

**MINUTES – BENSON CITY COUNCIL – REGULAR MEETING
APRIL 9, 2007**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Lee Westrum, Bob Claussen, and Paul Kittelson. Members absent: Gary Landmark. Also present: City Manager Rob Wolfington, Director of Public Works Elliot Nelson, Director of Finance Glen Pederson, City Attorney Don Wilcox, Police Chief Jim Crace, Police Officer Nancy Dosdall, Julie Seuess, Jill Hedman, and Dan Johnson.

Brad Kollman from the Office of Traffic Safety presented the Benson Police Department with radar equipment because of their participation in the Safe and Sober Program.

Under unscheduled business, Julie Suess (1002 Church Street) came before the Council. She would like to construct a modular home on her property because a fire recently damaged her home. There is a dispute with the neighbor regarding lot lines. Staff has talked to her and suggested that the City purchase her property or exchange her property with another lot in town. She is asking the City Council for support to construct a modular home on her property. Because this property is not platted, the City has asked that Ms. Suess have her property surveyed. There are a number of easements and set back issues because a state highway is on the east side and a county state aid road on the north of this property. Her building permit application is incomplete at this time because she has not submitted a site plan. The City Attorney is meeting with Ms. Suess' attorney (Mike Erhardt) to see if they can determine where Ms. Suess can construct the modular home without having the property surveyed.

It was moved by Westrum, seconded by Claussen and carried unanimously to approve the following minutes on the consent agenda:

- a: March 26, 2007 City Council Meeting
- b: February 26, 2007 SCBH Board Meeting
- c: March 14, 2007 Prairie Country RC & D Council Meeting
- d: March 29, 2007 Safety Committee Meeting
- e: March 27, 2007 Cemetery Board Meeting

The Senior Advocacy Council (SAC) 2006 Annual Treasurer's Report was received.

The City Manager and City Attorney requested that the Council reiterate their intentions regarding the railroad property issue. After discussion, it was moved by Fitz, seconded by Claussen and carried unanimously to approve submitting the following to Burlington Northern Santa Fe Railroad:

1. Allow the City to construct a 3' to 4' decorative fence on the north side of the railroad tracks for two blocks (from 12th to 14th Street) with the fence constructed by the end of the 2008 construction season.
2. The elevator property will separated out from the other railroad properties.
3. The price will go back to the original price

It was moved by Claussen, seconded by Westrum and carried unanimously to approve the first reading of An Ordinance to Amend Chapter 70, Traffic Code.

It was moved by Fitz, seconded by Westrum and carried unanimously to approve the first reading of An Ordinance to Amend Chapter 36, Emergency Management.

Member Westrum offered the following Resolution and moved its adoption:

REQUESTING AN AGREEMENT BETWEEN THE CITY OF BENSON AND THE STATE OF MINNESOTA GRANTING THE CITY JURISDICTION TO ADMINISTER CODES AFFECTING PUBLIC BUILDINGS AND STATE LICENSED FACILITIES (RESOLUTION NO. 2007-04)

WHEREAS: the state law reserves to the state the jurisdiction to inspect plans and buildings to determine if state buildings or state licensed facilities comply with building codes. This resolution authorizes a contract whereby jurisdiction is transferred to the city of Benson. The state has the authority to delegate this work on a case by case basis or on a permanent contract; and

WHEREAS: in the next 30 days the Swift County Benson Hospital (a state licensed facility) is preparing to construct a single story addition to their facility with an estimated construction cost of \$5.8 million; and

WHEREAS: in 2006 Mike Jacobson was appointed as the city of Benson Building Official. Mike is a state certified building official, is current with professional continuing education, and has over twenty years of experience as a professional carpenter; and

WHEREAS: as the city of Benson building official, Mike Jacobson has gained tremendous experience conducting building inspection services and plan review for the Fibrominn project, a \$200 million base load power plant project as well as a \$10 million dollar hospital project in the city of Morris, and

BE IT RESOLVED, that Mike Jacobson be authorized to execute and implement a contract with the Minnesota Department of Labor and Industry to administer building and life safety codes that apply to public buildings and state licensed facilities.

Council Member Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Westrum, Claussen, Fitz, Kittelson. NAYS: None. ABSENT: Landmark. Whereupon the Mayor declared Resolution No. 2007-04 duly passed and adopted.

The City Manager informed the Council that after the firemen inspected the used rescue vehicle in East Chatham, New York they recommended that the City purchase the vehicle. Payment has been submitted and the vehicle is expected to be delivered within the next week.

The City Manager informed the Council that the City received a subpoena from U. S. District Court on a patent dispute regarding the Wastewater Treatment Plant Improvement Project. Staff and Bonestroo are gathering and will submit the necessary paperwork.

It was moved by Fitz, seconded by Westrum and carried unanimously to approve a pay request from DGR for the Electric System Improvements in the amount of \$13,202 (\$12,500 lump sum portion and \$702 hourly portion).

The Public Works Director informed the Council that Mattheisen Disposal will provide the equipment and labor for the City's Spring Cleanup Program at the following fees:

Service Fee: \$92 per hour per truck
 Disposal Fee: \$80 per ton
 Appliance Fee: \$10 per appliance

The Public Works Director informed the Council that three bids were received for the furnishing of two electric power transformers. The following is the bid summary:

Bidder	Total Base Price Ea.	Total Evaluation Price Ea.	Total Evaluation Price-2 Units	Comments
Kuhlman Electric Corp. Versailles, KY	\$639,747	\$699,065	\$1,398,130	Delivery: October 2007 Pricing: Firm
Electro-Test & Maint. Rapid City, SD	\$755,997	\$822,477	\$1,644,954	Delivery: 38-44 Weeks ARO Pricing: Firm
Waukesha Elect. Systems Waukesha, WI	\$808,368	\$883,918	\$1,767,836	Delivery: 50-54 Weeks Pricing: Escalated

DGR analyzed the bids and recommended awarding the contract to Kuhlman Electric Corporation as they provided the low bid in both evaluation price and purchase price for a total of \$1,279,494. It was moved by Claussen, seconded by Westrum and carried unanimously to approve the bid from Kuhlman Electric Corporation as recommended by DGR.

The Public Works Director informed the Council that two quotes were received to supply the City's 2007 need for tires. They were from Glacial Plains Coop in the amount of \$5,127 and Westside Tire and Service in the amount of \$5,411.56. It was moved by Claussen, seconded by Westrum and carried unanimously to approve the quote from Glacial Plains Coop in the amount of \$5,127.

The Public Works Director informed the Council that the City is in the third year of a three year contract (Tree Work and Tree Emergency Services Agreement) with Craig Beyer's Tree Service. Craig Beyer is asking for an increase of \$.75 per inch per tree that is removed. It was moved by Claussen, seconded by Westrum and carried unanimously to amend the Tree Work and Tree Emergency Services Agreement from \$13.75 per inch to \$14.50 per inch.

The Finance Director informed the Council that there are approximately 800 control units remaining to be purchased for the AMR/Load Management system. Staff is recommending the purchase of 800 control units in the amount of \$143,200 and 800 pulse initiators in the amount of \$68,000. Half of the items will be delivered this summer and the other half in early 2008. It was moved by Fitz, seconded by Claussen and carried unanimously to approve the purchase of AMR/Load Management equipment as presented.

The City Manager recommended moving the spring projects tour and tour of Fibrominn to a meeting in May due to the Board of Equalization Hearing at the April 23 Council meeting.

The exempt salary review was tabled to a future meeting.

It was moved by Fitz, seconded by Claussen and carried unanimously to adjourn the meeting at 6:30 p.m.

Mayor

Attest: _____
City Clerk