

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
NOVEMBER 5, 2012**

The meeting was called to order at 5:30 p.m. by Mayor Kittelson. Members present: Paul Kittelson, Gary Landmark, Ben Hess, Mike Fugleberg, and Sue Fitz. Members Absent: None. Also present: City Manager Rob Wolfington, Acting Police Chief Paul Larson, Police Officers Nancy Dosedall, Dusty Burton & Canine Officer Riddle, Dave, Janet and Eric Johnson, Kathy Ahrndt, Kurt Flegel, Kristina Goff, Head Librarian Kristin Woizeschke, and Chamber of Commerce Manager Lacey Fahl.

The Mayor called for any unscheduled business. Janet Johnson addressed the Council, requesting the Council review City Ordinance §130.01 in reference to changing the classification of air soft rifles. She said her son and his friends were recently shooting air soft guns at a bin site on the south side of town with property owner permission. They did not realize the property is inside the city limits. She stated Officer Larson handled the situation well. She asked the Council to review this ordinance. Mayor Kittelson said when the air rifles were laid next to a real rifle, you could not tell the difference. The required orange tips had been either removed or painted over on some of the air soft guns, which makes it impossible for an officer to distinguish the difference. There was discussion about establishing somewhere for the kids to shoot the air soft guns. Wolfington said he has asked the City Attorney to review the State law and case and provide the City Council with a legal opinion. It was the consensus of the Council to review all the information, and bring it back to a future Council meeting.

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

- October 15, 2012 City Council Meeting
- October 15, 2012 Park Board Meeting

Wolfington shared correspondence from the Minnesota Pollution Control Agency thanking the City for their concerted efforts to reduce, restrict and monitor the phosphorus discharge into the river.

The Council was presented with board applications for the Planning and Airport Commissions, both from the same applicant. Wolfington stated the Planning Commission has a member that has not participated for over six months. It was moved by Landmark, seconded by Hess and carried unanimously to approve Berent Klemm to the Airport Commission, and to replace David Stewart on the Planning Commission. Both terms will expire 12/31/2015.

The Mayor will be in Alexandria November 15-16, 2012 for the Coalition of Greater Minnesota Cities Conference. The City Manager will be in Rochester November 14-16, 2012 to attend the Flood Manager's Conference.

Officer Burton introduced K-9 Officer Riddle to the Council. Riddle is a narcotic dog and can also perform article searches and track suspects. Officer Burton did a demonstration of Riddle's skills for the Council. Officer Larson stated Riddle was paid for with drug forfeiture monies.

Mayor Kittelson opened the Public Hearing at 5:57 p.m. Wolfington said the Planning Commission met today to review a Variance Application for a shed that is larger than allowed by the ordinance. Wolfington stated the Planning Commission, reviewed and recommended approval of the Variance Application. After discussion, it was moved by Fugleberg, seconded by Hess and carried unanimously to approve the Variance Application at 418 – 9<sup>th</sup> St. N.

Next head librarian Kristin Woizeschke reviewed the 2012 Library programs and the 2013 budget. Mayor Kittelson commended Woizeschke on a good job at the Library. It was moved by Fitz, seconded by Hess and carried unanimously to accept the Library's report.

Lacey Fahl reviewed the 2012 Tourism budget and proposed projects for 2013. with the Council. It was moved by Fugleberg, seconded by Fitz and carried unanimously to accept the Benson Tourism Report.

Councilmember Landmark offered the following Resolution and moved its adoption:

**RESOLUTION OF SUPPORT FOR PRAIRIE CORRECTIONAL FACILITY  
APPLETON, MINNESOTA  
(RESOLUTUION 2012-29)**

**WHEREAS**, Corrections Corporation of America (CCA) and Prairie Correctional Facility (PCF) have provided significant economic benefits to the Upper Minnesota Valley region; and

**WHEREAS**, CCA and PCF have provided invaluable economic and employment benefits to the community of Appleton and surrounding region through taxes, wages and local contracts for services; and

**WHEREAS**, CCA and PCF have the opportunity to garner a long term federal contract for inmates that would stabilize their economic impact in the region; and

**WHEREAS**, the opportunity for this contract is supported by the Upper Minnesota Valley Regional Development Commission's Comprehensive Economic Development Strategy that supports: the retention and expansion of this local business; the development of this regional targeted industry; the development of higher skill, higher wage employment opportunities; and the fostering of public-private partnerships that reduce duplication and increase service delivery; and

**NOW THEREFORE BE IT RESOLVED** that the City Of Benson of Benson, Minnesota does hereby support Corrections Corporation of American's proposal to secure a long term contract for Prairie Correctional Facility in Appleton, MN.

Member Fugleberg seconded the foregoing motion and the following vote was recorded: AYES: Hess, Fitz, Landmark, Kittelson, Fugleberg. NAYS: None. Whereupon Mayor Kittelson declared Resolution No. 2012-29 duly passed and adopted.

Councilmember Fitz offered the following Resolution and moved its adoption:

**POLICE OFFICER DECLARATION  
(RESOLUTION NO. 2012-30)**

**WHEREAS**, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

**WHEREAS**, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

**BE IT RESOLVED** that the City Council of the City of Benson hereby declares that the position titled Part-Time Police Officer, currently held by Justin Girard meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

Member Hess seconded the foregoing motion and the following vote was recorded: AYES: Hess, Fitz, Landmark, Kittelson, Fugleberg. NAYS: None. Whereupon Mayor Kittelson declared Resolution No. 2012-30 duly passed and adopted.

Councilmember Hess offered the following Resolution and moved its adoption:

**RESOLUTION ESTABLISHING MAINTENANCE OF ACCOUNTS  
WITH MULTI-BANK SECURITIES, INC.  
(RESOLUTUION NO. 2012-31)**

**RESOLVED:**

**FIRST:** That the named Authorized Persons of this organization or City Manager or Director of Finance be and they hereby are, and each of them is, authorized and empowered, for and on behalf of this organization (herein called the "Organization"), to establish and maintain one or more accounts with Multi-Bank Securities, Inc.(herein called the "Brokers") and Pershing LLC, its successors or assigns, and for the purpose of purchasing, investing in, or otherwise acquiring, selling, possessing, transferring, exchanging, pledging, or otherwise disposing of or realizing upon, and generally dealing in and with; any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, chooses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise;

The fullest authority at all times with respect to any such commitment or with respect to any transaction deemed by any of the said Authorized Persons and/or agents to be proper in connection therewith is hereby conferred, including authority (without limiting the generality of the foregoing) to give written or oral instructions to the Brokers with respect to said transactions; to bind and obligate the Organization to and for the carrying out of any contract, arrangement, or transaction, which shall be entered into by any such Authorized Persons and/or drafts drawn upon the funds of the Organization such sums as may be necessary in connection with any of the said accounts to deposit funds with the Brokers; to deliver securities and/or contracts to the Brokers; to order the transfer or delivery thereof to any other person whatsoever, and/or to order the transfer record of any securities, or contracts, or titles, to any name selected by any of the said Authorized Persons or agents; to affix the Organization's seal to any documents or agreements, or otherwise; to endorse any securities and/or contracts in order to pass title thereto; to direct the sale or exercise of any rights with respect to any securities; to sign for the Organization all releases, powers of attorney and/or other documents in connection with any such account, and to agree to any terms or conditions to control any such account; to direct the Brokers to surrender any securities to the proper agent or party for the purpose of effecting any exchange or conversion, or for the purpose of deposit with any protective or similar committee, or otherwise; to accept delivery of any securities, to borrow money and securities, if applicable, and to secure repayment thereof with the property of the Organization; to appoint any other person or persons to do any and all things which any and all things which any of the said Authorized Persons and/or agents is hereby empowered to do, and generally to do and take all action necessary in connection with the account, or considered desirable by such Authorized Persons and/or agents with respect thereto.

**SECOND:** That the Brokers may deal with any and all of the persons directly or indirectly by the foregoing resolution empowered, as though they were dealing with the Organization directly

**THIRD:** That the person signing this Non-corporate Resolution on behalf of the Organization be and hereby is authorized, empowered and directed to certify to the Brokers:

- (a) a true copy of these resolutions;
- (b) specimen signatures of each and every person by these resolutions empowered;
- (c) a certificate (which, if required by brokers, shall be supported by an opinion of the general counsel of the Organization, or other counsel satisfactory to the Brokers) that the Organization is duly organized and existing, that its governing rules empower it to transact the business by these resolutions defined, and that no limitation has been imposed upon such powers by the governing rules of the Organization or otherwise.

**FOURTH:** That the Brokers may rely upon the certified copy of the resolutions, specimen signatures, and certificate, as continuing fully effective unless and until the Brokers shall receive due written notice of change or rescission, and the dispatch or receipt of any other form of notice shall not constitute a waiver of this provision. Nor shall the fact that any person hereby empowered ceases to be an Authorized Person of the Organization or becomes an Authorized Person under some title, in any way affect the powers hereby conferred, but the failure to supply any specimen signature shall not invalidate any transaction where the party authorizing the same has been actually empowered thereto by or in conformity with these resolutions.

**FIFTH:** That in the event of any change in the office of powers of persons hereby empowered, an Authorized Person shall certify such changes to the Brokers in writing in the manner herein above provided, which notification, when received, shall be adequate both to terminate the powers of the persons therefore authorized, and to empower the persons thereby substituted.

**SIXTH:** That the Authorized Persons of the Organization be, and hereby is, authorized and empowered to countersign items as aforesaid.

**SEVENTH:** That the foregoing resolutions and the certificates actually furnished to the Brokers by the Authorized Person of pursuant thereto, be and they hereby are made irrevocable until written notice of the revocation thereof shall have been received by the Brokers.

Member Landmark seconded the foregoing motion and the following vote was recorded: AYES: Hess, Fitz, Landmark, Kittelson, Fugleberg. NAYS: None. Whereupon Mayor Kittelson declared Resolution No. 2012-31 duly passed and adopted.

Wolfington reviewed the Small Cities Development Program Monitoring Report. Swift County HRA handles the administration of our grant. The report was good, which will help with our next grant.

Bids for the Power Plant NESHAP bids were tabled until the next meeting.

Wolfington told the Council the total of residents for and against the proposed flood levy project are currently tied 13 for and 13 against the project, one resident abstained and no response from one resident. If the project moves ahead, there will need to be another feasibility study, and public hearings with assessment projections before the project can be started. Wolfington stated he feels the project won't happen until 2014.

Wolfington updated the Council on the Chief of Police search. He wants to start advertising for the position after the first of the year.

Next Wolfington told the Council the demolition of the Benson Market South site has begun, with stripping outside material off on the south side of the buildings. The contractor is waiting for the Railroad permit in order to finish the project.

The September 2012 budget report was reviewed.

Mayor Kittelson closed the Public Hearing at 6:26 p.m.

There being no other business, a motion was made by Fugleberg, seconded by Landmark and carried unanimously to adjourn the meeting at 6:27 p.m.

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Mayor

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City Clerk