

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
FEBRUARY 1, 2016**

The meeting was called to order at 5:30 p.m. by Mayor Landmark. Members present: Gary Landmark, Terri Collins, Jonathon Pogge-Weaver & Stephanie Heinzig. Members Absent: Jack Evenson. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Assistant City Attorney Ben Wilcox, Public Works Director Dan Gens, Fire Chief Mark Schreck, Firemen Dave Vollan, Rob Lee, UMRDC Project Manager Jacki Anderson and Jennifer & Terry Sullivan.

The Council recited the Pledge of Allegiance.

Mayor Landmark asked for any additions or changes to the agenda to which there were none.

It was moved by Heinzig, seconded by Collins and carried unanimously to approve the agenda.

The Mayor called for any persons with unscheduled business, to which there was none.

It was moved by Collins, seconded by Heinzig and carried unanimously to approve the following minutes:

- January 19, 2016 City Council Minutes
- December 9, 2015 EDA Minutes
- December 21, 2015 Special EDA Minutes

Wolfington shared a memo from BNSF Railway in effort to facilitate better communication with first responders and emergency planners. They have established a website for training, planning and communicating with BNSF in Benson.

Wolfington said the Minnesota Pollution Control Agency (MPCA) is holding a listening session on the Clean Power Plan in Marshall tomorrow. It will address the state's specific goal for carbon emission reduction in Minnesota.

Wolfington shared comments from the January 11, 2016 public input meeting on the railroad crossing study. He asked the Council to review MnDOT's comments. Peggy Harter with Stantec will be conducting a conference call at the February 22, 2016 Council meeting with options and recommendations on the railroad crossing study.

Heinzig asked if the Firemen have had any training on railroad emergencies. Schreck stated some firemen went to Pueblo, Colorado to the railroad training on oil tanker crashes last year.

Jennifer and Terry Sullivan owners of Patrick's Pub & Grill approached the Council with a street closure request. They would like to have 13th Street South blocked off between Kansas and Pacific Avenues to hold the awards ceremony for Hanny's Golf Tournament this summer. They also plan on having a beer/liquor garden but no band. After discussion, it was moved by Collins, seconded by Pogge-Weaver and carried unanimously to allow Patrick's Pub and Grill to close off 13th Street South between Kansas and Pacific Avenues on June 18, 2016 from 3 p.m. – 12:00 a.m.

Sullivans also had a request to close the same street off for the annual Kid Day Street Dance and Bean Bag Tournament. They would like to have a beer/liquor garden, outdoor grills, bean bag tournament and a band. They will provide proof of insurance, police presence and porta potties for the event. After discussion, it was moved by Collins, seconded by Pogge-Weaver and carried unanimously to approve

Patrick's Pub and Grill to close off 13th Street South between Kansas and Pacific Avenues on July 17-18, 2016 between the hours of 6a.m. – 3a.m. for the aforementioned Kid Day activities.

It was moved by Heinzig, seconded by Collins and carried unanimously to approve a gambling permit for the Northern Lights Trails Snowmobile Club on April 9, 2016 for their annual banquet.

It was moved by Collins, seconded by Pogge-Weaver and carried unanimously to approve Greg Zniwski to the Cemetery Board with his term ending on December 31, 2018.

It was moved by Collins, seconded by Pogge-Weaver and carried unanimously to approve Tara Ulmaniec to the Park Board with her term ending on December 31, 2018.

It was moved by Collins, seconded by Pogge-Weaver and carried unanimously to approve Bill McGeary to the Park Board with his term ending on December 31, 2018.

It was moved by Collins, seconded by Pogge-Weaver and carried unanimously to approve Susan Snow to the Library Board with her term ending on December 31, 2018.

It was moved by Collins, seconded by Pogge-Weaver and carried unanimously to approve Sheryl Madden to the EDA with her term ending on December 31, 2019.

It was moved by Collins, seconded by Pogge-Weaver and carried unanimously to approve Ron Laycock to the Planning Commission with his term ending on December 31, 2018.

Wolfington informed the Council of a home in Benson that was found to be uninhabitable. He presented Building Official Mike Jacobson's report of the home to the Council. Jacobson has posted the house with an order not to occupy the premises. Wolfington outlined the homeowner appeal process and possible public hearing if repairs are not made. Wilcox prepared an Order to Vacate and Repair Hazardous Building to be sent to the homeowners. Pogge-Weaver offered the following Resolution:

**RESOLUTION TO ORDER REPAIR OF HAZARDOUS CONDITIONS
(RESOLUTION NO. 2016-03)**

WHEREAS, the City Council has heard the report of the City Building Inspector regarding the property located at 305 16th St. S. in Benson, Minnesota, legally described as Lot Ten (10), Block Two (2), McKinney's First Addition to the City of Benson, Swift County, Minnesota,

WHEREAS, the City Council has determined, based on said report, that conditions currently exist in the building on the above described property which make said building dangerous or substandard, as a result of garbage, waste and refuse buildup and damage to the electric, gas, and water systems on the premises,

NOW THEREFORE, pursuant to Chapters 93 and 97 of the City of Benson Code of Ordinances and Minnesota Statutes, chapter 463, The City Council of the City of Benson, Minnesota resolves:

1. That the building located on the above described property contains hazardous conditions according to the definitions provided by the City of Benson Code of Ordinances, chapters 93 and 97 and Minnesota Statutes, chapter 463.
2. That an order to repair said conditions on the above described property be served upon the owners and tenants of the above described property in accordance with the City of Benson Code of Ordinances, chapter 97.

Councilmember Collins seconded the foregoing Resolution and the following vote was recorded: AYES: Collins, Landmark, Heinzig, Pogge-Weaver. NAYS: None. Thereupon the Mayor declared Resolution 2016-03 duly passed and adopted.

There was a request from the Benson Hockey Association to hold a bonfire at their February 6, 2016 open house event celebrating the completion of the outdoor rink. They will be promoting hockey and pleasure skating and what the Civic Center has to offer to the community. It was moved by Pogge-Weaver, seconded by Heinzig and carried unanimously to approve the bonfire as long as the ordinance requirements for open burning are met.

Mayor Landmark declared the Small Cities Public Hearing open at 5:45 p.m.

Wolfington presented a change to the Swift County-Benson Hospital's By Laws allowing an ex-officio member from the Benson City Council to serve on the hospital board. There was discussion that the City has appointed a voting member to the Hospital board, but it would be helpful to have a council member on the board so they can stay abreast of all the possible changes the Hospital is planning. It was moved by Heinzig, seconded by Pogge-Weaver and carried unanimously to appoint Terri Collins as an ex-officio member on the Swift County-Benson Hospital Board.

Next Fire Chief Schreck, Vollan and Lee approached the Council to discuss the Fire Truck Aerial Platform Quint bids received on January 20, 2016. Assistant City Attorney Wilcox offered an opinion on the bidding process, and felt it was done correctly. There were 5 bids received as follows:

M & T Fire Safety	\$948,460.00
USA Fire Safety	915,000.00 – Stock Unit Demo
	920,000.00 – Stock Unit Demo
	932,500.00 – New
Great Plains Fire	967,063.00
Heiman	799,674.00
Stoney Brook	923,705.00

The bids were scored after they were opened. Schreck said the truck will be delivered in one year. Bids need to be awarded within 30 days. Payments are due in five months, 9 months and a final payment due upon delivery. After discussion, it was moved by Heinzig, seconded by Pogge-Weaver and carried unanimously to approve the low bid by Heiman in the amount of \$799,674.00.

Next Jacki Anderson with the UMRDC approached the Council with an update on the Small Cities Grants. She said we are in the process of closing out the last grant, and is now focusing on the current Small Cities Grant. The new target area, which is supported by the housing study done two years ago, is the north east part of town. She said the pre-application was considered not competitive. Currently she is working on how to make the grant more competitive. Improvements to the SNAP building will be helpful on the application.

Councilmember Pogge-Weaver offered the following resolution:

**RESOLUTION AUTHORIZING THE SMALL CITIES
PROGRAM GRANT APPLICATION
(RESOLUTION 2016-04)**

BE IT RESOLVED that the City of Benson act as the legal sponsor for the project contained in the SCDP Application to be submitted on or before February 25th, 2016 and that the City of Benson Mayor, Gary Landmark and the City Manager, Rob Wolfington 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 construction, operation, maintenance and replacement of the proposed project for its design life.

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 practice.

BE IT FURTHER RESOLVED that upon approval of its application by the State, City of Benson may enter into an agreement with the State of Minnesota for the approved project, 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 City of Benson Mayor, Gary Landmark and Benson City Manager, Rob Wolfington, or their successors in office, are hereby authorized to execute such agreements and amendments thereto, as are necessary to implement the project on behalf of the Applicant.

Councilmember Collins seconded the foregoing Resolution and the following vote was recorded: AYES: Collins, Landmark, Heinzig, Pogge-Weaver. NAYS: None. Thereupon the Mayor declared Resolution 2016-04 duly passed and adopted.

The Small Cities Grant Citizen Participation Plan was reviewed. It was moved by Collins, seconded by Heinzig and carried unanimously to approve the Citizen Participation Plan as presented.

Councilmember Collins presented the following resolution:

**RESOLUTION IDENTIFYING “SLUM AND BLIGHTING” CONDITIONS
(RESOLUTION 2016-05)**

WHEREAS, The City of Benson is undertaking a program of downtown revitalization and redevelopment; and

WHEREAS, The City of Benson has identified a specific area hereafter referred to as the “target area” in which revitalization activities will occur; and

WHEREAS, The City of Benson has assessed the condition of buildings and the other characteristics of the target area and has determined that the area can be characterized as blighted by reasons of “dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any condition of these factors, which are detrimental to the safety, health, morals, or welfare of the “community” in accordance with M.S. 469.002, Sub.11.

FURTHERMORE, the Benson City Council has identified the existence of substandard residential units, the inability of commercial structures to meet codes, the general condition of deteriorating storefronts on the commercial buildings and the existence of dilapidated structures in the area as contributing to the slum and blighting conditions of the target area. (See attached map of target area.)

THEREFORE, BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENSON THE AREA IDENTIFIED AS THE TARGET AREA (SEE ATTACHED MAP) IS CHARACTERIZED BY CONDITIONS MEETING THE DEFINITION OF ‘SLUM AND BLIGHT’.

Councilmember Heinzig seconded the foregoing Resolution and the following vote was recorded: AYES: Collins, Landmark, Heinzig, Pogge-Weaver. NAYS: None. Thereupon the Mayor declared Resolution 2016-05 duly passed and adopted.

It was moved by Collins, seconded by Pogge-Weaver and carried unanimously to approve the revised Small Cities Grant budget of \$8,925 for overall administration and \$11,250 for energy efficiency incentives.

Next was a pay request from Stantec for services in preparing the Industrial Biotech Proposal. Wolfington said Swift County and Agralite will reimburse the City each 1/3 of the cost. It was moved by Pogge-Weaver, seconded by Heinzig and carried unanimously to approve the pay request from Stantec in the amount of \$5,807.00.

Wolfington presented two pay requests for work on the SNAP building. The first was from Asche Engineering for analysis and design of temporary supports for the building. It was moved by Heinzig, seconded by Collins and carried unanimously to approve the pay request from Asche Engineering in the amount of \$1,650.00. The second pay request was from Tyler’s Construction Services, LLC. to install the support system in the SNAP building. It was moved by Collins, seconded by Heinzig and carried unanimously to approve the pay request to Tyler’s construction in the amount of \$5,159.94. Wolfington said these pay requests will come out of the loan proceeds agreement with Jim Lindahl.

The Mayor closed the Small Cities Public Hearing at 6:26 p.m.

The Mayor declared a recess to the Street Department for a Council tour of the new building.

There being no other business, a motion was made by Collins, seconded by Pogge-Weaver and carried unanimously to adjourn the meeting at 6:45 p.m.

Mayor

City Clerk