

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
JULY 20, 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 Gary Landmark. Members absent: Paul Kittelson. Also present: City Manager Rob Wolfington, Finance Director Glen Pederson, Public Works Director Elliot Nelson, Mark Ruff, and Serena Vergin.

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

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

- a. July 6, 2009 Regular City Council Meeting
- b. June 10, 2009 Benson HRA Meeting
- c. January 19, 2009, March 4, 2009, March 16, 2009, April 20, 2009, and June 1, 2009 Benson Golf Club Meetings

The City Manager reviewed the following correspondence with the Council:

- a. Swift County Historical Society dated 6.24.09: It was moved by Fitz, seconded by Johnson and carried unanimously to grant permission to place a historical marker at Ambush Park for the Ox Cart Train/Hudson Bay Co. Warehouse, Woolen Mill, and Chippewa River.
- b. CenterPoint Energy RE: natural gas rate increase
- c. Hans Helgenset RE: Thanking local emergency services personnel for saving his newborn daughter's life.
- d. Charter Communications RE: Channel changes

The City Manager informed the Council that the Planning Commission held a public hearing on Conditional Use Permit No. 2009-03 to relocate a single family dwelling from 1700 McKinney Ave. to 307-17th St. So. The Planning Commission recommended that the Council approve Conditional Use Permit No. 2009-03. It was moved by Fitz, seconded by Johnson and carried unanimously to approve Conditional Use Permit No. 2009-03 to allow Herb Rajewsky to relocate a single family dwelling from 1700 McKinney Ave. to 307-17th St. So. with the condition that a 30 foot front yard setback be maintained.

Mark Ruff from Ehlers & Associates, Inc. as the city's financial advisors presented to the Council the results of the days sale of \$1,000,000 G.O. Water and Sewer Revenue Bonds and also congratulated the City on receiving an A+ bond rating from Standard and Poors. Council Member Fitz offered the following Resolution and moved its adoption:

RESOLUTION NO. 2009-15

[Body of Resolution to be inserted here]

Member Claussen seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Claussen, Johnson, Landmark. NAYS: None. ABSENT: Kittelson. Whereupon the President Pro-Tem declared Resolution No. 2009-15 duly passed and adopted.

The City Manager presented a draft Motorized Golf Cart and Mini Truck Use on Roadways Ordinance for the Council to review. He informed them that copies of the proposed

ordinance were given to local law enforcement and City Attorney for their review. This was informational with no action taken at this time.

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

**AUTHORIZATION TO EXECUTE
MINNESOTA DEPARTMENT OF TRANSPORTATION
GRANT AGREEMENT FOR AIRPORT IMPROVEMENT
EXCLUDING LAND ACQUISITION
(RESOLUTION NO. 2009-16)**

It is resolved by the City of Benson as follows:

1. That the state of Minnesota Agreement No. 95096. "Grant Agreement for Airport Improvement Excluding Land Acquisition," for State Project No. 7601-30 at the Benson Municipal Airport is accepted.
2. That the Mayor and City Manager are authorized to execute this Agreement and any amendments on behalf of the City of Benson.

Member Fitz seconded the foregoing Resolution and the following vote was recorded: AYES: Claussen, Fitz, Johnson, Landmark. NAYS: None. ABSENT: Kittelson. Whereupon the President Pro-Tem declared Resolution No. 2009-16 duly passed and adopted.

It was moved by Fitz, seconded by Johnson and carried unanimously to approve the Second Reading of An Ordinance Implementing a Gas Energy Franchise Fee on Centerpoint Energy Minnesota Gas for Providing Gas ("Centerpoint Energy") Energy Service within the City of Benson at a rate that will generate about \$50,000 per year.

The City Manager informed the Council that staff is working on obtaining easements in the block between 12th to 13th Street North that is just north of Elizabeth Avenue. Currently the City does not have an easement to allow maintenance of the overhead electric lines and the alleyway in this block. The City would like to bury the electric transmission line and continue to maintain the existing alleyway as a public right-of-way. This was informational with no action taken at this time.

The City Manager informed the Council that the Flower Basket, 850 Atlantic Ave., constructed a green house behind their building that is almost 5 feet onto the City's right-of-way. This structure is not a permanent structure and he is proposing to grant the Flower Basket a temporary encroachment for a number of years and record the encroachment agreement at the courthouse. It was moved by Fitz, seconded by Johnson and carried unanimously to authorize the Mayor and City Manager to sign the temporary encroachment agreement as presented by the City Manager.

The Finance Director reviewed the Budget Report through June 30, 2009 with the Council.

The Finance Director presented the revised 2009 General Fund Budget for the Council's consideration. It was moved by Claussen, seconded by Johnson and carried unanimously to approve the revised 2009 General Fund Budget.

It was moved by Claussen, seconded by Fitz and carried unanimously to authorize entering into a three-year contract with Conway, Deuth and Schmiesing, PLLP to provide audit services in the amount of \$18,100 for 2009, \$18,600 for 2010 and \$19,100 for 2011.

It was moved by Claussen, seconded by Johnson and carried unanimously to approve the bills and warrants in the amount of \$484,444.77.

The City Manager informed the Council that a meeting with the County to discuss policing issues will be held from 1 to 3 pm on July 30, 2009 in the City Council Chambers. Members should contact the Mayor if they are able to attend this meeting.

The City Manager informed the Council that he is planning to apply for additional money for demolition of the Benson Market building. Council Member Fitz offered the following Resolution and moved its adoption:

**CITY OF BENSON
LOCAL GOVERNMENT APPLICATION RESOLUTION
(RESOLUTION NO. 2009-17)**

BE IT RESOLVED that the City of Benson act as the legal sponsor for projects contained in the Redevelopment Grant Program to be submitted on July 31, 2009 and that the Mayor and City Clerk are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Benson.

BE IT FURTHER RESOLVED that the City of Benson has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

BE IT FURTHER RESOLVED that the sources and amounts of the local match identified in the application are committed to the project identified.

BE IT FURTHER RESOLVED that the City of Benson has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practices.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of Benson may enter into an agreement with the State of Minnesota for the above referenced projects, and that the City of Benson certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to execute such agreements as are necessary to implement the project on behalf of the City of Benson.

Member Johnson seconded the foregoing Resolution and the following vote was recorded: AYES: Fitz, Johnson, Claussen, Landmark. NAYS: None. ABSENT: Kittelson. Whereupon the President Pro-Tem declared Resolution No. 2009-17 duly passed and adopted.

The Council was informed that the City sent a number of public works department employees to assist with the cleanup at Swift Falls due to tornado damage.

The Public Works Director informed the Council that the street project on McKinney Avenue started today and the well project is underway.

It was moved by Johnson, seconded by Claussen and carried unanimously to adjourn the meeting at 6:22 p.m.

Mayor

Attest: _____
City Clerk