

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
OCTOBER 4, 2010**

The meeting was called to order at 5:30 p.m. by Mayor Paul Kittelson. 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, Building Official Mike Jacobson, and Ben Wilcox.

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

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

- a. September 20, 2010 Regular City Council Meeting
- b. August 30, 2010 SCBH Board Meeting
- c. September 16, 2010 Safety Committee Meeting

The following correspondence was reviewed:

- To John Winkel (201 – 11th St. No.) Staff informed the Council that there were a number of miscommunications with Mr. Winkel's project on all levels. This property is in a B-2 zone and is an existing non-conforming use. The letter informed Winkel that due to the miscommunications, he will not be required to obtain a conditional use permit in order to keep both garages, the October 4 public hearing was cancelled and the \$150 application fee was returned to him.
- Riggs Opland RE: Mowing Charges at Parcel #23-0230-000: It was moved by Landmark, seconded by Claussen and carried unanimously to leave the billing as invoiced for mowing charges for 2010.
- Prom AfterBash: It was moved by Fitz, seconded by Hess and carried unanimously to approve waiving the rental fee for the Prom AfterBash to use the armory on April 30.
- Benson Women of Today RE: Informing the City about the Toys for Tots program

The Council was informed that the Mayor, City Manager, Finance Director, and Public Works Director were attending the MRES area meeting in Alexandria on October 28.

The Building Official informed the Council that he has cancelled the agreement with Piotter Construction of Milan, Minnesota to construct a building to enclose the loading dock area at the Benson Civic Center. He has now contracted with Marcus Construction to do the project. Marcus Construction has ordered the materials and should be starting work in December.

Ben Wilcox from Wilcox Law Office informed the Council on a recent Minnesota Supreme Court decision that makes it almost impossible for a local board to approve a variance. Now a property owner must prove that their property would have no reasonable use without the variance. He mentioned they are expecting that legislators will change the language so local boards will be able to issue variances.

The Council was informed that Wilcox Law Office is working on an interconnect ordinance for the Electric Utility.

The next item discussed was the Water Filter Plant Improvement Project. The City Manager informed the Council that the Intended Use Plan came out today and nothing has changed. Staff recommends proceeding with the project and entering into an agreement with Bonestroo for engineering services. It was moved by Claussen, seconded by Hess and carried unanimously to approve an agreement with Bonestroo and proceed with plans and specifications for the project. Estimated engineering costs for Phase 1 and 2: \$257,000 plus no more than \$3,000 for reimbursable expenses and Phase 3: \$195,000 plus no more than \$15,000 for reimbursable expenses. There will also be some additional engineering service costs that Bonestroo will not be providing. The Council was informed to expect a water rate increase resolution at the next meeting.

It was moved by Claussen, seconded by Landmark and carried unanimously to approve an agreement with Bonestroo to provide engineering services for Sandy's Sanitary Sewer Lift Station Renovation project. Estimated engineering costs are \$65,000 plus reimbursable expenses. There will also be some additional engineering service costs that Bonestroo will not be providing.

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

**RESOLUTION TO AUTHORIZE
NORTHERN CITIES GROUP TRANSMISSION SERVICE AGREEMENT
(RESOLUTION NO. 2010-24)**

WHEREAS, the City of Benson 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 is currently receiving transmission service and certain ancillary services from MRES under an Integrated System Transmission Service Agreement dated March 31, 1986, as amended and supplemented (the "ISTSA") to which Western Minnesota Municipal Power Agency ("WMMPA") also is a party; and

WHEREAS, due to the anticipated expiration of certain agreements which serve as a basis for the ISTSA and due to certain potential financial benefits that may be realized by MRES and the City of Benson, MRES has offered to enter into a Northern Cities Group Transmission Service Agreement with the City of Benson, which will terminate the ISTSA and establish the terms under which MRES will provide transmission service and certain ancillary services to the City of Benson; and

WHEREAS, the effective date of the Northern Cities Group Transmission Service Agreement will be established as of the date that certain bonds are issued by WMMPA that will benefit the provision of transmission service, as described in the Northern Cities Group Transmission Service Agreement; and

WHEREAS, the City of Benson desires to enter into the Northern Cities Group Transmission Service Agreement in substantially the form presented;

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

1. The Northern Cities Group Transmission Service Agreement between the City of Benson and MRES and Western Minnesota Municipal Power Agency is approved in substantially the form presented; and
2. The Mayor shall be, and hereby is, authorized and directed to execute and deliver the Northern Cities Group Transmission Service Agreement on behalf of the City of Benson.

Councilmember Hess seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Hess, Claussen, Landmark, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-24 duly passed and adopted.

It was moved by Claussen, seconded by Hess and carried unanimously to approve level 6 service on the five new generators at the power plant by Ziegler for a total amount of \$8,525.00.

It was moved by Hess, seconded by Claussen and carried unanimously to approve an amendment to the Benson Heartland Express Drug and Alcohol Testing Policy.

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

**RESOLUTION SETTING ASSESSMENTS FOR FIRE SERVICE CHARGES
BY THE CITY OF BENSON, MINNESOTA FOR 2010 PAYABLE 2011
(RESOLUTION NO. 2010-25)**

BE IT RESOLVED, by the Benson City Council that the following assessments for 2010 Fire Service Charges as prepared by the City Manager are hereby approved and made a part thereof; and,

BE IT FURTHER RESOLVED, that the assessments hereinafter noted shall be submitted to the County Auditor on or before October 15, 2010 and placed on the tax roll for collection with the taxes collectable in 2011.

Charges	Name & Mailing Address	Legal Description & Parcel No.	Amount Due
Fire Call [House Fire at 500-9 th St. No.]	David & Karen Clausen 3190 Hwy. 95 Lt. 1912 Bullhead City, AZ 86442	Lot 11, Blk 1 Prairieview Addn. 23-1402-000	\$4,700.00
Fire Call [Gas Leak]	Connie Evenson 402 - 14 th St. So Benson, MN 56215	Lots 2-3, Block 8 McKinney's 1 st Add. 23-0460-000	\$750.00
TOTALS			\$5,450.00

Councilmember Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Claussen, Fitz, Hess, Kittelson. NAYS: None. Whereupon the Mayor declared Resolution No. 2010-25 duly passed and adopted.

The City Manager informed the Council that a Small Cities Development Program Short Form Application is being submitted for an additional 8-10 housing grants.

It was moved by Landmark, seconded by Claussen and carried unanimously to adjourn the meeting at 5:57 p.m.

Mayor

Attest: _____
City Clerk