

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
NOVEMBER 19, 2012**

The meeting was called to order at 5:35 p.m. by Mayor Kittelson. Members present: Paul Kittelson, Ben Hess, Mike Fugleberg, and Sue Fitz. Members Absent: Gary Landmark. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Public Works Director Elliot Nelson, Assistant City Attorney Ben Wilcox and Prairie 5 Senior Nutrition Manager Erick Hedman.

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

- November 5, 2012 City Council Meeting
- November 5, 2012 Planning Commission Meeting
- October 18, 2012 EDA Meeting

The City Council was reminded there are two openings on the Park Board.

Wilcox approached the Council with a memorandum referring to State & City law relating to Airsoft Rifles and other similar air firearms. He said Minnesota Statutes states that the legislature preempts all authority of cities regarding the regulation of firearms, but allow municipalities to regulate the discharge of firearms, and that a city is also free to adopt regulations that are identical to state law. State statutes say it is prohibited to discharge an airsoft firearm within the city limits. After discussion, it was decided by the Council to refer possible facilitation ideas to the Planning Commission for them to research, comment and bring their suggestions back to the City Council.

Erick Hedman with Prairie 5 Senior Nutrition approached the Council with a report of a matching grant awarded the Senior Center for kitchen upgrades to the dish washer which is 10 years old, and the double door refrigerator that is 30 years old. Both appliances are in need of replacement. The grant specs state they will pay for 75% of the costs, if the local Senior Center can raise the 25%. Hedman estimates the cost to replace these items will be \$10,000. After discussion, it was moved by Fitz, seconded by Fugleberg and carried unanimously to approve the 25% match for the dishwasher and refrigerator at the Senior Center.

Wolfington updated the Council on the new Small Cities Grant. He said the preliminary agreement has been submitted last week. There were plenty of homes in the target zone, and lots of applications turned in for home improvements. The grants will be awarded early summer of 2013 and we will have 3 years to complete the project. The previous Small Cities Grant is in the process of wrapping up.

The Grant Agreement-Construction Grant for the Benson Creamery Site was reviewed. Wolfington stated the City Attorney reviewed the agreement. It was moved by Fugleberg, seconded by Hess and carried unanimously to authorize the Mayor and City Manager to sign the Demolition Grant Agreement for the Creamery Site.

Wolfington said that after three years, the Benson Landfill ownership has been transferred to the State under the Minnesota Pollution Control Agency Closed Landfill Program.

The Power Plant NESHAP Bids for the catalytic converters for the Gensets were reviewed by Public Works Director Nelson. Two bids were submitted. Miratech Corporation submitted a bid of \$94,300.00, and Ziegler Power System submitted a bid of \$144,055.00. After analysis of the bids by DeWild, Grant, Reckert and Associates, Co. (DGR), it was determined Miratech did not meet the specifications for the project. After discussion, it was moved by Hess, seconded by Fitz and carried unanimously to approve Ziegler Power System's bid of \$144,055.00.

Nelson reported the DitchWitch boring machine was in need of some general maintenance. One item on the service estimate in the amount of \$1,900.00 was to replace a safety feature alarm which warns the line crew if they are getting too close to high voltage. Henning, Minnesota utilities used the boring machine for a project, shorting out this feature. Nelson stated they will be seeking compensation for repairs for this line item from Henning. It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve the service estimate in the amount of \$6,135.00.

Next Wolfington talked about the Flood Hazard Mitigation Grant for the northwest flood levy. He said of the 28 residents, he received replies of 14 for the project, 13 against the project and 1 abstained. The grant is in the amount of \$130,000.00. The state is asking for execution of the grant this year, to be spent in 2013. Wolfington went on to say if the Council decides to proceed, the feasibility study will have to be redone and negotiations will have to begin with landowners to the north for the property to build the dike on. Notifications will go out to the homeowners, public hearings to present assessments, then order specs. Wolfington said at the recent Flood Manager's meeting, a study could be done on the railroad bridge on highway 9 west, and asked Boonestroo for an estimate on that study. After discussion, it was noted if after the new feasibility study does not come back satisfactory the project can be stopped at anytime. Wolfington estimated spec costs could be around \$25,000-\$30,000. It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve a new feasibility study.

Pederson reviewed the October 2012 budget.

It was moved by Hess, seconded by Fugleberg and carried unanimously to approve bills and warrants in the amount of \$450,216.03.

There being no other business, a motion was made by Hess, seconded by Fitz and carried unanimously to adjourn the meeting at 6:17 p.m.

Mayor

City Clerk