

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
FEBRUARY 22, 2016**

The meeting was called to order at 5:30 p.m. by Mayor Landmark. Members present: Gary Landmark, Terri Collins, Jack Evenson, Jonathon Pogge-Weaver & Stephanie Heinzig. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Public Works Director Dan Gens, Police Chief Ian Hodge, MnDOT Regional Transit Director Bev Herfindahl, Byron Giese & Tom Simonson.

The Council recited the Pledge of Allegiance.

Mayor Landmark asked for any additions or changes to the agenda Wolfington added Charter Communications Franchise Agreement. The Mayor noted the addition.

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

The Mayor called for any persons with unscheduled business. Byron Giese and Tom Simonson asked to address the Council. They approached the Council with information on Benson Area Cares 4 Kids (BACK), asking for \$2,000 in funds to support their program to supply kids with weekend meals that may otherwise not have enough to eat. Giese stated they are now a 501C entity. After discussion, it was moved by Collins, seconded by Pogge-Weaver and carried unanimously to approve a \$2,000 donation to the BACK pack program.

Mayor Landmark brought the Charter Communications discussion to the table. Wolfington said there have been several extensions to the 2013 franchise agreement. There have also been business changes to the format. Smaller cities decided to let the larger cities work through the new agreement first. They have settled and now Moss and Barnett are ready to handle the negotiations for the City of Benson. Wolfington stated there are no major changes. It will be a 10 year agreement with a 5 year extension. Councilmember Evenson offered the following resolution:

**A RESOLUTION GRANTING CHARTER COMMUNICATIONS, INC.
A FRANCHISE EXTENSION TO JULY 18, 2016
(RESOLUTION NO. 2016-06)**

WHEREAS, on or about July 14, 2003, the City of Benson, Minnesota (“City”) granted a Cable Television Franchise Ordinance (“Franchise”) CC VIII Operating, LLC d/b/a Charter Communications (“Charter”); and

WHEREAS, the initial term of the Franchise expired on or about September 18, 2013; and

WHEREAS, the City adopted Resolution No. 2013-14 on August 19, 2013 extending the term of the Franchise through and including September 19, 2014; and

WHEREAS, Charter executed said Resolution No. 2013-14 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2014-13 on September 8, 2014 extending the term of the Franchise through and including March 31, 2015; and

WHEREAS, Charter executed said Resolution No. 2014-13 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 2015-04 on March 2, 2015 extending the term of the Franchise through and including August 31, 2015; and

WHEREAS, Charter executed said Resolution No. 2015-04 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, both the City and Charter desire to extend the term of the Franchise to facilitate renewal negotiations under state and federal law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Benson, Minnesota hereby resolves as follows:

1. The Franchise is hereby amended by extending the term of the Franchise from September 1, 2015 through and including July 18, 2016.
2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.
3. The City and Charter hereby agree that neither waives any rights either may have under the Franchise or applicable law.
4. This Resolution shall become effective upon the occurrence of both of the following conditions: (1) The Resolution being passed and adopted by the Benson City Council; and (2) Charter's acceptance of this Resolution.

Councilmember Heinzig seconded the foregoing Resolution and the following vote was recorded
AYES: Collins, Landmark, Heinzig, Evenson, Pogge-Weaver. NAYES: None. Thereupon the Mayor declared Resolution 2016-06 duly passed and adopted.

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

- February 1, 2016 City Council Minutes
- December 7, 2015 Planning Commission Minutes

Wolfington informed the Council the U.S. Census Bureau will be sending out a Government Units Survey to prepare for the 2017 Census of Governments.

Wolfington presented information from the Minnesota Pollution Control Agency, with a compliance evaluation inspection of the Benson Wastewater Treatment facility on February 1, 2016. There were two minor notations, which have been corrected.

It was moved by Collins, seconded by Evenson and carried unanimously to approve Sue Fitz to the Benson HRA Board with her term expiring 12/31/2020.

It was moved by Collins, seconded by Evenson and carried unanimously to approve Sue Fitz to fill out a term on the Planning Commission with her term expiring on 12/31/2016.

It was moved by Evenson, seconded by Pogge-Weaver and carried unanimously to approve Mike Berreau to the Planning Commission with his term expiring on 12/31/2018.

The Police report was noted.

Wolfington introduced Bev Herfindahl to the Council. Wolfington stated the Benson Heartland Express has been in service for 40 years. The City now has to make a decision how the service will proceed. There are three options; 1. Merge with Prairie 5 Rides out of Montevideo. It covers 5 counties with a dispatch center GPS that ties into a tablet on the bus directing rides. 2. Do nothing, which will trigger a series of FTA State audits and a cascade of consequences. 3. We provide our own dispatch service, hiring 3 full time dispatchers, software and equipment at around \$150,000 plus staff costs. The State will not fund costs associated with this to start up on our own. There will be no cost to merge with Prairie 5 Rides. They will accept our system and can start on July 1, 2016. If we decide to merge, there will be an amendment to the Labor contract as they transition over to the Prairie 5 system. Herfindahl shared what expenses the City will have if we merge, which should be under \$7,000 per year. Wolfington said he wasn't asking for a decision today. Program Manager Ted Nelson will be at the March 7, 2016 Council meeting to answer questions. Wolfington asked the Council to consider making a decision at that meeting.

Next Wolfington conducted a conference call with Peggy Harter, with Stantec on the Railroad Safety and Mobility Study options. Harter went over all the options and discussed comments from the January 11, 2016 public input meeting. Wolfington recommended option 2 – Recommendation for mobility project improvements include the following:

- a. Reconstruction of Pacific Avenue to provide year round access to the 20th Ave. SE crossing when the downtown crossings are blocked. Cost = \$1,100,000.
- b. 20th Ave. SE crossing upgrade from a passive to active crossing with two quadrant gates. This upgrade would be required in order for Intelligent Transportation System (ITS) technology to be installed at this crossing for emergency service vehicle use. Cost = \$691,574.
- c. ITS improvements at all six crossings within the City of Benson that would provide real time rail crossing conditions to emergency service vehicles. Cost \$29,834.

Total cost of Mobility Improvements = \$1,821,408. After discussion, it was moved by Pogge-Weaver, seconded by Evenson and carried unanimously to accept Option 2 as presented, and to start the grant application process.

Wolfington discussed renewal of the township fire contracts. He said the Fire Board met and discussed budgets. After discussion it was moved by Evenson, seconded by Heinzig and carried unanimously to approve renewing the township fire contracts at a 5% yearly increase over the next three years.

Chief Hodge approached the Council with a capital authorization request to purchase a 2016 Ford SUV to be utilized as a patrol vehicle to replace the existing 2010 Ford Explorer LXT patrol squad. Hodge stated the 2010 Explorer will be sold after it is decommissioned. After discussion it was moved by Collins, seconded by Evenson and carried unanimously to approve the purchase of a 2016 Ford SUV at a cost of \$39,902.82.

Wolfington brought a language change from the Swift County-Benson Hospital by-laws approving a non-voting City representative to the Hospital Board. He noted Councilmember Collins had been appointed to the board at the last City Council meeting. It was moved by Pogge-Weaver, seconded by Evenson and carried unanimously to approve Section 3.02 Number, Election, Eligibility in the Swift County-Benson Hospital by-laws.

Wolfington presented a request from The First Evangelical Free Church for funding for the annual Easter Egg hunt they have taken over since the Chamber of Commerce decided to no longer run this event. After discussion, it was moved by Collins, seconded by Heinzig and carried unanimously to support the Easter Egg Hunt in the amount of \$800 to be paid out of the Tourism Fund.

Next Wolfington discussed the Airport Maintenance and Operation agreement with the State of Minnesota. It was moved by Collins, seconded by Evenson and carried unanimously to approve the State of Minnesota Airport Maintenance and Operation Grant Contract for two years. Councilmember Evenson offered the following resolution:

**AUTHORIZATION TO EXECUTE
MINNESOTA DEPARTMENT OF TRANSPORTATION
AIRPORT MAINTENANCE AND OPERATION GRANT CONTRACT
(RESOLUTION 2016-07)**

It is resolved by the City of Benson as follows:

1. That the state of Minnesota Agreement No. 1000953, "Airport Maintenance and Operation Grant Contract," at the Benson Municipal Airport is accepted.
2. That the Mayor and City Manager are authorized to execute this Contract and any amendments on behalf of the City of Benson.

Councilmember Heinzig seconded the foregoing Resolution and the following vote was recorded AYES: Collins, Landmark, Heinzig, Evenson, Pogge-Weaver. NAYES: None. Thereupon the Mayor declared Resolution 2016-07 duly passed and adopted.

The PeopleService Operations and Maintenance annual compensation adjustment was discussed. The adjustment is based on the Consumer's Price Index Urban (CSI-U). The change to the CPI-U was 0.0%, thus effective January 1, 2016 the City of Benson monthly compensation will remain unchanged at \$20,111. It was moved by Collins, seconded by Evenson and carried unanimously to accept the 0.0% increase.

There was discussion on donations for charitable causes using levied funds. The Council discussed having a policy in place for these requests.

Gens presented the overhead to underground conversion material list for 2016. After reviewing the information, it was moved by Evenson, seconded by Heinzig and carried unanimously to approve the material list in the amount of \$76,309.30.

Next the power plant fuel tank replacement project was discussed. There will be new double walled tanks installed. After discussion, it was moved by Heinzig, seconded by Pogge-Weaver and carried unanimously to proceed with planning the project.

Gens presented an Electric Capital Authorization request to purchase a new Ditch Witch trencher for the line crew. This purchase is in the budget. The old one will be traded in. After discussion, it was moved by Evenson, seconded by Collins and carried unanimously to approve the purchase of a new Ditch Witch trencher in the amount of \$35,093.00.

Gens presented a Parks Capital Authorization for a small lawn mower to use around buildings. It was moved by Evenson, seconded by Collins and carried unanimously to approve the purchase of a Select Series X370 John Deere Tractor in the amount of \$3,500.00.

Gens informed the Council he has several projects lined up for the 2016 season and would like to go out for bids and quotes. It was moved by Collins, seconded by Evenson and carried unanimously to approve going out for the following bids and quotes: Bituminous, Chip Sealing, Concrete, Concrete & Bituminous Crushing, Tree Removal Contract and Chemicals for Water, Wastewater and Swimming pool.

Councilmember Heinzig offered the following resolution:

**RESOLUTION TRANSFERRING AMOUNT TO COVER EXCESS COSTS
ASSOCIATED WITH THE STREET DEPARTMENT
ADDITION PROJECT
(RESOLUTION 2016-08)**

WHEREAS, the Benson City Council issued bonds in 2014 part of which was to pay the costs of adding to the Street Department Garage, and

WHEREAS, the costs exceeded the amount of bond proceeds, and

WHEREAS, the Council desires to cover all costs and have sufficient funds available to pay future debt service payments.

NOW, THEREFORE BE IT RESOLVED that \$43,451.15 be transferred from the General Fund to the G.O. Bonds Series 2014A Debt Service Fund

Councilmember Evenson seconded the foregoing Resolution and the following vote was recorded
AYES: Collins, Landmark, Heinzig, Evenson, Pogge-Weaver. NAYES: None. Thereupon the Mayor declared Resolution 2016-08 duly passed and adopted.

It was moved by Evenson, seconded by Collins and carried unanimously to approve the bills and warrants in the amount of \$552,472.30.

Pederson distributed 2016 Budget books to the Councilmembers.

There being no other business, a motion was made by Evenson, seconded by Collins and carried unanimously to adjourn the meeting at 6:46 p.m.

Mayor

City Clerk