

**MINUTES - BENSON CITY COUNCIL REGULAR MEETING
CITY HALL
JUNE 17, 2024**

The meeting was called to order at 5:30 p.m. by Mayor Evenson. Members present: Jack Evenson, Dan Enderson, Chris Carruth, Mark Schreck, and 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, Police Sergeant Scott Girard, CEDA Representative Hillary Tweed, Pastor Gary Mills with the Swift County Historical Society, Todd & Leslie Widseth, Leann Simonson, Terri Collins, Amanda Grussing, Diane & Beth Halvorson, Cindy Connelly, Krista Hoover, Angela Nissen, Becky Lysen, Melissa McGinty Thompson, Jayson Webster, Melissa Naig, Shelly Mikkelson and Reed Anfinson.

The Council recited the Pledge of Allegiance.

Mayor Evenson moved the purchase of 1802 Atlantic Avenue item up after the Historical Museum Request. 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:

- Charter Communications Franchise Fee Payment
- Minnesota State Demographic Center Census for 2023
- Crow River Construction Pay Request - Calcium Chloride - \$5,014.020
- Gambling Permit – MiniSota Museum – July 20, 2024
- Electronic Transfers: Payroll: May 30, 2024 - \$93,504.16

There was no one with unscheduled business.

McGinty-Thompson approached the Council. She said the Shamrock Hest Riding Club is hosting their annual Ranch Rodeo the Friday of Kid Day weekend. Participants like to have a beer after they ride. The Riding Club does not promote, sell or advertise alcohol consumption. But in other rodeo locations, this is common practice She said everything will be the same as last year, and is asking for the City's blessing to allow those alcohol consumptions at the Rodeo event. After discussion, it was moved by Maanum, seconded by Carruth and carried unanimously to allow liquor consumption on the horse arena grounds for the Ranch Rodeo Event on July 19, 2024.

Mikkelson approached the Council with the Second Slide Committee. She said since they have decided not to pursue raising more funds for the second slide, they would like to use the money already raised to purchase some Funbrellas. They mailed out a questionnaire to all the donors and received several responses in favor of adding to the pool features. In the original design of the pool, there were supposed to be more Funbrellas, but it wasn't in the budget at the time. The committee had \$16,000 from their fundraising efforts. Each Funbrella is \$7,000. They would like the Council's blessing to go ahead and purchase them. She also noted the receptacles should already be built into the pool for the Funbrellas. The Council agreed to the addition the two Funbrellas, and thanked Mikkelson and the 2nd Slide Committee for all their work.

Pastor Mills approached to discuss the moving of the 1871 Schoolhouse from Ambush Park to the Swift County Museum property at 2135 Minnesota Avenue. He said he is here today to ask City Council to waive the City's portion of the building permit fee to move the school house. He said when they were notified from Inspectron, the City's contracted building official, they were shocked that the fee was \$973.00. He said the City's share of the permit is around \$574.75. He went on to say he realizes the plan review fee and state surcharge fee cannot be waived. He added Their Movers, TK Kennedy and their cement contractor are all waiving parts of their fees as their contribution to the project. He listed the improvements they are planning for the school-house once it is on their property. Mills asked once it is time to actually move the school house, he is also asking the City to waive the moving permit fees. Council asked Harris what portion of the fee is the City's to which Harris said he didn't know off the top of his head. It was moved by Enderson, seconded by Maanum and carried unanimously to waive the City's portion of the \$574.75 building permit fee.

Next the Widseth's and Tweed approached the Council. Tweed said Widseth's would like to purchase 1802 Atlantic Avenue from the City in order to build a drive through coffee shop. She presented a purchase agreement stating the lot would be sold for \$1, and within one year from the date of closing, they need to pull a building permit application, and then have one year to complete construction. She said the EDA recommended approval to City Council at their last meeting. Enderson added they will have to apply for a conditional use permit for the business, which will be located in the newly created mixed use zone. After discussion, it was moved by Carruth, seconded by Maanum and carried unanimously to approve the purchase agreement as presented.

Harris approached the Council. He said Swift County Human Services is expanding their building. He said a part of the project, which is the parking lot, is partly in the flood plain. If the City approved the project with it being in a flood plain, we could jeopardize future participation in FEMA assistance. There has been discussion with their engineers Bolton & Menk, who have done an analysis on the project and it has been determined this will not impact the project as there will be a considerable amount of fill brought in. He added the heliport flight pattern will not be impacted either. He said after reviewing the City's Flood Plain Management ordinance §154.195 he has determined the project is acceptable and has no negative impact on the flood plain, or the community around it. After further discussion, it was moved by Schreck, seconded by Carruth and carried unanimously to approve the Human Services project as discussed.

Harris said the 2040 City of Benson's Comprehensive Plan is done, the public hearing for the comprehensive plan was held and the Planning Commission approved it and is recommending approval and certification of the plan to City Council. After discussion, Councilmember Carruth offered the following resolution:

**CITY OF BENSON
COUNTY OF SWIFT
STATE OF MINNESOTA
(RESOLUTION 2024-10)**

**RESOLUTION AMENDING CITY PLAN PURSUANT TO
CITY ORDINANCE SECTION 152.15**

WHEREAS, the City of Benson Planning Commission is charged with City Ordinance Section 152.15 (A) to prepare, adopt, and, as necessary, amend the comprehensive City Plan, and

WHEREAS, City Ordinance Section 152.15 (B) governs the process by which the Planning Commission shall amend said comprehensive City Plan; and

WHEREAS, the Planning Commission has determined that amendment to the comprehensive City Plan is beneficial and necessary to the City government in order to facilitate uniform and agreeable expansion and development of the City of Benson, and

WHEREAS, the Planning Commission has developed an amended comprehensive City Plan that meets the current needs and reasonably foreseeable future needs of the City; and

WHEREAS, the Planning Commission has provided public notice and conducted a public hearing on June 3, 2024 concerning the amendment to the comprehensive City Plan and has fulfilled all other legal requirements for said amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BENSON CITY PLANNING COMMISSION:

1. The comprehensive City Plan is hereby amended as detailed in the attached amended comprehensive City Plan.
2. The City Clerk is hereby directed to make said amended comprehensive City Plan available to the public.

Councilmember Schreck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Enderson, Maanum, Carruth. NAYES: None. Thereupon the Mayor declared Resolution 2024-10 duly passed and adopted.

Harris presented an amendment to the engineering contract for modifications to the Wastewater Treatment Facility upgrades project. Harris said he, Nelson, Stantec, Craigs's Inc. and Magney Construction all met to review the final costs of the project. There were several issues that added to the cost of the project. Stantec agreed to reduce the final bill in the amount of \$20,109, and they are proposing a change order in the amount of \$35,343. The Mayor called for a motion to approve the change order as presented. It was so moved by Maanum. Upon calling for a second motion, the motion died due to the lack of a second. Enderson asked Kent if this comes before Council again, what funds would we pay this from. She said this project has been funded through Xcel dollars.

Harris presented a Craig's Inc. bill for boiler work on the Wastewater Treatment Facility upgrade in the amount of \$13,716.15. Magney or Stantec will be paying \$6,536.00 of this bill. It was moved by Schreck, seconded by Enderson and carried unanimously to pay the Craig's invoice in the amount of \$7,180.15.

Harris said with all the rain we have had, the wastewater plant is at capacity. This is due to sump pumps draining into the sanitary sewer system. This is stressing the plant. As a result, the sludge pump going to the digester has gone out. The Utility Board met earlier today along with Public Works Director Nelson and discussed this issue. We will need to purchase a new pump. Harris presented three quotes. The first is from WWGoetsch in the amount of \$32,974 with an 8-10 week lead time. The second is from QualityFlow in the amount of \$34,483.00. The third quote from QualityFlow is for \$30,918.00. The last quote and the quote from WWGoetsch would replace the exact same pump we currently have in the plant. The life of these pumps are running 5-7 years. The more expensive quote from Qualityflow is a better quality, larger pump. The Utility Committee recommends the larger pump from Quality flow. After discussion, it was moved by Schreck, seconded by Carruth. Enderson asked where will this expense be paid from. Harris said wastewater maintenance. The motion carried unanimously to accept the quote from QualityFlow for the Boerger Rotary Lobe pump in the amount of \$34,584.00. It was discussed Harris and

Nelson are looking into requests for qualifications for from several engineering firms as our wastewater permit is up for renewal. Nelson, the Wastewater crew and Harris are working through the process of procuring an engineer. More information to come.

Next was a change order for the Clearwater project. This change order from Magney Construction is a deduct. Some of the savings came from a street reconstruction by the plant. It was moved by Schreck, seconded by Maanum and carried unanimously to approve Change order #2 with Magney construction deduct in the amount of \$51,966.41.

Kowal presented two dangerous dog designation. The Police Department makes the determination as the animal control authority. The City Attorney gets this information and according to ordinance, there are several options Council can choose to deal with the dog. The first case is a dog with 2 incidents. First time it bit someone, the second incident the dog knocked a mail carrier down. The Post Office has tried to address this issue in the past. Kowal listed 15 orders in the ordinance that can be enforced. Council debated which of the items the owner needs to abide by with the dog. It was moved by Carruth, seconded by Maanum and carried unanimously to order the owner abided by all 15 items as listed in the ordinance.

The second instance is a single attack by a dog that broke through the fence, and bit a citizen on the leg sending the victim to the hospital for his injuries. This dog's rabies vaccination expired last October. This dog was ordered to be quarantined 10 days in the owner's home per the laps in rabies vaccination. If ordered to destroy the dog, the owner has 14 days to appeal the destruction order. Chief Hodge said he offered to destroy the dog, to which the owner declined. After discussion, it was moved by Anderson, seconded by Carruth and carried unanimously to order destruction of the dog, allowing for the 10-day quarantine, and 14-day appeal.

Benson Police wish to pursue a drone program, and a public hearing is required. It was moved by Schreck, seconded by Maanum and carried forward to set a public hearing for July 1, 2024 at 5:30 p.m.

Harris presented a bill from the Flower basket for the flower pots around town. He said the City received an invoice for \$3,796.13. Harris said there is \$15,000 in the Beautify Benson line item in the budget. Carruth asked how much it will cost to water the flowers for the summer. Harris said \$10,000 for the Flower Basket to water the pots. Staff had discussed a contracted entity using city property such as the flower pickup to water the flowers is cause to open the City to liability issues. Harris said after concerns voiced to him by Councilmembers when the pots went out on the cost of watering, the City hired two Flower Basket employees as City employees. Carruth asked how much it costs to have the City employees put out and hang all the post. Harris estimated \$5,000-10,000. Collins asked to address the Council, she gave a history of the flower pots from her time as Mayor of Benson, highlighting fundraising efforts to defray costs to having the flower pots and banners. Anderson asked what is coming for approval tonight? He went on to say he feels we are committed to the flowers for this year, and Council will need to take a look at the program for next year. It was moved by Anderson, and seconded by Evenson to approve the Flower Basket bill. The following vote was taken: Ayes: Anderson, Evenson. NAYES: Carruth, Schreck, Maanum. The motion failed. Diane Halvorson addressed the Council in protest, asking how the City is refusing to pay a small business for her product. After further discussion, it was moved by Anderson, seconded by Schreck and carried unanimously to approve the bill from the Flower Basket for flowers in the amount of \$3,796.13.

Harris said in preparation for the water tower rehab next year, it was discovered well #32 was in need of rehab. Nelson received on quote from Thein Well. The other company was unable to provide a quote as they cannot fit our job into their schedule. Harris presented a quote for approval to the Council. After review and discussion, it was moved by Carruth, and seconded by Maanum. Anderson asked if this

is an unbudgeted item, where will the funds come from to pay for this. Kent said Water fund reserves. The motion carried unanimously to approve the Their Well quote in the amount of \$20,273.50.

Harris presented the bill for repairs to street department truck #16 to bring it up to MnDOT certification. It was moved by Schreck, seconded by Carruth and carried unanimously to approve the bill from Huston & Sons Truck Repair in the amount of \$13,578.34.

It was moved by Schreck, seconded by Carruth and carried unanimously to approve the bills and warrants in the amount of \$878,981.76.

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 7:12 p.m.

Mayor

City Clerk