

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
MARCH 7, 2011**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. The Mayor announced that the Council was going on a bus tour to the residential area in the northwest part of town to discuss preparations for a potential spring flood.

At 6:10 p.m. the meeting was reconvened at City Hall. Members present: Sue Fitz, Ben Hess, Bob Claussen, Gary Landmark, and Paul Kittelson. Members absent: None. Also present: City Manager Rob Wolfington, Finance Director Glen Pederson, Public Works Director Elliot Nelson, Police Chief Jim Crace, Tom Cherveney from the West Central Tribune, Greg Zniewski, Mike Holte, Corey Claussen, and Jay and Val Alsaker.

There was no one with unscheduled business to come before the Council.

The Police Chief explained to the Council that the purpose for the amendment to Chapter 90, Animals, to the Benson Code was to change the charge for a barking dog from a misdemeanor to a petty misdemeanor. It was moved by Landmark, seconded by Claussen and carried unanimously to approve the First Reading of an Ordinance to Title IX of the Benson City Code to Amend Chapter 90: Animals.

It was moved by Fitz, seconded by Hess and carried unanimously to approve the February 22, 2011 City Council Minutes and February 17, 2011 Safety Committee Minutes.

The Council reviewed the following correspondence:

- a. Swift County Benson Hospital Foundation: It was moved by Landmark and seconded by Hess to approve donating a swimming pool pass to the Swift County Benson Hospital Foundation for their Emerald Eve fundraising event. The following vote was recorded: AYES: Landmark, Hess, Kittelson. NAYS: None. ABSTAIN: Fitz and Claussen.
- b. Moss & Barnett dated 2.21.11: It was moved by Claussen, seconded by Landmark and carried unanimously to hire Brian Grogan from Moss & Barnett to represent the City in negotiating renewal of the Charter Communication Franchise Agreement.
- c. Swift County HRA: There was consensus of the Council to approve two small cities owner occupied residential grants in the amount of \$17,355 and \$4,314.
- d. Retirement Letter from Marge Scheffler: The Council acknowledged receipt of the letter with regrets.

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

**RESOLUTION APPROVING LAWFUL GAMBLING PREMISE PERMIT
APPLICATION FOR THE BENSON HOCKEY ASSOCIATION TO CONDUCT
GAMBLING AT 300 – 14th STREET SOUTH IN BENSON, MINNESOTA
(RESOLUTION NO. 2011-02)**

WHEREAS, the Benson Hockey Association is applying to conduct gambling at 300 – 14th Street South in Benson, Minnesota, and

WHEREAS, this is a new site for the base organization Premise Permit Number 001823.

NOW, THEREFORE, BE IT RESOLVED that the Benson City Council approves the application and authorizes the City Clerk to submit a certified copy of the resolution to the Benson Hockey Association to be included in their application to the Gambling Control Division.

Member Claussen seconded the foregoing motion and the following vote was recorded: AYES: Fitz, Claussen, Hess, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2011-02 duly passed and adopted.

The Council then discussed preparing for a potential Spring flood event. It was mentioned that the City may receive only 2 to 6 days notice of a potential flood event. After discussion, Member Fitz offered the following Resolution and moved its adoption:

**RESOLUTION TO CONTRACT DURING A SPECIAL EMERGENCY
(RESOLUTION NO. 2011-03)**

WHEREAS, the City Council of the City of Benson, Minnesota has declared that a special emergency is in effect; and

WHEREAS, immediate action to respond to the situation is needed in order to protect the health, safety, and welfare of the community; and

WHEREAS, the immediate purchase of flood fighting supplies and rental equipment is required to respond to the emergency; and

WHEREAS, Minn. Stat. §§ 365.37 and 415.01 provide that the emergency contract is not subject to the normal purchasing and competitive-bidding requirements because of the emergency.

THEREFORE, BE IT RESOLVED that the City Council of the City of Benson, Minnesota resolves to purchase the following: sand bags, poly, and sand and gravel from available vendors with immediate delivery in a not to exceed amount of \$125,000.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are directed to contract on behalf of the City for the above mentioned supplies.

Member Claussen seconded the foregoing motion and the following vote was recorded: AYES: Fitz, Claussen, Hess, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2011-03 duly passed and adopted.

The City Manager mentioned that a copy of City Authority over Lawful Gambling that was prepared by the Minnesota Gambling Control Board was in the packets. This was informational with no action taken.

The City Manager reviewed the Minnesota Department of Transportation's District 4 2012 – 2015 construction projects.

The Public Works Director reviewed plans and specifications for the Water Treatment Plant Improvements of 2011, Water Well No. 33, and Sandy's Lift Station Reconstruction. It was moved by Landmark, seconded by Fitz and carried unanimously to approve the plans and

specifications for the Water Treatment Plant Improvements of 2011 and Water Well No. 33. It was moved by Claussen, seconded by Hess to approve the plans and specifications for the Sandy's Lift Station Reconstruction.

It was moved by Claussen, seconded by Hess and carried unanimously to adjourn the meeting at 7:42 p.m.

Mayor

City Clerk