

**MINUTES – BENSON CITY COUNCIL – REGULAR MEETING
MARCH 3, 2008**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Anne Johnson, Bob Claussen, Gary Landmark, and Paul Kittelson. Members absent: None. Also present: City Manager Rob Wolfington, Finance Director Glen Pederson, and Public Works Director Elliot Nelson.

Under unscheduled business Jack and Darlene Wagner, 813 – 11th Street North, informed the Council that their sanitary sewer backed up into their basement due to the recent water break at 11th Street North and Ada Avenue. The Public Works Director then briefed the Council on the actions City staff took responding to the water break. The Wagner's plumbing bill was \$515 and they cleaned the basement up themselves. There may be additional charges if they pursue having the basement checked for contamination. The Wagner's have a \$1,000 deductible and are asking for financial assistance. After discussion, it was moved by Fitz, seconded by Johnson and carried unanimously the Council expressed that it was unfortunate the backup happened but the City has not provided financial assistance when the situation is not caused by the City's negligence. The City will adjust their water bill for the additional water used to flush the sanitary sewer and any additional sewer charges.

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

- a. February 19, 2008 City Council Meeting
- b. February 21, 2008 Benson EDA Meeting
- c. February 6, 2008 Benson Cemetery Board Meeting
- d. February 11, 2008 Benson Park Board Meeting
- e. January 28, 2008 SCBH Board Meeting

The City Manager reviewed the following correspondence with the Council:

- a. LMC Cities Bulletin dated 2.28.08 RE: Legislative News
- b. Charter Communication dated 2.13.08 RE: Pricing Changes

The City Manager informed the Council that the Agralite Board tabled the proposed service territory exchange for 90 days.

The City Manager informed the Council that staff has not seen the permit from BNSF for the power line easement. The City needs to receive the permit by May 1 to allow time to complete the project in 2008.

The City Manager presented a revised Building Official Agreement between Benson and Morris. It was moved by Landmark, seconded by Claussen and carried unanimously to approve the revised Building Official Agreement as presented.

The City Manager presented a proposed Sewer Utility Collection and Treatment System Mutual Aid Agreement between the City of Benson and City of Morris for the Council's consideration. After discussion, it was moved by Landmark, seconded by Claussen and carried unanimously to approve the Sewer Utility Collection and Treatment System Mutual Aid Agreement between the City of Benson and City of Morris as presented.

The City Manager presented a proposed amendment to Chapter 90: Animals. He suggested forming a committee of Council Members to meet with staff to review the proposed amendment to Chapter 90. Council Members Fitz and Claussen agreed to meet with staff and the Mayor may also meet. The first meeting will be set at the next Council meeting.

The City Manager and Finance Director presented proposed the Bright Energy Solutions Conservation Program that includes the following programs for commercial and industrial accounts:

- a. Lighting Retrofit Incentive
- b. New Construction Lighting Incentive
- c. Motors/Pumps/VFD Incentive
- d. Custom Incentive
- e. Cooling/Chiller Incentive

After discussion, it was moved by Fitz, seconded by Claussen and carried unanimously to approve participating in all the Bright Energy Solutions Conservation Programs as presented.

The City Manager updated the Council on the cleanup of the contamination spill across from the power plant. The cleanup is about 70% completed.

The City Manager updated the Council on the fumes in the basement of the power plant. There was no ground water contamination.

Council Member Claussen offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING THE
1994 UNIFORM BUILDING CODE
(RESOLUTION NO. 2008-03)**

WHEREAS, no person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the municipality, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the City of Benson, and

WHEREAS, to obtain a permit the applicant shall first file an application in writing on a form furnished for that purpose indicating such information as required by the State Building Code, and

WHEREAS, a fee for each building shall be paid to the City of Benson based on the determination of the value of said building as determined by the Building Official, and

WHEREAS, the work started or proceeding without prior approval of said permit by the Building Official may cause for the assessment of twice the building permit fee as required by the State Building Code.

NOW BE IT RESOLVED by the City Council of Benson, Minnesota, that the following fees are hereby established effective March 3, 2008; to wit:

A. Building Permit Fee: As computed from the 1994 edition of the Uniform Building Code but not less than \$21.00 for each permit:

BUILDING PERMIT FEES

| TOTAL VALUATION | FEE |
|---|---|
| \$1.00 to \$500.00 | \$21.00 |
| \$501.00 to \$2,000.00 | \$21.00 for the first \$500.00 plus \$2.75 for each additional \$100.00 or fraction thereof, to and including \$2,000.00 |
| \$2,001.00 to \$25,000.00 | \$62.25 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00 |
| \$25,001.00 to \$50,000.00 | \$349.75 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00 |
| \$50,001.00 to \$100,000.00 | \$574.75 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00 |
| \$100,001.00 to \$500,000.00 | \$887.25 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00 |
| \$500,001.00 to \$1,000,000.00 | \$2,887.25 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00 |
| \$1,000,001.00 and up | \$5,012.25 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00 or fraction thereof |
| Other Inspections and Fees: | |
| 1. Inspections outside of normal business hours | \$42.00 per hour* |
| 2. Reinspection fees assessed under provisions of Section 305.8 | \$42.00 per hour* |
| 3. Inspections for which no fee is specifically indicated | \$42.00 per hour* |
| (minimum charge – one-half hour) | |
| 4. Additional plan review required by changes, additions or revisions to plans | \$42.00 per hour* |
| 5. For use of outside consultants for plan checking and inspections, or both . | Actual costs** |

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

B. Plan Review Fee. No plan review fee will be charged for residential construction. A plan review fee of 65% of the building permit fee will be charged for commercial and industrial construction. The building official may at his option submit the plans and specifications to the State Building Department or a private consultant for plan review and assess any additional cost for that service to the plan checking fee.

C. No permit shall be required for detached tool sheds, utility buildings or playhouses that are less than 120 square feet in projected roof area. No permit shall be required for other non-structural remodeling that has a total value of \$1,000.00 or less.

D. A flat fee of \$21.00 shall be charged for the removal of or demolition of any building in the City of Benson for which is normally charged to construct or repair.

Council Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Fitz, Johnson, Landmark, Kittelson. NAYS: None. ABSENT: None. Whereupon the Mayor declared Resolution No. 2008-03 duly passed and approved.

It was moved by Landmark, seconded by Claussen and carried unanimously to approve four pay requests from DGR for professional services through 1.31.08 regarding the Electric System Improvements in the amount of \$7,477 (\$905 for 115 kV Substation, \$1,701 for Transmission Line, \$3,700 for Distribution Feeders, \$1,171 for Distribution Feeders).

It was moved by Claussen, seconded by Johnson and carried unanimously to approve pay request #4 from Harold K. Scholz for the Benson Substation Construction in the amount of \$223,048.89.

The Public Works Director presented a request to purchase electric department supplies from Wesco in the amount of \$12,924.96. It was moved by Fitz, seconded by Claussen and carried unanimously to authorize staff to purchase electrical supplies from Wesco in the amount of \$12,924.96.

Council Member Landmark brought up that maybe the City should look at another plan in case the City doesn't receive the permit from BNSF for the transmission line in time to complete the project in 2008. Staff is optimistic that the City will still receive the permit and will keep the Council informed on the status of the permit.

There being no additional items to come before the Council, the meeting was adjourned at 6:30 p.m.

Mayor

Attest: _____
City Clerk