and going out for bids.

There being no further business to come before the Council a motion was made by Enderson, seconded by Maanum and carried unanimously to adjourn the Council meeting at 6:56 p.m.

Mayor

City Clerk