

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
MARCH 16, 2009**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. Members present: Sue Fitz, Anne Johnson, Bob Claussen, and Paul Kittelson. Members absent: Gary Landmark. Also present: City Manager Rob Wolfington, Public Works Director Elliot Nelson, City Attorney Don Wilcox, Steve Orbeck, and Darlene Iverson.

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

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

- a. March 2, 2009 Regular City Council Meeting
- b. March 2, 2009 Benson Planning Commission Meeting
- c. February 18, 2009 Benson HRA Meeting

The City Manager reviewed the following correspondence with the Council:

- a. JaVonne Frentzel RE: Sewer Charges at 301-18th St. No. It was moved by Landmark, seconded by Fitz and carried unanimously to adjust the sewer charges at this residence.
- b. Pioneerland Band Festival dated 3.3.09. It was moved by Fitz, seconded by Claussen and carried unanimously to sponsor a band for the Pioneerland Band Festival in the amount of \$350.
- c. Countryside Public Health RE: Public Nuisance at 314 – 16th St. No.
- d. MN Bureau of Mediation Services RE: Matt Goebel Arbitration Hearing Conclusions
- e. Community Education RE: Salary Guide and Program Budget
- f. MPCA RE: WWTF Operational Award from 10.1.07 to 9.30.08

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

**RESOLUTION APPROVING LAWFUL GAMBLING PREMISE PERMIT
APPLICATION FOR LET'S GO FISHING TO CONDUCT
GAMBLING AT 1006 ATLANTIC AVENUE IN BENSON, MINNESOTA
(RESOLUTION NO. 2009-05)**

WHEREAS, the Let's Go Fishing organization is applying to conduct gambling at 1006 Atlantic Avenue in Benson, Minnesota, and

WHEREAS, this is a new site for the base organization Premise Permit Number 034779.

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 Let's Go Fishing organization to be included in their application to the Gambling Control Division.

Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Fitz, Johnson. NAYS: Landmark. ABSTAIN: Kittelson. Whereupon the Mayor declared Resolution No. 2009-05 duly passed and adopted.

It was moved by Landmark, seconded by Johnson and carried unanimously to approve the following liquor licenses effective April 13, 2009 contingent upon receiving the necessary paperwork:

Club On-Sale Liquor License:

Benson VFW

Sunday Liquor License:

Benson VFW
Benson Bowler
Benson Golf Club
Duffy's Bar and Grill
McKinney's on Southside

On-Sale Liquor License:

Benson Bowler
Benson Golf Club
Duffy's Bar and Grill
Mi Mexico
McKinney's on Southside

Sidewalk Café Permit

Duffy's Bar and Grill

Off-Sale 3.2 Malt Beverage License:

Holiday Stationstore, Inc.

It was moved by Landmark, seconded by Johnson and carried unanimously to approve the following licenses effective April 1, 2009:

Rollerskating License:

Svor's Family Roller Rink

Sewer Tap License:

Grossman Plumbing and Heating
Hawley's Inc.
Craig's Refrigeration

Garbage Collection License:

Mattheisen Disposal

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

**RESOLUTION TO AUTHORIZE LEASE OF TRANSMISSION FACILITIES
(RESOLUTION NO. 2009-06)**

WHEREAS, the City of Benson, Minnesota is a member of Missouri Basin Municipal Power Agency d/b/a Missouri River Energy Services ("MRES"); and

WHEREAS, the City of Benson is currently purchasing from MRES under the Power Sale Agreement (S-1) all electric power and energy it requires to meet the needs of its customers in excess of Benson's firm power allocation from the Western Area Power Administration ("WAPA"); and

WHEREAS, the City of Benson requires transmission service to obtain delivery of the power and energy it purchases from WAPA, and MRES and thereby to provide adequate electric power and energy services to its customers; and

WHEREAS, MRES has decided to optimize efficiencies and share risk by consolidating its existing transmission arrangements and those of its Members into a Transmission Service Agreement (T-1) ("T-1 Agreement") with a single system-wide transmission rate and to offer this arrangement to its Members; and

WHEREAS, Western Minnesota, MRES, and the Municipality have agreed to and entered into the T-1 Agreement for the purpose of delivering to the Municipality its electric power and energy purchases from the Western Area Power Administration ("WAPA"), and MRES;

WHEREAS, Western Minnesota desires to lease certain Facilities from the Municipality in order to complete the transmission path to provide service under the T-1 Agreement; and

WHEREAS, Western Minnesota and MRES have entered into a separate Transmission Capacity Contract by which MRES shall acquire the transmission capacity from Western Minnesota's interest in the Facilities leased pursuant to this Agreement in order to fulfill its obligations under the T-1 Agreement; and

WHEREAS, it is intended that MRES shall have the right to direct the operation of the Facilities, while the City shall continue to operate and maintain the Facilities; and

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

- (i) That the Facilities Lease Agreement (Lease) between the City of Benson, Minnesota and Western Minnesota Municipal Power Agency and Missouri Basin Municipal Power Agency d/b/a Missouri River Energy Services is approved in substantially the form presented; and
- (ii) That the Mayor or City Manager shall be, and each of them hereby is authorized and directed to execute and deliver the Facilities Lease Agreement (Lease), on behalf of the City of Benson, Minnesota.

Member Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Claussen, Johnson, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2009-06 duly passed and adopted.

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

**RESOLUTION TO AUTHORIZE TRANSMISSION SERVICE AGREEMENT (T-1)
(RESOLUTION NO. 2009-07)**

WHEREAS, the City of Benson, Minnesota] is a member of Missouri Basin Municipal Power Agency d/b/a Missouri River Energy Services ("MRES"); and

WHEREAS, the City of Benson is currently purchasing from MRES under the Power Sale Agreement (S-1) all electric power and energy it requires to meet the needs of its customers in excess of Benson's firm power allocation from the Western Area Power Administration ("WAPA"); and

WHEREAS, the City of Benson requires transmission service to obtain delivery of the power and energy it purchases from WAPA and MRES and thereby to provide adequate electric power and energy services to its customers; and

WHEREAS, the City of Benson has requested that MRES provide transmission service and certain ancillary services for all of its requirements; and

WHEREAS, MRES desires and is empowered to provide transmission service and ancillary services pursuant to the purposes for which MRES was created; and

WHEREAS, due to changes in the structure of the electric utility industry, there is significant risk that the transmission costs of MRES members will increase significantly and MRES decided to optimize efficiencies and reduce risk for individual members by consolidating its existing transmission arrangements into a single Transmission Service Agreement (T-1) with a single transmission rate;

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

- (i) That the Transmission Service Agreement (T-1) between the City of Benson, Minnesota and MRES and Western Minnesota Municipal Power Agency is approved in substantially the form presented; and
- (ii) That the Mayor or City Manager shall be, and each of them hereby is authorized and directed to execute and deliver the Transmission Service Agreement (T-1), on behalf of the City of Benson, Minnesota.

Member Johnson seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Johnson, Fitz, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2009-07 duly passed and adopted.

Steve Orbeck gave a report on the Swift County-Benson Hospital Ambulance service.

The City Manager informed the Council that the Transit Committee recommends the following changes to the Benson Heartland Express:

Cease Saturday service but continue the Sunday hours
Increase the weekday one-way fare and Sunday ride to \$2.00

There was a consensus of the Council to table the recommendation from the Transit Committee to the next meeting.

The City Manager recommended that the Council consider a \$1.00 increase in the daily attendance fee and a 5% increase to the passes at the swimming pool. It was moved by Landmark and seconded by Claussen to approve the increase to rates as recommended by the City Manager. The following vote was recorded: AYES: Landmark, Claussen, Johnson, Kittelson. NAYS: Fitz.

The City Manager reviewed the Dutch Elm Tree removal charges that were adopted with the rate resolution on March 2, 2009. After discussion, the Council directed staff to re-write the resolution with the following guidelines:

- tree located on property owner's rear yard – 100% property owner cost
- tree located on side yard boulevard – 100% City cost
- tree located on property owner's front yard – 100% property owner cost
- tree located on front yard boulevard – 50% City/50% property owner cost

It was also mentioned that if the property owner wants to hire someone other than the City's tree contractor to remove a diseased tree on the front yard boulevard, the City will not participate in the cost to remove the tree.

It was moved by Claussen, seconded by Fitz and carried unanimously to enter into a contract with USAquatics to review the Benson Outdoor Swimming Pools for compliance with

the Virginia Graeme Baker Pool and Spa Safety Act to ensure they are in compliance with federal standards. The cost to review the facility and prepare the report is \$2,500.

It was moved by Claussen, seconded by Johnson and carried unanimously to approve the following amendment to the Garbage Collection Agreement with Mattheisen Disposal effective January 1, 2009:

Residential Units	-	1220
Unit Price	-	\$7.10 per unit
Monthly Cost	-	\$8,662.00
Total Annual Cost	-	\$103,944.00

The Public Works Director informed the Council that quotes were solicited for the City's 2009 requirements for tires. The following quotes were received:

Farmers Union Oil Co, Monte Firestone Montevideo, MN	\$10,662.99 (includes tax)
Glacial Plains Cooperative Benson, MN	\$9,873.99 (includes tax)

It was moved by Fitz, seconded by Landmark and carried unanimously to award the bid to Glacial Plains Cooperative in the amount of \$9,873.99 for the purchase of tires for 2009.

It was moved by Claussen, seconded by Landmark and carried unanimously to approve a pay request from Ziegler Caterpillar for generator maintenance in the amount of \$19,800.00.

It was moved by Fitz, seconded by Claussen and carried unanimously to approve the bills and warrants in the amount of \$257,700.07.

At 6:36 p.m. the Council went into closed session to conduct the City Manager's performance review. At 6:51 p.m., the Council came out of closed session. The Mayor announced that they had conducted the City Manager's performance review and it was reported that he had received a satisfactory review.

There was a consensus of the Council to unanimously approve the following exempt salaries:

	2008	2009
City Manager	\$74,594	\$77,205
Finance Director	\$63,998	\$66,238
Public Works Director	\$60,100	\$62,204
Police Chief	\$58,710	\$60,765
Building Official	\$24.82/hr	\$25.69/hr
Police Sergeant	\$24.38/hr	\$25.23/hr
Liquor Store Manager	\$42,926	\$44,428
Administrative Assistant	\$19.00/hr	\$19.67/hr

There was a consensus of the Council to unanimously adjourn the meeting at 6:52 p.m.

Mayor

Attest: _____
City Manager