

**City Council Meeting
Benson City Hall
May 20, 2024**

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 Free Conference Call App on your device. Online meeting id: cityofbenson

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) **Action Requested**
Additions? **None** 1. _____ 2. _____
Any Consent Agenda items to be moved to regular agenda item?
Approval of Agenda _____ as Presented or _____ Revised
4. Consent Agenda: **Action Requested**
 - a. Minutes:
3-5 ▪ 5.20.24 City Council Meeting
6-7 ▪ 4.22.24 EDA Meeting
 - b. Correspondence:
8-9 ▪ Charter Communications Channel Changes
10 ▪ Arbor Day Foundation Tree City Recognition
 - c. Pay Request:
11 ▪ Pioneerland Library System – 2nd Quarter Request - \$25,636.75
 - d. Application:
12-13 ▪ Lions Club of Benson Gambling Permit Application – October 2024
5. Persons With Unscheduled Business to Come Before the Council (Mayor)
6. Patrick’s Pub & Grill Kid Day Street Dance Request **Action Requested**
7. 2023 Audit – Conway Dueth and Schmiesing **Action Requested**
- 14-18 8. Police Joint Powers Agreement MN Internet Crimes Against Children **Action Requested**
- 19 9. Pioneerland Band Festival Request for Support **Action Requested**
- 20 10. Marcus Construction Pay Request – 2023 Power Plant Repairs - \$26,650.00 **Action Requested**
- 21-23 11. EDA Enabling Resolution Amendment Discussion Information Only
12. Adjourn **Action Requested**

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
MAY 20, 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: Director of Finance Lisa Kent, City Manager Kyle Harris, Director of Public Works Elliot Nelson, Assistant City Attorney Stephen Kowal, Police Chief Ian Hodge, CEDA Representative Hillary Tweed, Swift County RDA Representative Leanna Larson, Mike Amborn with Rodeberg & Berryman, Paul Coyour Director of Prairie Five (P-5) Rides and Reed Anfinson. Telephonically: City Clerk Valerie Alsaker and Rick.

The Council recited the Pledge of Allegiance.

Mayor Evenson added National Night Out to the agenda. It was moved by Schreck, seconded by Maanum and carried unanimously to approve the amended agenda.

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

- May 16, 2024 City Council Minutes
- March 11, 2024 Airport Commission Minutes
- Bolton & Menk Pay Request – Airport - AWOS Project - \$5,100.00
- Bolton & Menk Pay Request – Airport Master Plan - \$4,200.00
- Electronic Transfers:
 - Payroll: 5/16/2024 - \$97,325.40
 - Journal Entries: April 2024 - \$1,259,128.21

There was no one with unscheduled business.

Paul Coyour with Prairie Five Rides approached the Council. He reminded Council Heartland Express bus service and Prairie Five Rides merged in 2016. Since that time P-5 Rides has rented 1,236 square feet of garage space from the City of Benson in the street department, which houses 3 buses. P-5 overall sees 15,000 rides per month. Benson sees 2,000 rides per month, and in Swift County 150 regional rides. Coyour went on to say they have been looking for independent garage space. In their 5-year plan, P-5 and MnDOT were planning on building a bus garage in Benson in 2025. MnDOT moved their build up one year. A \$3.9 million garage build was approved. P-5 revised the plan and now have plans for a \$2.8 million building with MnDOT, which P-5 will be paying a match of about \$280,000. The building will be a 6,900 square foot building. There will be 2-city busses, 1-regional bus, 1-back-up bus and 1-van. They are looking to establish a bus route to Willmar. Coyour went on to say City Manager Harris has found some land that may possibly work for this project. He said he is here today to inform the Council of their upcoming project.

Mike Amborn approached the Council at the request of Harris to discuss assessing larger public works projects and how the process works. Items presented and discussed were:

Infrastructure Needs
Estimated Project Costs

Proposed Infrastructure Improvements
Assessment Methodologies

Estimated Assessment Rates
Estimated Assessment Amounts
Example Project Schedule

Estimated Assessment Terms
Special Circumstances

When asked what an assessment could cost a resident, Amborn said the assessment cannot exceed 10% of the improvement value increase of the project. There was discussion on an assessment policy. The Council thanked Amborn for his presentation.

Next Amborn and Tweed approached the Council to say at the last Council strategic planning session, housing was discussed as a priority. She went on to say Cody Nelson has expressed an interest in moving forward on Phase III of the Cottage Square development, west of his current townhome development. She asked Mike Amborn to prepare a proposal of services to engineer the next phase of this project, and projected cost for infrastructure. Amborn said he used a concept of the project provided by Nelson. It is not a detailed review, but approximate cost for infrastructure estimate is \$1.1 million. He went on to say Task One would be design engineering up to bidding it out. Task Two would be construction administration, and Amborn said he would manage the project. This property is one parcel. It would have to be re-platted, and a road right-of-way would be recorded which is included in the proposal as presented in the packet. Tweed wanted to confirm if Council is still interested in pursuing housing opportunities in the City of Benson. Evenson said he is and feels the rest of the Council is also interested as well. Enderson asked if TIF can help fund this. Tweed said the current TIF at Cottage Square includes this Phase III property. She also stated as the current TIF is drafted, once the City recoups their cost, the TIF is split between Nelson and the City 25% - 75% respectively, but the terms are not finalized at this time, but looking like the City will retain 100% of the TIF dollars going forward. More information to come. There was discussion on previous utilities located on this property, which was a trailer court with private sewer and water on the property. Mayor Evenson said he would like to change this agenda item from information to action in order to have Amborn move forward with the engineering part of the project. There being no more questions, the Mayor called for a motion. It was moved by Carruth, seconded by Enderson and carried unanimously to approve the proposal from Rodeberg & Berryman for engineering at Phase III of Cottage Square as presented in the amount of \$175,000.00.

Harris and Nelson approached to discuss the Wastewater treatment plant need for an air exchanger. This was discussed at the previous Council meeting. Harris reviewed the project budget costs. Xcel funds have been covering the costs of the project. Harris went on to say the City should be recovering some costs associated with the project. After further discussion, it was moved by Schreck, seconded by Carruth and carried unanimously to approve Craig's Inc. quote for an air exchanger in the digester boiler room in the amount of \$23,525.00.

Nelson said at the last meeting Council heard the need for water well #32 to be rehabilitated. We have one quote from Thein Well, and a second contractor pulled out from sending a quote as he could not fit this job into the timeframe we need. Thein quoted \$31,400 to rehab the well. Harris went on to say we budgeted money to rehab the Fibrominn wells, and are not doing this project. He said we can transfer the line item over to pay for rehabbing well #32. It was moved by Schreck, seconded by Maanum and carried unanimously to approve the quote from Thein well to rehab well #32 in the amount of \$31,400.00.

Nelson said we have the continued Overhead to Underground (OHUG) project for our primary service. This year the project is in the area of our power plant with 58 homes effected. We asked for quotes from local electricians to bury the service line underground. We received two quotes back as follows:

Goff Electric - \$31,630.00

DM Electric - \$31,242.00

After reviewing the quotes, it was moved by Carruth, seconded by Maanum and carried unanimously to accept DM Electric's quote for \$31,242.00.

It was moved by Carruth, seconded by Maanum and carried unanimously to approve the bills and warrants in the amount of \$413,023.95.

Mayor Evenson said he came up with a brainstorm last week to do a community National Night Out in Roosevelt Park. He said he contacted Police Chief Hodge and Hodge agreed it would be a good idea. Evenson went on to say he reached out to Laura Mitteness with CEDA to pursue funding opportunities and Hodge said he had some funding opportunities as well. He went on to say the reason he brought this now is Mitteness needs time to apply for the grants. He wants a motion to allow staff to apply for the grants needed. If we don't get the funding, we won't hold the event. He said he feels it would be a good opportunity for K-9 Caine to perform his skills for the public as well as for the public to meet the officers. This is held nationally the first Tuesday, in August. This is a very positive thing across the nation. It was then moved by Maanum, seconded by Carruth and carried unanimously to direct staff to apply for the grants for the event.

There being no further business to come before the Council a motion was made by Schreck, seconded by Enderson and carried unanimously to adjourn the Council meeting at 6:58 p.m.

Mayor

City Clerk

EDA MEETING
APRIL 22, 2024
12:00 P.M.

Members Present: Dan Enderson, Rob Wolfington, Jack Evenson, John Buyck, Dave Martin, and City Manager Kyle Harris

Members Absent: Rick Horecka

Also Present: CEDA Representatives Hillary Tweed and Laura Mitteness, Assistant City Attorney Stephen Kowal, Reed Anfinson, Brian Samuelson

Chairman Evenson called the meeting to order at 12:03 p.m.

It was moved by Martin, seconded by Enderson and carried unanimously to approve the minutes of the March 18, 2024 EDA Minutes

Update on the Small Cities Development Program (SCDP)

Tweed gave an update on the status of the Small Cities Grant: there is no update for ongoing projects from the UMRDC at the time of the meeting. However, the UMRDC provided Tweed with an update that the last commercial project has been secured. Wolfington asked when is the City eligible to apply for the next round of SCDP funding. Tweed stated the city will need to know if the current grant will require an extension prior to applying for another round of funding.

Discussion on the EDA Enabling Resolution

Tweed said member Wolfington requested the board review the EDA enabling resolution from 1990. Tweed stated that after the last EDA meeting, the members requested to see the EDA handbook and it was sent the day after the meeting to all members. Wolfington provided insight to the EDA handbook and stated that by updating the enabling resolution, the EDA would have the ability to participate in more economic activities. Evenson asked what is the advantage of changing the resolution? Wolfington responded that it would allow the EDA to have more responsibility to include: creating a budget and bylaws, which should result in a better product. Buyck and Martin asked if it will change what the EDA is already doing. Evenson added to the question of “who is in charge, how do we operate, and would it be too much on our volunteers’ plate if we take on more responsibility?” Wolfington responded that we are limited in the current enabling resolution, this would be a time to revise the committee, and assign roles to staff. Enderson agreed that a review of the responsibilities of the EDA is a necessary step to move forward.

More discussion was had about EDA responsibility, the difference between an Economic Development Commission (EDC) and an Economic Development Authority (EDA), and what the next step should be moving forward. During this discussion, City Manager Harris added that the City Council should still have oversight and that the EDA should look at other responsibilities that they might want included in the updated enabling resolution.

The EDA directed Evenson, Wolfington, and Enderson to meet with City staff to review responsibilities of the EDA.

Loan Profile – Request a Loan Committee

The loan profile was reviewed with no noted changes. Tweed asked for a loan committee for a future business EDA loan request. Evenson, Martin, and Wolfington volunteered to be a part of this loan committee.

There being no other business, it was moved by Buyck, seconded by Enderson and carried unanimously to adjourn the meeting at 1:02 p.m.

EDA Secretary

Chairman



May 10, 2024

Delivery via Email Please Reply "Received"

Ms. Lisa Kent
City of Benson
1410 Kansas Avenue
Benson, MN 56215-1718

RE: Spectrum Channel Line-up

Dear Ms. Kent:

This letter will serve as notice that on or around July 1, 2024, Spectrum Mid-America, LLC ("Spectrum"), will launch Comedy.TV (HD Only) on Spectrum TV Basic and Spectrum Entertainment View on channel 390 on the Benson, MN channel line-up serving your community.

Additionally, Spectrum will be launching Weather en Espanol (HD Only) on Spectrum Latino View and Spectrum TV Stream Latino on channel 242 on the Benson, MN.

If you have any questions about this change, please feel free to contact me at (952) 367-4263 or via email at david.larson@charter.com.

Sincerely,

A handwritten signature in black ink, appearing to read "David Larson".

David Larson
Director, State Government Affairs Minnesota
Charter Government Affairs



May 10, 2024

Delivery via Email Please Reply "Received"

Ms. Lisa Kent
City of Benson
1410 Kansas Avenue
Benson, MN 56215-1718

RE: Russian Slated Channel Removals

Dear Ms. Kent:

Spectrum Mid-America, LLC ("Spectrum"), is making its customers aware that on or around July 8, 2024, Spectrum will drop **CR1 Russia channel 2657, CTC channel 2671, NTV America channel 2658, Rossiya 24 channel 2660, and RTR Planeta channel 2659**, on the channel line-up serving your community. These channels have been slated with a message since March 3, 2022 that programming is no longer available, and Spectrum will be removing the slate message. If you have any questions about this change, please feel free to contact me at (952) 367-4263 or via email at david.larson@charter.com.

Sincerely,

A handwritten signature in black ink that reads "David Larson". The signature is written in a cursive, flowing style.

David Larson
Director, State Government Affairs Minnesota
Charter Government Affairs



Arbor Day Foundation®

211 N. 12th Street • Lincoln, NE 68508 • 888-448-7337 • arborday.org

We inspire people to plant, nurture, and celebrate trees.

Mayor Jack Evenson
1410 Kansas Ave.
Benson, MN 56215

Dear Tree City USA Community Member,

On behalf of the Arbor Day Foundation, I'm thrilled to congratulate Benson on earning recognition as a 2023 Tree City USA. Residents of Benson should be proud to live in a community that makes the planting and care of trees a priority.

Founded in 1976, Tree City USA is a partnership between the Arbor Day Foundation, the U.S. Forest Service, and the National Association of State Foresters. Benson is part of an incredible network of more than 3,600 Tree City USA communities nationwide, with a combined population of 155 million.

Over the last few years, the value and importance of trees has become increasingly clear. Cities and towns across the globe are facing issues with air quality, water resources, personal health and well-being, and energy use. Benson has taken steps to create to a brighter, greener future.

We hope you are as excited as we are to share this accomplishment with your local media and your residents. Enclosed in this packet is a press release for you to distribute at your convenience.

We're excited to celebrate your commitment to the people and trees of Benson. Thank you, again, for your efforts.

Best Regards,

Dan Lambe
Arbor Day Foundation Chief Executive

Administrative Office
410 Fifth Street SW
P.O. Box 327
Willmar, Minnesota 56201-0327



Phone: (320) 235-6106

Fax: (320) 214-0187

2024 FUNDING REQUEST

Date: 5-23-24

Governing Unit: Benson

Contact Person: Administrator

2nd Quarter Request: \$ 25,636.75

This amount due and payable by: 6-30-24

Please make all checks payable to: Pioneerland Library System

Mail to: Attn: Bookkeeping
Pioneerland Library System
PO Box 327
Willmar, MN 56201

Laurie Ortega
Executive Director
Pioneerland Library System

MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: International Association of Lions Clubs, Lions Club of Benson Previous Gambling Permit Number: X-94269-23-003
Minnesota Tax ID Number, if any: 7257933 Federal Employer ID Number (FEIN), if any: 41-6059572
Mailing Address: 502 12th St No
City: Benson State: MN Zip: 56215 County: Swift
Name of Chief Executive Officer (CEO): Rodney Burns, President
CEO Daytime Phone: 320-444-0610 CEO Email: rburns@mail.com
(permit will be emailed to this email address unless otherwise indicated below)
Email permit to (if other than the CEO): mick_marlys@yahoo.com

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

- Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- A current calendar year Certificate of Good Standing**
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103
Secretary of State website, phone numbers:
www.sos.state.mn.us
651-296-2803, or toll free 1-877-551-6767
- IRS income tax exemption (501(c)) letter in your organization's name**
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
If your organization falls under a parent organization, attach copies of **both** of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): KSCR-KBMO Radio

Physical Address (do not use P.O. box): 105 13th St No

Check one:

- City: Benson Zip: 56215 County: Swift
 Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): 10-01-2024 - 10-31-2024

Check each type of gambling activity that your organization will conduct:

- Bingo Paddlewheels Pull-Tabs Tipboards Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

<p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: _____</p> <p>Signature of City Personnel: _____</p> <p>_____</p> <p>Title: _____ Date: _____</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px; text-align: center;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	<p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>_____</p> <p>Title: _____ Date: _____</p> <p>TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>_____</p> <p>Title: _____ Date: _____</p>
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CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: *Rodney Burns* Date: 5/21/84
(Signature must be CEO's signature; designee may not sign)

Print Name: Rodney Burns, President

<p>REQUIREMENTS</p> <p>Complete a separate application for:</p> <ul style="list-style-type: none"> • all gambling conducted on two or more consecutive days; or • all gambling conducted on one day. <p>Only one application is required if one or more raffle drawings are conducted on the same day.</p> <p>Financial report to be completed within 30 days after the gambling activity is done: A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.</p> <p>Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).</p>	<p>MAIL APPLICATION AND ATTACHMENTS</p> <p>Mail application with:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> a copy of your proof of nonprofit status; and <input checked="" type="checkbox"/> application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to State of Minnesota. <p>To: Minnesota Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113</p> <p>Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.</p>
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Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.



STATE OF MINNESOTA

JOINT POWERS AGREEMENT MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE

This Joint Powers Agreement ("Agreement") is between the State of Minnesota, acting through its Commissioner of Public Safety on behalf of the Bureau of Criminal Apprehension ("BCA"), and the "City of Benson on behalf of its Police Department at 2110 Hall Ave Benson, MN 56215" ("Governmental Unit"). The BCA and Governmental Unit may be referred to jointly as "Parties".

Recitals

Under Minnesota Statutes, § 471.59, the BCA and the Governmental Unit are empowered to engage in agreements that are necessary to exercise their powers. The parties wish to work together to investigate and prosecute crimes committed against children and the criminal exploitation of children that is committed and/or facilitated by or through the use of computers, and to disrupt and dismantle organizations engaging in these activities. The Governmental Unit wants to participate in the Minnesota Internet Crimes Against Children (ICAC) Task Force and be provided reimbursement of the following: equipment, training, and expenses (including travel and overtime) as are incurred by law enforcement as a result of ongoing investigations.

Agreement

1. Term of Agreement

- 1.1 **Effective Date.** This Agreement is effective on the date BCA obtains all required signatures pursuant to Minnesota Statutes, § 16C.05, subdivision 2.
- 1.2 **Expiration Date.** This Agreement expires five years from the date it is effective unless terminated earlier pursuant to clause 12.

2. Purpose

The Governmental Unit and BCA enter into this Agreement to implement a three-pronged approach of prevention, education and enforcement to combat internet crimes against children. This Agreement provides the mechanism to reimburse the Governmental Unit for equipment, training and expenses (including travel and overtime), which are incurred by law enforcement as a result of these investigations.

3. Standards

The Governmental Unit will adhere to the ICAC Program standards identified below.

- 3.1 Investigate activities related to internet crimes and the exploitation of children through the use of computers.
- 3.2 Investigate organizations to disrupt and dismantle crimes committed against children.
- 3.3 Investigators will follow appropriate state and/or federal laws in obtaining arrest warrants, search warrants and civil and criminal forfeitures. Investigators will follow proper legal procedures in securing evidence, including electronic devices.
- 3.4 Investigators will understand and use appropriate legal procedures in the use of informants including documentation of identity, monitoring of activities, and use and recordation of payments.
- 3.5 Investigators will use, as appropriate, the most current investigative technologies and techniques.
- 3.6 Investigators must be licensed Minnesota peace officers.

3.7 Investigators will comply with the guidelines of the Department of Justice Internet Crimes Against Children Program Operational and Investigative Standards.

4. Responsibilities of the Governmental Unit and the BCA

4.1 The Governmental Unit will:

- 4.1.1 Government Unit must submit Performance Measure data to the ICAC DataSystem (IDS) by the end of each month for the duration of this Agreement. The BCA must fulfil as a recipient of the Office of Juvenile Justice Delinquency Prevention (OJJDP) grant award for MN ICAC Task Force in partnering with law enforcement agencies. Failure to timely provide the OJJDP with Performance Measure data may jeopardize the BCA's future grant qualifications as well as result in the delinquent law enforcement agency's denial to participate in MN ICAC Task Force.
- 4.1.2 Assign a Governmental Unit point of contact to act as the liaison between it and the BCA ICAC Project Commander to assist in reimbursement deadlines.
- 4.1.3 Submit an ICAC reimbursement request for pre-approval of funds. This request shall include a description of the item requested for reimbursement and an explanation of how it qualifies under the required criteria in Clauses 3.1 and 3.2 and an operational plan.
- 4.1.4 Conduct investigations in accordance with provisions of the ICAC Operational and Investigative Standards, identified in Clause 3.7 above, and conclude the investigations in a timely manner.
- 4.1.5 Allow BCA to inform participating agencies of potential case connections based on data submitted to BCA through the ICAC Program.
- 4.1.6 Not commingle ICAC funds with any other existing federal or state grant funded overtime or additional local Governmental Unit funding.

4.2 The BCA will:

- 4.2.1 Provide a Special Agent In Charge who will serve as the Commander of the Task Force.
- 4.2.2 Review and approve or decline reimbursement requests under clause 4.1.2 within seven (7) business days of the reimbursement request.

4.3 Nothing in this Agreement shall otherwise limit the jurisdiction, powers, and responsibilities normally possessed by a Governmental Unit acting through its employees.

5. Payment

- 5.1 To receive reimbursement for an expense, Governmental Unit must make a request for reimbursement to the BCA Authorized Representative under the required criteria for operational and investigative standards.
- 5.2 To receive approved reimbursement, Governmental Unit must submit an expense form no later than 15 business days after the end of the month during which the expense is incurred.
- 5.3 The BCA will pay the Governmental Unit within thirty (30) calendar days of the submission of the expense form.
- 5.4 In the event Governmental Unit breaches this Agreement, it will not be eligible to receive reimbursement for any expenses.

6. Authorized Representatives

The BCA's Authorized Representative is the following person or her successor:

Name: Bobbi Jo Pazdernik, Commander of MN ICAC
Address: Department of Public Safety; Bureau of Criminal Apprehension
1430 Maryland Street East Saint Paul, MN 55106
Telephone: 651-793-7000
E-mail Address: bobbijo.pazdernik@state.mn.us

The Governmental Unit's Authorized Representative is the following person or his/her successor:

Name: Ian Hodge, Chief of Police
Address: 2110 Hall Ave Benson, MN 56215
Telephone: 320-843-4790
E-mail Address: ihodge@bensonmn.us

If the Governmental Unit's Authorized Representative changes at any time during this Agreement, the Governmental Unit must immediately notify the BCA's Authorized Representative above.

7. Assignment, Amendments, Waiver, and Agreement Complete

- 7.1 Assignment.** The Governmental Unit may neither assign nor transfer any rights or obligations under this Agreement.
- 7.2 Amendments.** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.
- 7.3 Waiver.** If the BCA fails to enforce any provision of this Agreement, that failure does not waive the provision or its right to enforce it.
- 7.4 Agreement Complete.** This Agreement contains all negotiations and agreements between the BCA and the Governmental Unit. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

8. Liability

The BCA and the Governmental Unit agree each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. The BCA's liability shall be governed by provisions of the Minnesota Tort Claims Act, Minnesota Statutes, § 3.736, and other applicable law. The Governmental Unit's liability shall be governed by provisions of the Municipal Tort Claims Act, Minnesota Statutes, §§ 466.01-466.15, and other applicable law.

9. Audits

Under Minnesota Statutes, § 16C.05, subdivision 5, the Governmental Unit's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the BCA and/or the State Auditor and/or Legislative Auditor, as appropriate, for a minimum of six (6) years from the end of this Agreement.

10. Government Data Practices

The Governmental Unit and the BCA must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 and other applicable law, as it applies to all data provided by the BCA under this Agreement and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Governmental Unit under this Agreement. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the Governmental Unit or the BCA.

If the Governmental Unit receives a request to release the data referred to in this Clause, the Governmental Unit must immediately notify the BCA. The BCA will give the Governmental Unit instructions concerning the release of the data to the requesting party before the data is released.

11. Venue

The venue for all legal proceedings out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

12. Expiration and Termination

- 12.1** Either party may terminate this Agreement at any time, with or without cause, upon 30 days written notice to the other party. To the extent funds are available, the Governmental Unit shall receive reimbursement in accordance with the terms of this Agreement through the date of termination.
- 12.2** In the event that federal funding is no longer available, the BCA will email the Governmental Unit's Authorized Representative and terminate the Agreement. The termination will be effective two (2) business days after email notification to the Governmental Unit; and the Governmental Unit shall receive reimbursement in accordance with the terms of this Agreement through the date of termination.

13. Continuing Obligations

The following clauses survive the expiration or cancellation of this Agreement: 8, Liability; 9, Audits; 10, Government Data Practices; and 11, Venue.

The parties indicate their agreement and authority to execute this Agreement by signing below.

1. STATE ENCUMBRANCE VERIFICATION
Individual certifies that funds have been encumbered as required by Minnesota Statutes §§ 16A.15 and 16C.05.

Signed: _____

Date: _____

SWIFT PO Number: 3000085301

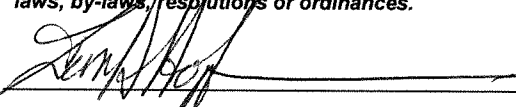
3. DEPARTMENT OF PUBLIC SAFETY; BUREAU OF CRIMINAL APPREHENSION

By: _____
(with delegated authority)

Title: Deputy Superintendent, Investigations

Date: _____

2. GOVERNMENTAL UNIT
Governmental Unit certifies that the appropriate person(s) has(have) executed this Agreement on behalf of the Governmental Unit and its jurisdictional government entity as required by applicable articles, laws, by-laws, resolutions or ordinances.

By:  _____

Title: Chief of Police

Date: 05/28/2024

4. COMMISSIONER OF ADMINISTRATION
As delegated to the Office of State Procurement

By: _____

Date: _____

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

RESOLUTION NO. _____

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF BENSON ON BEHALF OF ITS POLICE DEPARTMENT REGARDING THE MINNESOTA INTERNET CRIMES AGAINST CHILDREN TASK FORCE (ICAC)

WHEREAS, the City of Benson on behalf of its Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to utilize applicable state and federal laws to investigate and prosecute crimes committed against children and the criminal exploitation on children that is committed and/or facilitated by or through the use of computers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Benson, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Benson on behalf of its Police Department, are hereby approved. A Copy of the Joint Powers Agreement is attached to this Resolution and made a part of it.
2. That the Chief of Police – Ian D. Hodge, or his or her successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
3. That Jack Evenson -, the Mayor for the City of Benson, and Kyle Harris, the City Manager, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the Council on this ____ day of _____-, _____.

CITY OF BENSON

By: Jack Evenson
Its Mayor

ATTEST: _____
By: Kyle Harris
Its City Manager

To: Kyle Harris, Benson City Manager
From: Pioneerland Band Festival Committee
RE: Fund Request
Date: May 22, 2024

Kyle,

The Pioneerland Band Festival Committee is requesting operating funds for the 2024 parade. The parade will be held on Wednesday, June 14th beginning at 6:30pm. We plan to seek donations from local businesses as well as residents to fund the parade. We are requesting the Benson City Tourism Board consider contributing to this event in the amount of \$3,500.

Thank you for your consideration of this request.

Respectfully submitted,

Brock Duncan,
PBF Committee



2580 Hwy 12 E | Willmar, MN 56201 | MarcusConstruction.com

INVOICE

SOLD TO:

CITY OF BENSON kharris@bensonmn.us hillary.tweed@gmail.com

INVOICE NUMBER	13924
INVOICE DATE	3/31/24
OUR JOB NUMBER	2402-125
YOUR PO NO.	
TERMS	NET 10 DAYS
SALES REP	DJ

JOB LOCATION: BENSON, MN

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	Generator Building Fix	25,650.00	25,650.00
THANK YOU FOR YOUR BUSINESS SALES TAX HAS BEEN PAID TO OUR MATERIAL SUPPLIERS			

PHONE: 320-222-6616
 FAX: 320-222-6626

SUBTOTAL	25,650.00
TAX	
TOTAL	25,650.00

THANK YOU!



1500 South Hwy 52
PO Box 483
Chatfield, MN 55923
Phone – 507.867.3164

www.cedausa.com

Informative Memo

TO: Benson City Council
FROM: Hillary Tweed, CEDA
DATE: June 3, 2024
RE: Summary of Resolution Modifying Economic Development Authority Enabling Resolution

This memo serves to summarize the key points of Resolution 24-____ which modifies the original enabling resolution (No. 90-23) that established the Economic Development Authority (EDA) under Minnesota Statutes, Sections 469.090 to 469.108. The resolution demonstrates the City Council's commitment to enhancing the EDA's capacity to drive economic growth and manage critical financial resources effectively.

Key Points:

1. Expansion of EDA Powers:

- The EDA will now possess all powers, rights, duties, and obligations as outlined in Minnesota Statutes, Sections 469.090 to 469.108, and other applicable laws.
- This expansion ensures the EDA can fully leverage statutory powers to promote economic development within the City of Benson.

2. Management of Funds:

- The EDA will take over the management of the following funds currently held and managed by the City:
 - Economic Development Fund
 - Shares and proceeds of Chippewa Valley Ethanol Company stock
 - Small Cities Development Program Funds

3. Revolving Loan Fund:

- The EDA will continue to be responsible for making loans from the Revolving Loan Fund.
- Any loan exceeding \$100,000 from this fund will still require approval from the Benson City Council.



Hillary Tweed
CEDA Regional Director
Hillary.tweed@cedausa.com | www.cedausa.com | 701.388.7327

**CITY OF BENSON
COUNTY OF SWIFT
STATE OF MINNESOTA
(RESOLUTION 24-____)**

**RESOLUTION MODIFYING RESOLUTION NO. 90-23 ESTABLISHING AN
ECONOMIC DEVELOPMENT AUTHORITY UNDER MINNESOTA
STATUTES, SECTIONS 469.090 TO 469.108**

WHEREAS, Minnesota Statutes, Chapter 469 authorizes cities to establish Economic Development Authorities (“EDA”) with specified powers and obligations to promote and to provide incentives for economic development; and

WHEREAS, pursuant to Minnesota Statutes, Chapter 469, the City Council of the City of Benson, Minnesota (the “City”) has established an EDA by enabling resolution adopted May 21, 1990; and

WHEREAS, by resolution adopted August 5, 1993, the City modified the original EDA enabling resolution of May 21, 1990, altering the EDA’s powers and the number of member constituents; and

WHEREAS, the City Council of the City has determined that the enabling resolution should be further modified in order to expand the powers of the board of commissioners to include those statutory powers available to an EDA, as authorized by Minnesota Statutes, Sections 469.090 to 469.108 or other law; and

WHEREAS, the City has provided public notice and conducted a public hearing on _____, 2024 concerning the modification of the enabling resolution and has fulfilled all other legal requirements for said modification.

NOW, THEREFORE, BE IT RESOLVED BY THE BENSON CITY COUNCIL:

1. The enabling resolution dated May 21, 1990, and modified by resolution dated August 5, 1993, is hereby further modified as follows:
 - a. The EDA shall possess all of the powers, rights, duties, and obligations as set forth in Minnesota Statutes, Sections 469.090 to 469.108 and other law.
 - b. The EDA shall be responsible for managing the following funds currently held and managed by the City:
 - i. Economic Development Fund
 - ii. Shares and proceeds of Chippewa Valley Ethanol Company stock
 - iii. Small Cities Development Program Fund

- c. The EDA shall have responsibility for making loans from the Revolving Loan Fund, however, no loan greater than \$100,000 shall be made from the Revolving Loan Fund without approval of the Benson City Council.
2. Nothing shall prevent the City from modifying this enabling resolution to impose limits on the powers of the EDA or provide for other matters as authorized by Minnesota Statutes, Sections 469.090 to 469.108 or other law.

Adopted by the City Council this _____ day of _____, 2024.

Approved:

Jack Evenson, Mayor

Attested by:

Valerie Alsaker, City Clerk

Motion by:
Second by:
Carruth
Enderson
Evenson
Maanum
Schreck