

**City Council Meeting  
Benson City Hall  
February 7, 2022**

**City of Benson Mission Statement**

Benson is a forward-looking community that values public safety,  
Quality of life and treats people with dignity and respect.

The Council Meeting is at City Hall. To watch Live:  
**Please use the FCC App on your device. (Activate video)**

**Call-in Information**  
Dial In: 1-425-436-6384  
Access Code: 457987#  
Page

- |       |     |  |                         |
|-------|-----|--|-------------------------|
|       | 1.  | 5:30 p.m. Call the Meeting to Order (Mayor)  |                         |
|       | 2.  | Pledge of Allegiance   |                         |
|       | 3.  | Approval of Agenda (Mayor)   |                         |
|       |     | <b>Additions?</b> <input type="checkbox"/> None    1. _____ 2. _____   |                         |
|       |     | Any Consent Agenda items to be moved to regular agenda item?   |                         |
|       |     | Approval of Agenda _____ as Presented or _____ Revised   | <b>Action Requested</b> |
|       | 4.  | Consent Agenda:  |                         |
| 2-3   | a.  | Minutes:<br>▪ 1.25.2022    City Council Meeting  |                         |
| 4-6   | b.  | Contracted Payment:<br>▪ Magney Construction Pay Request #3 - \$30,690.23 – Balance to Finish - \$793,359.66 |                         |
| 7-8   | c.  | Applications:<br>▪ Scott Collins – Park Board  |                         |
|       | d.  | Electronic Transfers:<br>▪ Payroll: \$92,603.05 – January 27, 2022   |                         |
|       | 5.  | Persons With Unscheduled Business to Come Before the Council:  |                         |
| 9-11  | 6.  | Petition for Orderly Annexation – Torning Township (City Manager)  | <b>Action Requested</b> |
| 12-15 | 7.  | Joint Resolution for Orderly Annexation – Torning Township (City Manager)                                    | <b>Action Requested</b> |
| 16-17 | 8.  | Water Clearwell Bid Tabulation (Dir. Pub. Works)   | <b>Action Requested</b> |
| 18-20 | 9.  | Quotes for Gusty’s Road Tree Removal (Dir. Pub. Works)   | <b>Action Requested</b> |
| 21-24 | 10. | Capital Authorization Request-Wastewater Failing PLC Components (DPW)  | <b>Action Requested</b> |
| 25-28 | 11. | Capital Authorization Request-Replace Boring Machine (DPW)   | <b>Action Requested</b> |
| 29-31 | 12. | Consider 1 <sup>st</sup> Reading of Ordinance Amendment of Chapter 51:Solid Waste (Glen)                     | <b>Action Requested</b> |
|       | 13. | Adjourn: (Mayor)   | <b>Action Requested</b> |

In compliance with the American Disability Act, if you need special assistance to participate in this meeting, please contact the City Manager’s office at 320-843-4775. Notification 48 hours prior to the meeting will enable the City of make reasonable arrangements to ensure accessibility to this meeting.

**DRAFT**

**MINUTES - BENSON CITY COUNCIL REGULAR MEETING  
CITY HALL  
JANUARY 25, 2022**

The meeting was called to order at 5:30 p.m. by Mayor Pro-Tem Evenson. Members present: Jack Evenson, Mark Schreck, Jon Buyck & Lucas Olson. Members Absent: Terri Collins. Also present: Director of Finance Glen Pederson, Police Chief Ian Hodge, Public Works Director Dan Gens, CEDA Representative Hillary Tweed, David Drown & Associates Representative Liza Donabauer and Reed Anfinson.

The Council recited the Pledge of Allegiance.

The Mayor Pro-Tem asked for any changes to the agenda, to which there were none. It was moved by Schreck, seconded by Olson and carried unanimously to approve the agenda.

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

- January 3, 2022 City Council Minutes
- CenterPoint Energy Temporary Rate Increase Memo
- 2022 Minnesota Municipal Utilities Assn. Membership Dues - \$6,948.00
- Xcel Grant Quarterly Report December 2021
- Pheasants Forever Gambling Permit for March 12, 2022
- Northern Lights Trails Gambling Permit for April 9, 2022
- Set Board of Review for April 18, 2022 5:30-6:00 p.m.
- Add Lisa Kent as Check Signer to All Accounts
- Approval of the following 2022 Budgets:
  - Library Endowment Fund
  - Concrete Projects Fund
  - Small Cities Grant Fund 2005
  - Small Cities Grant Fund 2017
  - EDA Budget
  - Garbage Collection Fund
  - Perpetual Care Cemetery
  - Storm Water Fund
  - Small Cities Grant Fund 2009
  - Tax Increment Financing District #8
  - Xcel Grant Budget
- Electronic Transfers: Payroll: January 13, 2022 - \$149,509.07  
Journal Entries: December 2021 - \$4,077,723.93

The Mayor Pro-Tem asked for anyone with unscheduled business to which there was none.

Next Liza Donabauer with David Drown and Associates approached the Council. She is conducting the search for the new City Manager. She reviewed the City profile and City Manager Job Description with the Council. She moved on to direction for the wage range to publish in the search advertising. Lastly, Donabauer reviewed the search timeline with the Council. Evenson asked about a two day tour/interview process. Donagan said she will double check her calendar and was open to that process. She went on to say the City Council will narrow its finalists for interview March 21, 2022, then the interview process will be April 11-12, 2022. She ended with saying she would send final changes to staff tomorrow morning for approval, and go live with the search tomorrow afternoon.

Gens approached the Council with a capital authorization request to purchase a mower. He presented quotes from two dealers as follows:

- Midwest Machinery - \$33,100
- Haug Implement Co. - \$34,350

After discussion it was moved by Schreck, seconded by Olson and carried unanimously to approve the JD Mower purchase from Midwest Machinery in the amount of \$33,100.

Tweed discussed the CDBG-CV Armory Retrofitting Project Proposal, and the 3 professional architectural design firms that submitted quotes for services. They came in as follows:

- Engan Associates                      \$97,730
- Widseth                                 \$145,636
- BlueMentals Architecture         \$161,285

After discussion it was moved by Olson, and seconded by Buyck to approve architectural services for the Armory Retrofitting project by Engan Associates in the amount of \$97,730.

It was moved by Schreck, seconded by Olson and carried unanimously to approve the bills and warrants dated December 31, 2021 in the amount of \$430,831.11.

It was moved by Schreck, seconded by Olson and carried unanimously to approve the bills and warrants dated January 10, 2022 in the amount of \$40,920.96.

There being no further business to come before the Council a motion was made by Schreck seconded by Buyck and carried unanimously to adjourn the Council meeting at 6:07 p.m.

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Mayor

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City Clerk

Application for Payment No. 3

To: The City of Benson

From: Magney Construction, Inc., 1401 Park Road, Chanhassen, MN 55317

Contract: \_\_\_\_\_

Project: Anaerobic Digester Refurbishment

Owners Contract No. \_\_\_\_\_ Engineer's Project No. 173420019

Date of this Invoice: 10-Jan-22

Invoice Work Period: 12-1-21 through 12-31-21

1) Original Contract amount	<u>\$893,200.00</u>
2) Change Orders to date	<u>\$0.00</u>
3) Revised Contract amount	<u>\$893,200.00</u>
4) Value completed to date	<u>\$38,262.50</u>
5) Materials stored on site	<u>\$61,577.84</u>
6) Total Earned to date	<u>\$99,840.34</u>
7) Amount retained	<u>\$4,992.02</u>
8) Amount previously paid	<u>\$64,158.10</u>
<b>Amount due this Payment</b>	<b><u>\$30,690.23</u></b>

Accompanying Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of work done under the Contract referred to above have been applied on account to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 1 inclusive; (2) title of all work, materials and equipment incorporated in said Work otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interest or encumbrance (except such as are recovered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance by the Contract Documents and not defective.

**Magney Construction, Inc. (Contractor)**

By: Peter Aldritt  
Project Manager

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Owner: City of Benson Engineer: Stantec Consulting Services

By: [Signature] By: Ronald A. LaFond

Date: Jan 21, 2022 Date: January 19, 2022

Contractor:Magney Construction, Inc.  
 Owner: City of Benson, MN  
 Project: Anaerobic Digester Refurbishment  
 Stantec Project No. 173420019

Date of Application:  
 Work Completed Through:

APPLICATION FOR PAYMENT SCHEDULE

Spec. Section	Description of Work	Scheduled Value	Work Previous Application	Completed This Application	Materials Presently Stored	Total Completed & Stored to Date	% Complete	Balance To Finish
4110	Contingency	\$ 81,200	0.00	0.00	0.00	0.00	0%	81,200.00
6113	Bond & Insurance	\$ 13,400	13,400.00	0.00	0.00	13,400.00	100%	0.00
11000	Mobilization	\$ 36,600	10,980.00	0.00	0.00	10,980.00	30%	25,620.00
12000	De- Mobilization	\$ 14,300	0.00	0.00	0.00	0.00	0%	14,300.00
15000	Supervision & Gen'l Conditions	\$ 48,000	4,800.00	0.00	0.00	4,800.00	10%	43,200.00
24119	Selective Demolition	\$ 37,100	0.00	0.00	0.00	0.00	0%	37,100.00
33010	Concrete Work	\$ 13,500	0.00	0.00	0.00	0.00	0%	13,500.00
99100	Painting (Primary Digester)	\$ 135,060	0.00	0.00	0.00	0.00	0%	135,060.00
99100	Painting (Secondary Digester)	\$ 142,560	0.00	0.00	0.00	0.00	0%	142,560.00
99100	Painting (Piping)	\$ 5,840	0.00	0.00	0.00	0.00	0%	5,840.00
220500	Plumbing Work	\$ 14,800	0.00	0.00	0.00	0.00	0%	14,800.00
230700	HVAC Insulation	\$ 16,300	0.00	0.00	0.00	0.00	0%	16,300.00
231123	Facility Natural Gas Piping	\$ 26,700	0.00	0.00	2,635.00	2,635.00	10%	24,065.00
232116	Hydronic Piping Specialties	\$ 75,800	0.00	0.00	1,798.76	1,798.76	2%	74,001.24
232123	Hydronic Pumps	\$ 8,400	0.00	0.00	0.00	0.00	0%	8,400.00
233300	Air Duct Accessories	\$ 2,500	0.00	0.00	0.00	0.00	0%	2,500.00
235200	Heating Boilers	\$ 9,800	0.00	0.00	0.00	0.00	0%	9,800.00
238239	Unit Heaters	\$ 7,500	0.00	0.00	0.00	0.00	0%	7,500.00
260505	Electrical Work	\$ 10,900	0.00	7,118.50	0.00	7,118.50	65%	3,781.50
312300	Earthwork	\$ 2,700	0.00	0.00	0.00	0.00	0%	2,700.00
329200	Seeding	\$ 1,200	0.00	0.00	0.00	0.00	0%	1,200.00
330505	Site Utilities (Gas Piping to Flare)	\$ 19,640	1,964.00	0.00	4,362.40	6,326.40	32%	13,313.60
400510	Process Pipe & Fittings	\$ 9,800	0.00	0.00	0.00	0.00	0%	9,800.00
409114	Gas Detection System	\$ 5,300	0.00	0.00	0.00	0.00	0%	5,300.00
415570	Sludge Heat Exchanger	\$ 8,900	0.00	0.00	0.00	0.00	0%	8,900.00
444402	Digester Gas Safety Equipment	\$ 97,700	0.00	0.00	52,781.68	52,781.68	54%	44,918.32
444403	Draft Tube Mixer	\$ 21,500	0.00	0.00	0.00	0.00	0%	21,500.00
444403	Remove and Reinstall Primary Digester Cover	\$ 26,200	0.00	0.00	0.00	0.00	0%	26,200.00
<b>Totals</b>		<b>893,200.00</b>	<b>31,144.00</b>	<b>7,118.50</b>	<b>61,577.84</b>	<b>99,840.34</b>	<b>11%</b>	<b>793,359.66</b>



**Stantec Consulting Services Inc.**  
733 Marquette Avenue Suite 1000, Minneapolis MN 55402-2309

January 19, 2022

City of Benson  
Attention: Rob Wolfington  
1410 Kansas Ave.  
Benson, MN 56215

Reference: Anaerobic Digester Refurbishment  
Stantec Project No. 173420019  
**Contractor Pay Application No. 3**

Dear Mr. Wolfington,

Attached is Contractor Pay Application No. 3 for the above referenced project. This pay application is for work completed through December 31, 2021. We have reviewed the request and recommend approval for payment in the amount of \$30,690.23. Please sign the pay request and distribute copies as follows:

1 copy            City of Benson  
2 copies         Magney Construction Inc.  
1 copy            Stantec, attention Justin Fasching

Should you have any questions regarding this project, please free to call me at (612) 712-2075.

Regards,

**Stantec Consulting Services Inc.**

**Ronald A. LaFond, P.E.**

Senior Associate  
Phone: (612) 712-2075  
Ron.lafond@stantec.com

Attachment: Contractor Pay Application No. 3

Cc: Dan Gens, Benson  
Eric Lembke, Stantec  
Justin Fasching, Stantec

CITY OF BENSON  
APPLICATION FOR APPOINTMENT TO CITY BOARDS OR COMMISSIONS

Dear Applicant:

We welcome you as an applicant for one of the City's boards or commissions. These groups play a very important role in Benson City Government. These boards and commissions serve as advisory bodies to the Benson City Council. They provide information and recommendations to the City Council so the Council can make sound decisions regarding issues and policy matters.

Please fill out the information requested below. You are encouraged to attach any additional information which you believe qualifies you for appointment to the board or commission you have selected.



BOARD OR COMMISSION PREFERENCE:

- |   |  |
|---|--|
| <input type="checkbox"/> Airport Advisory Commission    | <input type="checkbox"/> Housing & Redevelopment Authority |
| <input type="checkbox"/> Benson Area Tourism Board      | <input type="checkbox"/> Library Board                     |
| <input type="checkbox"/> Cemetery Board                 | <input checked="" type="checkbox"/> Park Board             |
| <input type="checkbox"/> Economic Development Authority | <input type="checkbox"/> Planning Commission               |
| <input type="checkbox"/> Hospital Board                 | <input type="checkbox"/> Utilities Board                   |

RETURN APPLICATION TO:

Office of the City Manager  
City of Benson  
1410 Kansas Avenue  
Benson, MN 56215  
Telephone: 320-843-4775  
Date Received: \_\_\_/\_\_\_/\_\_\_

PERSONAL INFORMATION:

Name SCOTT COLLINS Address 725 12<sup>th</sup> ST S.

Telephone: Home 320-760-7056 Business \_\_\_\_\_ Zip 56215

How long have you been a resident of Benson? 34 YEARS

Have you served previously on any of Benson's boards or commission? YES NO

Have you served previously on any city board/commission in any other community? YES NO

Are any members of your immediate family in the same household presently employed by the City of Benson or serving on any of the City's boards or commissions? YES NO

Occupation: MAYOR Name of Employer: Terri COLLINS

I am a member of the following civic organizations: \_\_\_\_\_

Please list your special interests, education, past experiences, etc., which you feel would benefit the City of Benson by your appointment to the board/commission you have indicated a preference to above:

I AM A FIRM BELIEVER IN OUR PARKS AS  
A TOOL TO WELCOME PEOPLE TO BENSON,

Do you have any additional comments?

#### DESCRIPTION OF BENSON'S BOARDS AND COMMISSIONS

**Airport Commission** - Makes recommendations to the City Council for the use, management, and operation of the airport and shall advise the Council in all matters concerning the Airport.

**Cemetery Committee** - Advises and assists the City Council and City staff in the administration, maintenance and improvement of the Benson City Cemetery.

**Housing and Redevelopment Authority** - This Authority is a public corporation empowered to undertake certain types of redevelopment projects and low rent housing assistance programs pursuant to the provisions of the M.S.A. 462.411 thru 462.711. These projects may include such activities as planning, acquisition, demolition, clearance, rehabilitation and construction for the purpose of providing decent, safe and sanitary housing for persons of low and moderate income and the improvement and restoration of stagnant, undeveloped land.

**Library Board** - Acts as an advisory body to the City Council by providing information and make recommendations to the City Council on library matters.

**Park Board** - Acts as an advisory body to the City Council by making recommendations to the Council on issues associated with City parks, playgrounds, the swimming pool, skating rinks, and other related functions.

**Planning Commission** - Acts as an advisory body to the City Council by reviewing variance requests, subdivisions, plats, zoning regulations, etc. In addition, they work on developing long-range planning goals and objectives.

**Utilities Board** - Advises and assists the City Council and Director of Public Works in the administration and improvement of public utilities.

**PETITION FOR ORDERLY ANNEXATION  
PURSUANT TO MINNESOTA STATUTES § 414.0325**

To: The City Council of the City of Benson, Minnesota  
The Board of Supervisors of the Township of Torning, Swift County, Minnesota

**PETITIONER STATES:**

The property owners of the areas described on the attached Exhibit A presently lying in the Township of Torning, County of Swift, State of Minnesota, hereby request that the City of Benson and the Township of Torning adopt a joint resolution for orderly annexation of the properties described in Exhibit A into the City of Benson pursuant to Minnesota Statutes § 414.0325, subd. 1.

1. All property proposed for annexation described in Exhibit A is owned by Timothy Mooberry, a married person, and the City of Benson, a Minnesota Public Body Corporate and Politic.
2. The areas proposed for annexation abut the City, total approximately 48.92 acres, and are presently served by public wastewater facilities.
3. The areas proposed for annexation is unincorporated, is surrounded by the City of Benson in the case of Parcel 1 and abuts on the City's northern boundary and eastern boundary in the case of Parcel 2, and are not included within any other municipality.
4. The reasons for the requested annexation include, but are not limited to one or more of the following:
  - a. The area proposed for annexation is now, or is about to become, urban or suburban in character;
  - b. The property owner desires to have available to them and their property the many services that are most efficiently provided by the City, including, but not limited to, administrative, planning, environmental controls, water, sewer and electrical utility services, better fire rating and protection and police protection. These services are currently provided to the property by the City and are not generally provided to Torning Township.
  - c. The areas proposed for annexation is contiguous to the City on all sides in the case of Parcel 1, and along its northern and eastern borders in the case of parcel 2.

- d. The areas proposed for annexation are a natural and logical extension of the City boundaries.
- e. Annexation would be in the best interests of the areas proposed for annexation.

PETITIONER REQUESTS: That pursuant to Minnesota Statutes § 414.0325, the property described on the attached Exhibit A be immediately annexed to and included within the City of Benson, Minnesota by adoption of a Joint Resolution for Orderly Annexation by and between the City of Benson and the Township of Torning.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Timothy Mooberry

CITY OF BENSON.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

EXHIBIT A:

**Parcel 1: (Timothy Mooberry)**

The Northwest Quarter of the Northeast Quarter (NW  $\frac{1}{4}$ -NE  $\frac{1}{4}$ ) of Section Five (5), Township One Hundred Twenty-one (121), Range Thirty-nine (39), Swift County, Minnesota.

**Parcel 2: (City of Benson)**

Beginning at a point which is One thousand three hundred eighty-nine (1,389.0) feet South and Nine hundred fifty-three (953.0) feet South Sixty-seven (67) degrees Thirty (30) minutes East of the Northwest corner of Section Six (6), Township One Hundred Twenty-one (121), Range Thirty-nine (39), which point is Seventy-five (75) feet Northeasterly of the center line of the pavement on Minnesota Trunk Highway No. 9, thence Northeasterly at right angles to said pavement a distance of Three hundred fifteen (315.0) feet, thence Southeasterly and parallel with the pavement a distance of Three hundred (300.0) feet, thence Southwesterly and at right angles to the pavement a distance of Three hundred fifteen (315.0) feet to the North right-of-way line of Minnesota Trunk Highway No. 9, thence Northwesterly along said right-of-way line a distance of Three hundred (300.0) feet to the place of beginning, and being in the West Half of the Northwest Quarter (W  $\frac{1}{2}$ -NW  $\frac{1}{4}$ ) of Section Six (6), Township One hundred twenty-one (121), Range Thirty-nine (39), Swift County, Minnesota.

**JOINT RESOLUTION ESTABLISHING AN  
ORDERLY ANNEXATION AGREEMENT BETWEEN  
THE CITY OF BENSON AND TORNING TOWNSHIP**

**WHEREAS**, the City of Benson (“City”) and Torning Township (“Township”) hereby designate for orderly annexation the lands legally described in the attached Exhibit A and shown on the attached Exhibit B (collectively referred to herein as the “Designated Area”), all located within Torning Township, County of Swift, State of Minnesota; and

**WHEREAS**, the City and Township are in agreement as to the orderly annexation of the Designated Area and each determines the annexation is in their best respective interests; and

**WHEREAS**, Minn. Stat. § 414.0325 provides a procedure whereby the City and Township may agree on a process for the orderly annexation of the Designated Area; and

**WHEREAS**, on \_\_\_\_\_, 2022, the property owners of the Designated Areas submitted a petition for orderly annexation to the City and Township pursuant to Minn. Stat. § 414.0325, subd. 1a; and

**WHEREAS**, notice of intent to designate an area for orderly annexation required by Minn. Stat. § 414.0325, subd. 1b does not apply in this instance because this Joint Resolution only designates for immediate annexation property for which all property owners have petitioned to be annexed; and

**NOW, THEREFORE**, the City and Township hereby jointly resolve to enter into this agreement to provide for the immediate annexation of the Designated Area into the City upon the following terms and conditions:

1. The City and Township hereby designate the areas described in Exhibit A attached hereto and shown in Exhibit B attached hereto as in need of orderly annexation pursuant to Minn. Stat. § 414.0325. The Designated Area consists of 48.92 acres and the population in the area is approximately 2.
2. The City and Township request the immediate annexation of the Designated Area to the City upon submission of this agreement to the Chief Administrative Law Judge.
3. The Township and City, by submission of this Joint Resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confer jurisdiction upon the Chief Judge so as to accomplish the annexation of the Designated Area in accordance with the terms of this agreement.
4. The City and Township mutually agree that no alteration of the boundaries stated herein is appropriate and that all conditions for annexation of the area legally described herein are contained in this Joint Resolution, and that no consideration by Minnesota Planning is necessary. Upon the execution and filing of this Joint Resolution, Minnesota Planning may

review and comment thereon, but shall, within thirty (30) days of receipt of this Joint Resolution, order the annexation of the area legally described herein in accordance with the terms and conditions of this Joint Resolution.

5. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Minnesota Planning Municipal Boundary Adjustments Office.

Adopted on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF BENSON

ATTEST:

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk

Adopted on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

TORNING TOWNSHIP

ATTEST:

By: \_\_\_\_\_  
Chairperson

By: \_\_\_\_\_  
Township Clerk

## EXHIBIT A:

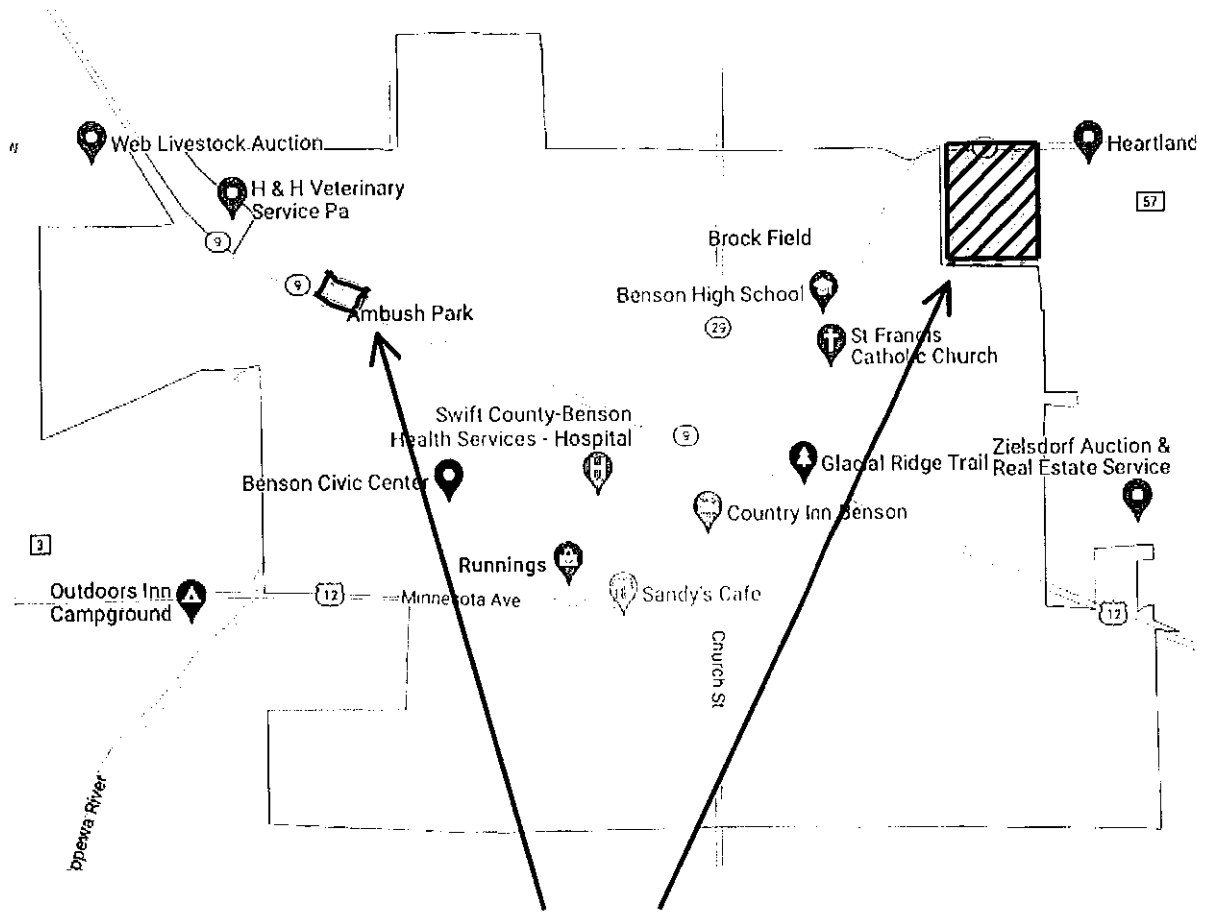
### **Parcel 1: (Timothy Mooberry)**

The Northwest Quarter of the Northeast Quarter (NW  $\frac{1}{4}$ -NE  $\frac{1}{4}$ ) of Section Five (5), Township One Hundred Twenty-one (121), Range Thirty-nine (39), Swift County, Minnesota.

### **Parcel 2: (City of Benson)**

Beginning at a point which is One thousand three hundred eighty-nine (1,389.0) feet South and Nine hundred fifty-three (953.0) feet South Sixty-seven (67) degrees Thirty (30) minutes East of the Northwest corner of Section Six (6), Township One Hundred Twenty-one (121), Range Thirty-nine (39), which point is Seventy-five (75) feet Northeasterly of the center line of the pavement on Minnesota Trunk Highway No. 9, thence Northeasterly at right angles to said pavement a distance of Three hundred fifteen (315.0) feet, thence Southeasterly and parallel with the pavement a distance of Three hundred (300.0) feet, thence Southwesterly and at right angles to the pavement a distance of Three hundred fifteen (315.0) feet to the North right-of-way line of Minnesota Trunk Highway No. 9, thence Northwesterly along said right-of-way line a distance of Three hundred (300.0) feet to the place of beginning, and being in the West Half of the Northwest Quarter (W  $\frac{1}{2}$ -NW  $\frac{1}{4}$ ) of Section Six (6), Township One hundred twenty-one (121), Range Thirty-nine (39), Swift County, Minnesota.

EXHIBIT B:



Designated Areas



Project Name: Benson Water Treatment Plans Clearwell and Improvements

I hereby certify that this is an exact reproduction of bids received.

City Project No.: \_\_\_\_\_

Stantec Project No.: 173420022

Bid Opening: Thursday, January 27, 2022 at 12:00 PM CST

Owner: Benson, Minnesota

Ryan Capelle, P.E.  
License No. 46200

**Bidder No. 1**

**Bidder No. 2**

**Bidder No. 3**

**Magney Construction, Inc.**

**Rice Lake Construction Grp**

**Meyer Contracting Inc**

BID TABULATION				Magney Construction, Inc.		Rice Lake Construction Grp		Meyer Contracting Inc	
Item Num	Item	Units	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total
<b>PART 1 - CLEARWELL</b>									
1	CLEARWELL INSTALLATION (REFER TO SECTION 01 20 00 PRICE AND PAYMENT PROCEDURES FOR ITEMS TO BE INCLUDED IN LUMP SUM BID.)	LS	1	\$2,042,100.00	\$2,042,100.00	\$2,151,640.00	\$2,151,640.00	\$2,521,000.00	\$2,521,000.00
<b>TOTAL PART 1 - CLEARWELL</b>					\$2,042,100.00		\$2,151,640.00		\$2,521,000.00
<b>PART 2 - UNFORSEEN CONDITION ALLOWANCE</b>									
2	UNFORSEEN CONDITION ALLOWANCE	LS	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
<b>TOTAL PART 2 - UNFORSEEN CONDITION ALLOWANCE</b>					\$10,000.00		\$10,000.00		\$10,000.00
<b>PART 3 - SITE IMPROVEMENTS</b>									
3	MOBILIZATION	LS	1	\$150,000.00	\$150,000.00	\$125,000.00	\$125,000.00	\$85,000.00	\$85,000.00
4	STREET SWEEPER WITH PICK UP BROOM	HR	5	\$145.00	\$725.00	\$570.00	\$2,850.00	\$150.00	\$750.00
5	WATER FOR DUST CONTROL	MGAL	10	\$115.00	\$1,150.00	\$180.00	\$1,800.00	\$500.00	\$5,000.00
6	CLEAR AND GRUB	TREE	2	\$985.00	\$1,970.00	\$625.00	\$1,250.00	\$1,000.00	\$2,000.00
7	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LF	450	\$4.50	\$2,025.00	\$8.00	\$3,600.00	\$5.00	\$2,250.00
8	REMOVE BITUMINOUS PAVEMENT	SY	175	\$14.00	\$2,450.00	\$9.00	\$1,575.00	\$10.00	\$1,750.00
9	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	SY	300	\$14.00	\$4,200.00	\$9.00	\$2,700.00	\$10.00	\$3,000.00
10	REMOVE CONCRETE CURB	LF	230	\$12.00	\$2,760.00	\$6.00	\$1,380.00	\$5.00	\$1,150.00
11	REMOVE MANHOLE (SANITARY)	EA	1	\$790.00	\$790.00	\$1,850.00	\$1,850.00	\$2,500.00	\$2,500.00
12	REMOVE STORM SEWER STRUCTURE	EA	1	\$790.00	\$790.00	\$2,400.00	\$2,400.00	\$1,500.00	\$1,500.00
13	REMOVE PIPE SEWER (SANITARY)	LF	220	\$5.00	\$1,100.00	\$30.00	\$6,600.00	\$10.00	\$2,200.00
14	REMOVE PIPE SEWER (STORM)	LF	25	\$5.00	\$125.00	\$96.00	\$2,400.00	\$50.00	\$1,250.00
15	COMMON EXCAVATION (P)	CY	300	\$7.75	\$2,325.00	\$9.00	\$2,700.00	\$10.00	\$3,000.00
16	GEOTEXTILE FABRIC TYPE 5	SY	650	\$5.50	\$3,575.00	\$2.00	\$1,300.00	\$4.00	\$2,600.00
17	AGGREGATE BASE, CLASS 5	TN	220.00	\$35.00	\$7,700.00	\$37.00	\$8,140.00	\$28.00	\$6,160.00
18	ADJUST MANHOLE FRAME AND RING CASTING	EA	3	\$265.00	\$795.00	\$400.00	\$1,200.00	\$200.00	\$600.00
19	BITUMINOUS PATCHING	SY	175	\$35.00	\$6,125.00	\$60.00	\$10,500.00	\$60.00	\$10,500.00
20	BITUMINOUS MATERIAL FOR TACK COAT	GAL	25	\$3.00	\$75.00	\$6.00	\$150.00	\$100.00	\$2,500.00
21	TYPE SP 12.5 WEARING COURSE MIX (2.B)	TN	100	\$125.00	\$12,500.00	\$158.00	\$15,800.00	\$115.00	\$11,500.00
22	B612 CONCRETE CURB AND GUTTER	LF	130	\$40.00	\$5,200.00	\$40.00	\$5,200.00	\$60.00	\$7,800.00
23	B618 CONCRETE CURB AND GUTTER	LF	220	\$40.00	\$8,800.00	\$42.00	\$9,240.00	\$50.00	\$11,000.00
24	4" CONCRETE SIDEWALK	SF	450	\$10.00	\$4,500.00	\$42.00	\$18,900.00	\$10.00	\$4,500.00
25	CONCRETE STEPS	EA	4	\$120.00	\$480.00	\$1,625.00	\$6,500.00	\$400.00	\$1,600.00
26	4" SOLID LINE, EPOXY	LF	250	\$15.00	\$3,750.00	\$5.00	\$1,250.00	\$12.00	\$3,000.00
27	STABILIZED CONSTRUCTION EXIT	EA	1	\$1,075.00	\$1,075.00	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00
28	STORM DRAIN INLET PROTECTION	EA	5	\$45.00	\$225.00	\$250.00	\$1,250.00	\$190.00	\$950.00

Bidder No. 1

Bidder No. 2

Bidder No. 3

BID TABULATION

Magney Construction, Inc.

Rice Lake Construction Grp

Meyer Contracting Inc

Item Num	Item	Units	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total
52	THIS ALTERNATE INCLUDES ALL LABOR AND MATERIALS ASSOCIATED WITH CONSTRUCTION OF CLEARWELL FOUNDATION DRAINAGE SYSTEM (LIFT STATION BASIN, PUMPS, DRAIN TILE, PROCESS PIPING, VALVES, ETC.). THE ALTERNATE INCLUDES ALL CIVIL, STRUCTURAL, PROCESS, MECHANICAL, ELECTRICAL AND CONTROLS COMPONENTS ASSOCIATED WITH IMPLEMENTING THE DRAIN LIFT STATION INTO THE PROPOSED OVERALL WATER TREATMENT SYSTEM.	LS	1	\$57,000.00	\$57,000.00	\$55,000.00	\$55,000.00	\$39,000.00	\$39,000.00
<b>TOTAL ALTERNATE 1 - CLEARWELL FOUNDATION DRAINAGE SYSTEM</b>					<u>\$57,000.00</u>		<u>\$55,000.00</u>		<u>\$39,000.00</u>
<b>TOTAL BASE BID</b>					\$2,392,305.00		\$2,569,300.00		\$2,820,260.00
<b>TOTAL ALTERNATE 1 - CLEARWELL FOUNDATION DRAINAGE SYSTEM</b>					<u>\$57,000.00</u>		<u>\$55,000.00</u>		<u>\$39,000.00</u>
<b>TOTAL BASE BID PLUS ALTERNATE 1</b>					<u>\$2,449,305.00</u>		<u>\$2,624,300.00</u>		<u>\$2,859,260.00</u>
Contractor Name and Address:				Magney Construction, Inc. 1401 Park Road Chanhassen, MN 55317		Rice Lake Construction Grp 22360 County Road 12 Deerwood, MN 56444		CC Steel, LLC 5303 Creekview Green Maple Plain, MN 55359	
Phone:				(952) 474-1674		(218) 546-5519		612-558-0792	
Email:								<a href="mailto:kevin@sssteel.com">kevin@sssteel.com</a>	
Signed By:				Mark Magney		Wade Leonard		Michael N. Cebulla	
Title:				President		President		President	
Bid Security:				Bid Bond		Bid Bond		Bid Bond	
Addenda Acknowledged:				1 and 2		1 and 2		1 and 2	

DUDE'S TILING, LLC (605,695,7505)<sup>cell</sup>

Bid

415 160<sup>TH</sup> Ave NE, Murdock, MN 56271

1-24-2022

City of Benson

Remove Row of Cotton Wood trees

Plus Remove all stumps

Hauling all trees & stumps to

City Land fill on North side of town

\$ 64,500<sup>00</sup>

TOTAL AMOUNT DUE

\$ 64,500<sup>00</sup>

Cert of Insurance  
will be provided

# Proposal

- GENERAL EXCAVATING
- GRAVEL
- BLACK DIRT
- BACK HOE WORK

## T & K KENNEDY EXCAVATING, INC.

250 Hwy. 12 SE, Benson, MN 56215  
OFFICE 320-842-4911 FAX 320-843-4727

- SNOW REMOVAL
- CAT WORK
- DEMOLITION
- WATER AND SEWER

*Licensed Designer & Installer of Septic Systems*

PROPOSAL SUBMITTED TO: <b>City of Benson</b>	PHONE:	DATE: <b>1/28/2022</b>
STREET: <b>1410 Kansas Ave</b>	JOB NAME: <b>Tree removal</b>	
CITY, STATE, AND ZIP CODE: <b>Benson, MN 56215</b>	JOB LOCATION: <b>Pacific Ave / Gusty's Road</b>	
ARCHITECT:	DATE OF PLANS:	JOB PHONE:

We hereby submit specifications and estimates for:

Complete removal and disposal of approximately 103 trees and stumps on the South side of Pacific Ave - Gusty's Road

Stumps to be cut off

Trees and stumps to be hauled to City of Benson brush site and dumped seperately

### Owner's Responsibilities

- Permits if applicable

**We Propose** hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

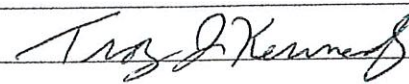
Sixty eight thousand eight hundred fifty dollars and 00/100 \_\_\_\_\_ dollars (\$ 68,850.00 ).

Payment to be made as follows:

Upon completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature \_\_\_\_\_



Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Signature \_\_\_\_\_



# CITY OF BENSON CAPITAL AUTHORIZATION REQUEST

1 Fund: excel Department: wastewater  
 Prepared by: Dan Gens Date: 2/2/22

Describe Proposed Capital Expenditure: Replace failed and failing PLC (computer) components at wastewater facility

Does Proposed Expenditure Replace Existing Equipment? Yes If Yes, Describe Use of Replaced Equipment: \_\_\_\_\_  
Replaced equipment has failed or is obsolete.

2 If Included in Capital Improvements Program:  What Year:  What Heading:  Budgeted Amount: \$	3 Total Cost: \$ <u>131,294.00</u>  -Trade-in (if applicable): \$ _____  +Net Book Value (depreciated value): \$ _____  -Net Capitalized Cost: \$ <u>131,294.00</u>
--	---

4 Justification of the Expenditure: (Main Objectives and Assumptions)

Systems are failing at the WWTP and are do for replacement. Replacement of existing parts piece by piece is more expensive than new because of age and specialty. The proposal is to replace all failed and similar aged PLC components.

When components fail we run the risk of flooding or damage to pumps and equipment along with not meeting compliance with the MPCA. We currently have to run some systems by hand and monitor them closely because they no longer work.

5 Approval Section:

Action taken: \_\_\_\_\_

	Signature	Date
Department Supervisor _____	_____	_____
Division Director _____	_____	_____
City Manager _____	_____	_____

City Council Approval (If Applicable) \_\_\_\_\_ Council Meeting \_\_\_\_\_



Total Control Systems, Inc  
38841 Nyman Drive NE  
PO Box 40  
Stanchfield, MN 55080-0040  
Phone 320-396-4442 / Fax 320-396-4443

December 7, 2021

To: Dan Gens

Re: Benson, MN. – WWTP SCADA and Control PLC Updates.

---

**Total Control Systems, Inc. (TCS)** proposes to provide the following equipment and services. TCS would install, startup and test equipment to verify operation of the replacement PLC control system components. All new programs would function as they do in the existing PLC equipment.

**1. Base quotation**

**A. SCP1 PLC Updates**

Includes:

- Allen Bradley CompactLogix L36ERM PLC
- Digital input card 1769-IA16 (7)
- Digital Output card 1769-OW16 (3)
- Analog Output card 1769-OF4 (3)
- Analog input card 1769-IF8 (2)
- Power Supply 1769-PA4 (2)
- Expansion Cable 1769-CRL1 (1)
- Rack Termination 1769-ECR
- Cmore Operator Interface 15" Color with Ethernet Wire
- Remove old equipment
- Install new PLC equipment
- Convert existing PLC program to new CompactLogix format
- Start up and testing

**B. SCP2 PLC updates**

Includes:

- Allen Bradley CompactLogix L36ERM PLC
- Digital input card 1769-IA16 (3)
- Digital Output card 1769-OW16 (1)
- Analog input card 1769-IF8 (1)
- Analog Output card 1769-OF4 (1)
- Power Supply 1769-PA4 (1)
- Rack Termination 1769-ECR
- Cmore Operator Interface 15" Color with Ethernet Wire
- Remove old equipment
- Install new PLC equipment
- Convert existing PLC program to new CompactLogix format
- Start up and testing

C. SCP3 PLC updates

Includes:

- Allen Bradley CompactLogix L36ERM PLC
- Digital input card 1769-IA16 (3)
- Digital Output card 1769-OW16 (1)
- Analog input card 1769-IF8 (1)
- Analog Output card 1769-OF4 (1)
- Power Supply 1769-PA4 (1)
- Rack Termination 1769-ECR
- Wire
- Cmore Operator Interface 15" Color with Ethernet
- Remove old equipment
- Install new PLC equipment
- Convert existing PLC program to new CompactLogix format
- Start up and testing

D. SCP4 PLC updates

Includes:

- Allen Bradley CompactLogix L36ERM PLC
- Digital input card 1769-IA16 (4)
- Digital Output card 1769-OW16 (2)
- Analog input card 1769-IF8 (2)
- Analog Output card 1769-OF4 (3)
- Power Supply 1769-PA4 (2)
- Expansion Cable 1769-CRL1 (1)
- Rack Termination 1769-ECR
- Cmore Operator Interface 15" Color with Ethernet
- Wire
- Remove old equipment
- Install new PLC equipment
- Convert existing PLC program to new CompactLogix format
- Start up and testing

E. WWTP SCADA Software & Network Updates

Includes:

- Rockwell FactoryTalk Software Update (2)
- Win911 Dialer Software Update
- Network Media Convertor/Switch (12)
- Dell SCADA Computers (2)
- Installation of all software
- Report Creation
- Existing prints to be supplied by others

Price: **\$ 131,294.00 total for above equipment and labor**

### Does Not Include

Sales Tax (Exempt with Certificate)  
Computer equipment  
Additional signals or equipment that are not currently available in the existing control panels.  
Repair or replacement of any sensory equipment  
Disposal of removed equipment  
Any PLC programming software  
Spare Cards

- *Sales tax, excluded (exempt)*
- We acknowledge receipt of Addendum No.
- Terms are Net 30 days from invoice date. No retainage allowed. A 1.5% charge per month added to any past due balance. Price may be dependent on past credit history.
- This quote/proposal valid for 60 days.
- Work to commence after receipt of an acceptable written purchase order acknowledging acceptance of our terms.
- **F.O.B. job-site.**
- Start-up service/training, expenses and equipment adjustment is included as specified.
- TCSI does not accept any liquidated damages.
- ALL PANELS FURNISHED BY TCS WILL HAVE A UL 508 SERIALIZED OR UL698A ENCLOSED INDUSTRIAL CONTROL PANEL RELATING TO HAZARDOUS LOCATIONS WITH INTRINSICALLY SAFE CIRCUIT EXTENSIONS LABEL, AS REQUIRED.

If you have any questions regarding our proposal, please contact our office. We look forward to working with you on this project.

Sincerely,  
**TOTAL CONTROL SYSTEMS, INC.**

Kraig LaFreniere

KL/kd

# CITY OF BENSON CAPITAL AUTHORIZATION REQUEST

1	Fund: <u>Capital</u>	Department: <u>Electric</u>
	Prepared by: <u>Dan Gens / John Goulet</u>	Date: <u>2/2/22</u>
	Describe Proposed Capital Expenditure: <u>Replace old boring machine</u>	
	Does Proposed Expenditure Replace Existing Equipment? <u>Yes</u> If Yes, Describe Use of Replaced Equipment: <u>Trade in</u>	

2	If Included in Capital Improvements Program:	3	Total Cost: \$ <u>219,888.00</u>
	What Year: <u>2022</u>		-Trade-in (if applicable): \$ <u>45,000.00</u>
	What Heading: <u>Boring Machine</u>		+Net Book Value (depreciated value): \$ _____
	Budgeted Amount: \$ <u>215,000.00</u>		-Net Capitalized Cost: \$ <u>174,888.00</u>

4 Justification of the Expenditure: (Main Objectives and Assumptions)

The Electric Department has about 15-20 years left on the overhead to underground project. This new boring machine will replace a 15+ year old machine. A new machine will operate safer, faster and overall cheaper. It's time to update to keep things rolling.

5	Approval Section:
	Action taken: _____
	Signature
	Date
	Department Supervisor _____
	Division Director _____
	City Manager _____
	City Council Approval (If Applicable) _____ Council Meeting _____

## INSTRUCTIONS



DITCH WITCH OF MINNESOTA & IOWA  
 12826 EMERY WAY  
 SHAKOPEE, MN 55379-8300  
 +1 952-445-3066  
<https://ditchwitchmnia.com/>  
 United States

CITY OF BENSON  
 1410 KANSAS AVE  
 BENSON, MN 56215-1799  
 United States

**Date** 12/22/2021  
**Order** 21496  
**Valid Until** 03/31/22  
**Account** 1022686  
**PO**

Prepared by:  
 Wyatt Peiffer  
 wyatt@dwmn.com

## EQUIPMENT QUOTE

Product	Description	Qty	Unit Price	Line Total
JT24A	JT24A <ul style="list-style-type: none"> <li>• Engine: Stage V</li> <li>• Operator Controls: Single Joystick</li> <li>• JT Auger: 5 1/2in Auger</li> <li>• Hydraulic Oil: Standard</li> <li>• Manuals: English</li> </ul>	1	\$ 219,888.00	\$ 219,888.00
220-6738	RECON CAN BRIDGE INT, SV, NORTH AMERICA	1		
355-1313	POWER PIPE HD FM 2.25 X 2.63 1.76-4 10'	40		
369-731	4.5" TUFF BIT	1		
400-3141	POWERHOUSE HD HOUSING	1		
CP0209-157	EZ-CON ASS'Y	1		
908-1706	CONNECTOR	1		

Equipment Subtotal	\$219,888.00
2007 JT2020 Trade	<del>-\$45,000.00</del>
<b>Quote Total</b>	<b>\$174,888.00</b>

Thank you for considering Ditch Witch of Minnesota and Iowa. We appreciate the opportunity to earn your business.

Sincerely,

*Wyatt Peiffer*



# Investment Proposal (Quote)

RDO Equipment Co.  
 1710 East College Drive  
 Marshall MN, 56258  
 Phone: (507) 532-0994 - Fax: (507) 532-0993

**Proposal for:**  
 CITY OF BENSON  
 1410 KANSAS AVE  
 BENSON, MN, 562151799  
 SWIFT

**Investment Proposal Date:** 12/22/2021  
**Pricing Valid Until:** 1/5/2022  
**Deal Number:** 1513676  
**Customer Account#:** 4775010  
**Account Manager:** Christopher Conrad  
**Phone:** (507) 282-8888  
**Fax:** (507) 387-1838  
**Email:** CConrad@rdoequipment.com

## Comments

Sourcewell ID# 162932

### Options -

\$0.00 -RDO Promise Machine  
 \$364.14 -Upgrade from 2.5 gallons antifreeze tank to 25 Gallon  
 \$2,475.19 -Upgrade from 450 display to large 780 display.  
 \$3,660.96 -Upgrade from standard stakedowns to large, aggressive.  
 \$610.00 -Anchor Upgrade, Aggressive  
 \$1376.240 -Auto Greaser  
 \$588.22 -Work Lights  
 \$7,440.00 -(20) Additional Rod or \$371.00 ea  
 \$6,300.00 -Extra Rod Box

### Warranty -

\$12,226.96 -Confidence Plus 2Yr - Premium Cov w/ Maint. \*\*\*\*This warranty will be provided at no cost to customer \*\*\*\*  
 \$19,575.45 -Confidence Plus 3Yr - Premium Cov w/ Maint.  
 \$9125.66 -Confidence Plus 2Yr - Premium Cov w/o Maint.  
 \$14478.41 -Confidence Plus 3Yr - Premium Cov w/o Maint.  
 \*This is with the updated Sourcewell Contract.

## Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	TBD TBD	0	New 2022 VERMEER D23X30III	\$216,702.77

**Equipment Subtotal: \$216,702.77**

## Trade Information

Serial Number	Year / Make / Model	Payoff Information	Trade In Hours	Trade In Value
CMWJ2020K70000551	2007 DITCH WITCH JT2020M1	\$0.00	1155	(\$27,000.00)
<b>Total Trade in Value:</b>				<b>(\$27,000.00)</b>
<b>Trade Balance Owed:</b>				<b>\$0.00</b>
<b>Net Difference:</b>				<b>(\$27,000.00)</b>

## Purchase Order Totals

<b>Balance:</b>	\$189,702.77
<b>Total Taxable Amount:</b>	\$0.00
<b>MN STATE TAX:</b>	\$0.00
<b>MN CITY TAX:</b>	\$0.00
<b>Sales Tax Total:</b>	\$0.00
<b>Sub Total:</b>	\$189,702.77
<b>Cash with Order:</b>	\$0.00
<b>Balance Due:</b>	<b>\$189,702.77</b>

## Equipment Options

Qty	Serial Number	Year / Make / Model	Description
1	TBD	2022 VERMEER D23X30III	D23X30III002 D23X30S3 BASE UNIT W/DOM/INT REMOTE LOCKOUT D23X30III040 DEUTZ TIER IV FINAL TCD3.6L ENGINE D23X30III061 D23X30S3 10' RACK OPTION 2.375" DRILL ROD D23X30III091 STANDARD STAKEDOWN D23X30III132 D23X30III ROD BOX W/2.375" DRILL ROD(400 FT)-40 PC D23X30III321 35 GPM - APLEX D23X30III351 2 1/2 GALLON ANTI-FREEZE TANK D23X30III750 MURPHY 450 DISPLAY D23X30IIIAM010 ~TELEMATICS

## CHAPTER 51: SOLID WASTE

### Section

#### *General Provisions*

- 51.01 Purpose
- 51.02 Organized collection system preserved
- 51.03 Definitions
- 51.04 Licensing of garbage collector
- 51.05 Compulsory residential garbage collection
- 51.06 Residential garbage collection
- 51.07 Recycling
- 51.08 Commercial garbage collection
- 51.09 Unauthorized disposal
- 51.10 Billing; payment

### GENERAL PROVISIONS

#### **§51.01 PURPOSE**

The City deems it to be in the best interest of the citizens, and necessary to preserve public health, safety, property values and city streets and alleyways, to license both residential and commercial haulers of all solid waste whom operate within city limits.

#### **§51.02 ORGANIZED COLLECTION SYSTEM PRESERVED**

The City utilizes organized collection defined as a system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection. The organized collection system was established prior to May 1, 2013 and is therefore exempt from Minn. Stat. 115A.94 subd. 4a to 4f.

#### **§51.03 DEFINITIONS**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

#### ***DUMPSTER***

Any portable container used or designed for collection of, transportation of, or disposal of garbage, refuse, waste, construction/demolition materials, or the like. Dumpster shall include, but is not limited to, "roll off" boxes or containers, collection bins, tubs and portable storage containers.

#### ***GARBAGE***

Every waste accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, keeping, storing, buying, selling or transporting of meats, fish, birds, fruits, vegetables, and wastewater. Garbage shall also include wastepaper, sweepings, trash, rubbish, litter and other similar solid waste materials. Garbage does not include yard waste.

**RECYCLABLE MATERIALS**

Recyclable materials are defined as materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals and compostable materials.

**SOLID WASTE**

Garbage, recyclable materials, refuse, rubbish, swill, waste matter and other discards which are nonhazardous waste.

**YARD WASTE**

Organic material consisting of grass clippings, branches, leaves and other forms of organic garden waste.

**§51.04 LICENSES**

- a. The City shall grant one license authorizing hauler to pick up solid waste within City limits. The City shall grant such license in its own discretion, after considering whether the services being offered, the prices for such services, the equipment, personnel, reputation, and experience of the hauler are the best available for the citizens and in keeping with City needs and policies. The City Council, in its sole discretion, may select the methods by which it solicits proposals for service.
- b. The approved hauler and City shall enter into a contract designating the terms, conditions, fees, payments, and other such necessary provisions for effective and efficient solid waste collection and disposal.
- c. The term of the contract shall be no longer than five years in length.

**§51.05 COMPULSORY RESIDENTIAL GARBAGE COLLECTION**

Every residential dwelling shall be required to have garbage collection through the approved hauler.

**§51.06 RESIDENTIAL GARBAGE COLLECTION**

- a. Residential garbage shall be contained in bags or similar containers which are then placed in the garbage cart supplied for pick-up.
- b. Carts are to be stored within or placed outside immediately adjacent to a primary or accessory structure on the property.
- c. Carts may not be left at the curb or other designated pick-up spot after refuse has been collected. Carts must be removed within 24 hours after pick-up. Carts may be placed for pick-up no sooner than 48 hours before scheduled pick-up.

**§51.07 RECYCLING**

At the time of passage of this chapter, Swift County acts as the responsible party for all recycling collection and administration within the City.

**§51.08 COMMERCIAL GARBAGE COLLECTION**

- a. All owners, occupants and persons in control or possession of a structure located in the commercial or industrial districts as defined in the city zoning code shall remove or cause to be removed by a licensed garbage collector all garbage and rubbish.
- b. Commercial units shall be billed directly by the contractor at a rate to be agreed upon between the parties involved.

- c. All Solid waste shall be stored in clean, water-tight, and washable closed containers.
- d. All such containers are to be placed in as inconspicuous of a location as practicable while maintaining efficient collection. The goal is to keep containers out of the public eye while balancing against the needs of property disposal and hauler collection.

#### **§51.09 UNAUTHORIZED DISPOSAL**

No person shall deposit or cause to be deposited any garbage or rubbish upon any street, avenue, alley, vacant lot, or vacant part of any lot, or upon any yard or other ground or place appurtenant to any building or structure in the City, except in the manner provided in §§51.02 and 51.03. No person shall burn or bury garbage or rubbish in the City. No person shall have, store, deposit or keep garbage, grains, or other foods where rats can have access to or feed thereon. Each day's violation of this section shall be treated and considered, and the same shall be, a separate and distinct offense.

#### **§51.10 BILLING**

All persons whose names are included in the compulsory residential list shall be charged a monthly fee which includes collection, transportation and disposal of garbage waste.

- a. The fee shall be based on cart size selection and total number of carts utilized.
- b. The set rate shall be established by resolution of the City Council.
- c. The garbage fee shall be billed monthly collected by the City as part of the municipal utility billing system.
- d. A property may have the fee cancelled in the event all utilities are discontinued.
- e. The City shall have the right to add any unpaid residential dumpster fees to the property's utility billing account in the event of violation of §51.20 Dumpsters.
- f. Any unpaid fees shall be assessed to the property for which the service was used in accordance with procedures established for all other unpaid utility bills.
- g. All nontypical garbage and rubbish (such as old equipment, old furniture, etc.) shall be arranged and billed separately by the hauler.