

**MINUTES - BENSON CITY COUNCIL REGULAR MEETING
CITY HALL
FEBRUARY 5, 2024**

The meeting was called to order at 5:30 p.m. by Mayor Evenson. Members present: Jack Evenson, Chris Carruth, Mark Schreck, Dan Enderson, Nancy Maanum. Members Absent: None. Also present: City Clerk Valerie Alsaker, Director of Finance Lisa Kent, City Manager Kyle Harris, Assistant City Attorney Stephen Kowal, Public Works Director Elliot Nelson, CEDA Representative Hillary Tweed, Police Chief Ian Hodge, Richard Olson and Reed Anfinson.

The Council recited the Pledge of Allegiance.

The Mayor removed exempt wages from the agenda, and changed Hospital District Update to information only. It was moved by Maanum, seconded by Schreck and carried unanimously to approve the amended agenda.

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

- January 16, 2024 City Council Minutes
- November 11, 2023 EDA Minutes
- December 18, 2023 EDA Minutes
- Appoint Ron Laycock to Library Board term expiring December 31, 2026
- Appoint Ron Laycock to the Park Board term expiring December 31, 2026
- Appoint Amy Nicholas to the Cemetery Board term expiring 12.31.2026
- Gambling Permit – Pheasants Forever – March 9, 2024
- Charter Communications Channel Changes
- Electronic Transfers:
Payroll: January 11, 2024 - \$194,176.58, January 25, 2024 - \$99,154.82
- Journal Entries:
December 2023 - \$3,800,130.84

There was no one with unscheduled business.

First is a variance application from Pat Hawley #1-24, at 2020 Robert Street. Hawley built a townhome, which he would like to sell one half to a private party, which entails a property parcel split. The lot as a whole is large enough to allow the construction. Separate ownership of the two units now violates zoning ordinance §154.059 Height Limitations, Area, Frontage and Yard Requirements. This variance application came before the Planning Commission, to which they discussed this application should have come before the property was built. The Planning Commission members discussed practical difficulties with the property. It was determined:

1. The property will be used in a reasonable manner, as the building is a townhome in a residential development.
2. The landowner's plight is not due to circumstances unique to the property, as the landowner built the townhome knowing the size of the lot and dimensions of the townhome.

Maanum asked if Hawley was going to come before the Council to which the Mayor said he attended today's Planning Commission meeting and answered questions. It was moved by

Enderson, seconded by Schreck and carried unanimously to approve Variance Application #1-24 as presented.

Variance application #2-24 was next. This variance application is also for 2020 Robert Street. This variance is asking to allow the southeast corner of the duplex built already on the property to extend into the required setback by 8 feet. The property set back should be 10 feet, and this duplex was built only 2 feet off the property line. Looking at the size of the lot, this duplex would be in violation in any direction if it was moved forward or to the north. The Planning discussed how this too should have been brought before construction of the duplex. The Planning Commission stated the following findings of fact:

1. It was determined the property will be used in a reasonable manner, as the building is a townhome in a residential development.
2. The landowner's plight is not due to circumstances unique to the property, as the landowner built the townhome knowing the size of the lot and dimensions of the townhome.
3. The Commission felt there needs to be a closer eye on these projects, as to keep property setbacks are adhered to. The Commission also recognized this request is backwards, and should have come to them before the townhome was built.

After discussion, it was moved by Carruth, seconded by Enderson and carried unanimously to approve variance application #2-24 as presented.

Harris presented a third variance application #3-24 from Duininck Concrete for a fence over the allowed height for their zone. He said several years ago, neighbors asked for screening around the concrete plant. Also observed were vehicles cutting across the property, from 12th Street North over to 13th Street North. The concrete yard poses the risk for injury. The previous manager agreed to put up the screening, bought the fence and it was never erected. The fence is laying in their yard. The current manager was not aware of the agreement with the fence and he is in agreement to install it. Harris said upon review of the property, the concrete business is in an I-1 Industrial zone. It abuts an R-1 Residential zone. What is allowed for fence height differs between the two zones. According to the ordinance, the fence height allowed is 42". This will defeat the purpose of screening the work yard from the residential neighborhood around it. The ask of the variance application is to erect the fence to 6' around the north, east and part of the south side of the property, to which Harris presented a map, keeping in mind the MNDOT setbacks will have to be adhered to on the west side of the property facing Hwy 9 (13th St. N.). The Planning Commission came to the following findings of facts:

1. The request is reasonable and beneficial to the neighborhood.
2. The undue hardship is the property is a viable business surrounded on two sides by residential property.
3. This will not change the character of the neighborhood.

It was noted the fence is a chain link fence with the screen inserts. The Planning Commission recommended approval of this variance. After discussion, it was moved by Enderson, seconded by Carruth and carried unanimously to approve Variance Application #3-24 from Duininck Concrete.

Next was the creation of a mixed-use in the zoning table of uses. It was moved by Maanum, seconded by Enderson and carried unanimously to approve the 1st Reading of an Amendment of the Zoning Ordinance to Include Mixed Use.

Next Harris presented a new Ordinance to the City Council for Cannabis Use. This chapter defines public space, and where cannabis can be used, and where it is prohibited once cannabis use becomes legal on January 1, 2025. After discussion, it was moved by Schreck, seconded by Carruth and carried unanimously to approve the 1st Reading of an Ordinance to Amend Title XIII, Chapter 133 Cannabis Use.

Enderson gave an update on the Hospital District Board. He said their main responsibility is to monitor that Cura and CentraCare are following all the conditions of the operating leases including making the monthly payments. He recapped the meeting saying they addressed four items. They took care of beginning of the year housekeeping items and they approved a five member advisory board at the Sr. Living (Cura) facility. Centracare's is already in place. The Hospital district board decided they will reduce their members from nine to six. The number of board members, however, was created by the legislature, and reducing the number of board members will need to be approved by the legislature. He said he is going to the Swift County Commissioner's meeting tomorrow to update them.

Harris presented the 2024 farm lease for the Sylte land we own. They were originally farming 97 acres, but due to drainage they now are farming 107 tillable acres. The lease was changed to reflect this, which changes their payment to \$29,104.00. It was moved by Carruth, seconded by Schreck and carried unanimously to approve the lease as presented, with a change of legal counsel creation on the last page from Ben Wilcox to Steven Kowal.

Harris reached out to Marcy Douglas with MRES about possibly facilitating a work session or a strategic planning session. He presented dates she is available to Council. After discussion, it was moved by Enderson, seconded by Maanum and carried unanimously to hold a Council work session without Ms. Douglas on Friday night March 1, and Saturday morning March 2, 2024.

Harris presented a 2024 membership invoice from MMUA. It was moved by Carruth, seconded by Schreck and carried unanimously to approve the 2024 membership dues to MMUA in the amount of \$7,232.00.

Harris presented an update to the Swift County All Hazards Mitigation plan. It is a requirement every five years to update our participation. By agreeing to participate, we will be eligible for future FEMA funding if need be. It was moved by Schreck, seconded by Carruth and carried unanimously to approve voluntary participation in the Swift County All Hazards Mitigation Plan.

Kent approached the Council with a resolution to transfer the last of the Xcel PILOT monies from the EDA to the General Fund. Councilmember Enderson presented the following resolution:

**RESOLUTION TRANSFERRING \$271,973 FROM THE EDA FUND TO THE GENERAL FUND
(RESOLUTION NO. 2024-06)**

WHEREAS, the City of Benson is active in economic development, and

WHEREAS, the Economic Development Authority owns the property formally occupied by the Fibrominn power plant, and,

WHEREAS, a condition of the purchase of this property was a payment from the previous owner to pay an amount equal to one year's property taxes, and,

WHEREAS, the loss of valuation for property tax purposes resulted in a reduced property tax levy for the City, and,

WHEREAS, the City desires to use 1/3 of these funds over the next three years to supplement the tax levy in the hope that a new business will be built in the near future.

NOW, THEREFORE BE IT RESOLVED that the City Council authorized the transfer of \$271,973 from the EDA Fund to the General Fund.

Councilmember Maanum seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Enderson, Maanum, Carruth. NAYES: None. Thereupon the Mayor declared Resolution 2024-06 duly passed and adopted.

Kent presented the 2023 Pay Equity Report. She said we must submit this report to the State showing all classes of employees. We use the state job match system for comparison. The information is filed with the state using wages as of December 31, 2023 and is in compliance. After discussion, it was moved by Schreck, seconded by Carruth and carried unanimously to approve the 2023 Pay Equity Report.

There being no further business to come before the Council a motion was made by Carruth, seconded by Maanum and carried unanimously to adjourn the Council meeting at 6:02 p.m.

Mayor

City Clerk