

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
DECEMBER 1, 2014**

The meeting was called to order at 5:30 p.m. by the Mayor. Members present: Paul Kittelson, Mike Fugleberg, Jack Evenson, Stephanie Heinzig & Sue Fitz. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Director of Public Works Dan Gens, Police Chief Ian Hodge, Benson School Superintendent Dennis Laumeyer, and MnDOT Regional Transit Operations Manager Bev Herfindahl.

It was moved by Fitz, seconded by Evenson and carried unanimously to approve the following minutes:

- November 17, 2014 City Council Meeting
- October 23, 2014 EDA Meeting
- October 27, 2014 Swift County-Benson Hospital Minutes
- November 26, 2014 Benson Tourism Board

Wolfington presented correspondence from Charter Communications announcing a rate increase of the TV surcharge from \$5.00 to \$5.25 per month.

CenterPoint Energy also sent a memo noting a rate increase of \$34 per year.

Hodge, Laumeyer and Bev Herfindahl approached the Council. Wolfington explained issues facing the Benson Heartland Express. First he explained because of expansion of the Early Childhood Program, we have more young kids on the bus than before. A second issue is the number of kids riding the bus after school exceeds the number of seats available on the bus. According to Federal Transportation guidelines, standing is allowed on public transportation, but not on a school bus. The third issue is the drivers are dispatching, driving and keeping track of statistics. Last year we had 50,000 passengers riding the buses. One option discussed was either merging with Prairie Five Rides out of Montevideo, or contracting with Prairie Five Rides for dispatching. They have a hands-free system where the dispatcher feeds the drivers their next pick-up or drop off on an electronic tablet. There was discussion on the pros and cons of merging or contracted dispatching.

Mayor Kittelson opened the Truth in Taxation hearing at 6 p.m.

Herfindahl discussed regional systems that have merged, and explained how other small systems are operating. She also stated the State of Minnesota is interested in systems consolidating, and not contracting for dispatching services. Regulations are getting to be daunting and becoming so time consuming it is becoming increasingly more difficult to administer all the changes. The Mayor expressed he is not interested in merging, but possibly contracting for dispatching services. The Council directed staff to look into what it would take to contract for dispatching services with Prairie 5.

Wolfington presented a letter from Moss & Barnett explaining the proposed change in ownership of the cable franchise Charter Communications to New Charter Inc.

Councilmember Fugleberg offered the following Resolution and moved its adoption:

**APPROVING THE PROPOSED TRANSFER OF
THE CABLE FRANCHISE CURRENTLY HELD BY CC VIII OPERATING, LLC
D/B/A CHARTER COMMUNICATIONS
(RESOLUTION NO. 2014-21)**

WHEREAS, CC VIII Operating, LLC d/b/a/Charter Communications (hereinafter referred to as (“Grantee”), currently holds a cable television franchise (“Franchise”) granted by the City of Benson, Minnesota (“City”).

WHEREAS, Grantee owns, operates and maintains a cable television system in the City (“System”) pursuant to the terms of the Franchise.

WHEREAS, on February 12, 2014, Comcast Corporation (“Comcast”) and Time Warner Cable Inc. (“TWC”) entered into an Agreement and Plan of Merger; and

WHEREAS, on April 25, 2014, Charter Communications, Inc., (“Charter”) the parent entity of Grantee and Comcast entered into the Comcast/Charter Transactions Agreement, and pro forma corporate restructuring pursuant to which Charter will merge with and into a wholly owned indirect subsidiary of Charter which will become “New Charter,” which shall become the ultimate parent of Grantee (“Transaction”) and

WHEREAS, the ultimate control of Grantee will not change as a result of this corporate restructuring, and the stockholders of Charter shall become the stockholders of New Charter; and

WHEREAS, on or about August 29, 2014 the City received from Grantee, FCC Form 394 – Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise (“Application”); and

WHEREAS, Federal law and the terms of the Franchise require that the City take action to consider the Application within one hundred twenty (120) days of the date of receipt, or on or before December 27, 2014; and

WHEREAS, Section 9.5 of the Franchise requires the City’s advance written consent prior to the Grantee’s change in ownership; and

WHEREAS, as a result of the proposed Transaction Grantee has requested consent from the City to the proposed change in ownership; and

WHEREAS, the City has reviewed the proposed Transaction, and based on information provided by Grantee and Comcast and on the information received by the City, the City has elected to approve the proposed Transaction subject to certain conditions as set forth herein.

NOW, THEREFORE, the City of Benson, Minnesota hereby resolves as follows:

1. All of the above recitals are hereby incorporated by reference as if fully set forth herein.
2. The Franchise is in full force and effect and grantee is the lawful holder of the Franchise.
3. The City hereby consents and approves of the proposed Transaction.
4. Grantee will be the lawful holder of the Franchise after completion of the Transaction.
5. The City’s consent to the Transaction shall not serve to waive any rights City may have to hold Grantee liable for any and all liabilities, known and unknown, under the Franchise
6. In the event the proposed Transaction contemplated by the foregoing resolution is not completed, for any reason, the City’s consent shall not be effective.

This Resolution shall take effect and continue and remain in effect from and after the date of its passage, approval and adoption.

Councilmember Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Kittelson, Heinzig, Fugleberg, Fitz, Evenson. NAYS: None. Thereupon the Mayor declared Resolution 2014-21 duly passed and adopted.

The City Manager informed the Council that staff solicited for fuel bids for the City's fuel needs from December 1, 2014 to December 1, 2016. The following Bids were received:

Glacial Plains Cooperative, Benson

Fuel	Posted Price on November 26, 2014	Discount	Net Price
Unleaded	\$2.74 ⁹	\$.06	\$2.68 ⁹
E85	\$2.28 ⁹	\$.06	\$2.22 ⁹
#1 Diesel (Wintermaster)	\$4.35 ⁹	\$.06	\$4.29 ⁹
#2 Diesel	\$3.84 ⁹	\$.06	\$3.78 ⁹
Premium Diesel	\$3.89 ⁹	\$.06	\$3.83 ⁹

Holiday Stationstores, Benson

Fuel	Posted Price on November 26, 2014	Discount	Net Price
Unleaded	\$2.74 ⁹	\$.07	\$2.67 ⁹
E85			
#1 Diesel			
#2 Diesel			
Premium Diesel			

It was moved by Heinzig, seconded by Evenson and carried unanimously to approve the fuel bid from Glacial Plains Cooperative, Benson.

Wolfington presented a report to the Council from the League of Minnesota Cities Insurance Trust outlining the rates and coverage changes for 2015.

Councilmember Fitz offered the following Resolution and moved its adoption:

**RESOLUTION SETTING ASSESSMENTS FOR WATER AND
SEWER SERVICES RENDERED BY THE CITY OF
BENSON, MINNESOTA FOR 2014 PAYABLE 2015
(RESOLUTION NO. 2014-22)**

BE IT RESOLVED, by the Benson City Council that pursuant to Minnesota Statutes Chapter 444 that the assessment roll for 2014 Sewer and Water Bills as prepared by the City Manager is hereby approved and made a part therefore; and,

BE IT FURTHER RESOLVED, that the assessments hereinafter noted shall be submitted to the County Auditor and placed on the tax roll for collection with the taxes collectable in 2015.

Account Number, Name & Address	Legal Description & Parcel No.	Sewer	Water	Totals
201-0022-00-01 512 15 th St. N Jim Thorson	RAILWAY 2ND ADDITION LT 8 BLK 3 23-0385-000-01	\$30.63	\$57.44	\$88.07

202-0051-00-13 211 18 th St. N Equity Gateway, LLC	Lots 5 & 6, Block 50 Arthur Thornton Addition 23-0314-000	\$318.50	\$6.36	\$324.86
202-0081-00-03 203 19 th St. N. Becky Mast	S 75 Ft Lt 6, Block 8 Second Park Place 23-1057-000	\$318.50	\$6.36	\$324.86
202-0083-00-04 117 19 th St. N Robert Wilson/Diane Rodi	Alton Hume Addition Lot 1 Block 1 23-0763-000-01	\$152.75	\$89.86	\$242.61
304-0014-00-20 305 17 th St. S Herb Rajewsky	McKinneys 1st Addition Lot 10 Blk 3 23-0423-000-01	\$122.50	\$6.36	\$128.86
304-0047-00-02 1700 Minnesota Ave Earl J. Swartz Trust	Alsaker Addition Lot 13 & E 1/2 Lot 12 Blk 2 23-0774-000-01	\$98.00	\$60.56	\$158.56
402-0032-00-02 309 12 th St. S USDA Rural Development Corp	Railway 1st Addition Lts 31 & 32 Blk 4 23-0359-000-01	\$49.00	\$0.00	\$49.00
403-0054-00-28 601 Church Street Bernard Drivdahl	W 55 Ft Lot 1, Blk 1; W 55 Ft of N 28 Ft Lot 2, Blk 1 Hansen's Addition 23-0751-000-01	\$318.50	\$6.36	\$324.86
TOTALS		\$1,408.38	\$233.30	\$1,641.68

Councilmember Heinzig seconded the foregoing Resolution and the following vote was recorded:
 AYES: Kittelson, Heinzig, Fugleberg, Fitz, Evenson. NAYS: None. Thereupon the Mayor declared
 Resolution 2014-22 duly passed and adopted.

It was moved by Evenson, seconded by Fitz and carried unanimously to approve a Small Cities
 grant payment in the amount of \$3,610.00.

It was moved by Evenson, seconded by Fitz and carried unanimously to approve a Small Cities
 grant payment in the amount of \$33,237.00.

It was moved by Evenson, seconded by Fitz and carried unanimously to approve a Small Cities
 grant payment in the amount of \$5,929.00.

It was moved by Evenson, seconded by Fitz and carried unanimously to approve a Small Cities
 grant payment in the amount of \$5,970.00.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve the 2nd
 Reading Amending Special Ordinance 202 An Ordinance Implementing a Gas Energy Franchise Fee on
 Centerpoint Energy Minnesota Gas (“Centerpoint Energy”) for Providing Gas Energy Service Within The
 City Of Benson, Minnesota.

Pederson approached the Council with a capital purchase request of a new server. The current
 server is outdated, has been renovated once and currently has 2003 software on it. The server houses the
 City’s email, and backs up all our files. After discussion it was moved by Fitz, seconded by Heinzig and
 carried unanimously to approve the purchase of a new server from Morris Electronics in the amount of
 \$13,569.18.

There was a pay request from Central Specialties for 2014 bituminous work . It was moved by
 Evenson, seconded by Fugleberg and carried unanimously to approve the pay request to Central
 Specialties in the amount of \$91,046.14.

Next the City Manager presented the Council with the proposed 2015 General, Utility and Liquor budgets, significant accomplishments from 2014 and goals and objectives for 2015. The Mayor asked if there was anyone with questions on the budget and no one came forward. The Mayor closed the Truth in Taxation hearing at 7:00 p.m.

It was the consensus of the Council to have the first Council meeting of 2015 on January 2, 2015 at 5:30 p.m. in the Council Chambers.

There being no other business, a motion was made by Evenson, seconded by Heinzig and carried unanimously to adjourn the meeting at 7:04 p.m.

Mayor

City Clerk