

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
MARCH 2, 2015**

The meeting was called to order at 5:30 p.m. by Mayor Kittelson. Members present: Paul Kittelson, Sue Fitz, Mike Fugleberg, Jack Evenson & 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, City Building Inspector Mike Jacobson, Benson School Superintendent Dennis Laumeyer, Carlton Anderson, Terry and Scott Collins.

The Council recited the Pledge of Allegiance.

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

- February 17, 2015      City Council Minutes
- February 2, 2015      Planning Commission Minutes

Wolfington called the list of boards and members to the attention of the Council

Wolfington discussed a bill introduced to the State House on February 18, 2015 that would allow cities to create street improvement districts. He said there is also discussion referring to the State's \$1.87 billion surplus to provide funding for street improvements through County State Aid to Cities with a population under 5,000.

Next was Addendum #1 – Project Implementation to the Railroad Study. Wolfington said the Planning Commission recommended approval of Addendum #1 with two revisions. 1) Instead of one way streets on the 12<sup>th</sup> and 13<sup>th</sup> Street South crossings, they be left as two way streets with the addition of a cement lane divider to keep vehicles from driving around the cross arms, and 2) add intelligent crossings at all 6 crossings in and around Benson. The scope of work and Stantec's compensation was discussed. The first step will be a diagnostic meeting which will give direction to the project. The subsequent steps were reviewed. This project will take at least a year, without exceeding \$32,000 in engineering fees. If at the end of the diagnostic meeting we don't agree with results of that meeting we do not have to submit any grant applications. The diagnostic meeting could be held within the next 90 days. After discussion, it was moved by Fitz, seconded by Fugleberg and carried unanimously to approve Addendum #1 of the Railroad Crossing Study with costs not to exceed \$32,000.

Police Chief Hodge brought the West Central Special Weapons and Tactics (S.W.A.T.) Team joint powers agreement to the Council. Hodge explained minor changes to the agreement. This agreement needs annual approval. It was moved by Evenson, seconded by Heinzig and carried unanimously to approve the West Central S.W.A.T. Team agreement.

Wolfington presented a letter from Brian Grogan with Moss and Barnett. Last year the Charter Communications franchise was up for renewal. We granted Charter an extension at that time. Charter is now under new leadership. St. Cloud is working through their agreement with Charter, and it was recommended by Grogan we extend the agreement for another year to see how the proposed changes by Charter play out in St. Cloud.

Councilmember Heinzig offered the following Resolution:

**A RESOLUTION GRANTING CHARTER COMMUNICATIONS, INC.  
A FRANCHISE EXTENSION TO AUGUST 31, 2015  
(RESOLUTION NO. 2015-06)**

**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**, 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 April 1, 2015 through and including August 31, 2015.
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.

Council Member Fugleberg seconded the foregoing Resolution and the following vote was recorded: AYES: Kittelson, Heinzig, Evenson, Fugleberg, Fitz. NAYS: None. Thereupon the Mayor declared Resolution 2015-06 duly passed and adopted.

Wolfington explained some of the Chamber of Commerce events have been taken on by private groups. The First Evangelical Free Church is holding the city wide Easter Egg Hunt. They are asking for support of the event in order to defray costs. It was moved by Evenson, seconded by Fugleberg and carried unanimously to donate \$1,200 to the First Evangelical Free Church for the Easter Egg Hunt to be paid out of the Tourism Funds.

Wolfington explained a letter from Missouri River Energy Services (MRES) about Regional Transmission Organizations (RTO) that have been created in order to manage transmission and physical assets. We are in the Midcontinent Independent System Operator (MISO) RTO. Western Area Power Administration (WAPA) is considering becoming a member of the Southwest Power Pool (SPP) RTO. If this happens, MRES will be forced to purchase from SPP to replace the WAPA power. MRES will then be split between two RTOs. This could result in an amendment in our agreement and higher costs for power.

The Council reviewed the Public Works Report for March 2015.

Gens approached the Council with a Capital Authorization Request for a purchase of a John Deere 1570 Terrain Cut Commercial Mower. He said last year we purchased a new mower deck instead of a mower to accommodate mowing in the Cemetery. This new mower will also help in the Cemetery, but will help in other parks as well. This item is in the 2015 budget. After discussion it was moved by Fitz, seconded by Evenson and carried unanimously to approve the purchase of a John Deere 1570 Terrain Cut Commercial Mower in the amount of \$22,900.00.

Mayor Kittelson declared the public hearing open to consider vacation of the street at 14<sup>th</sup> Street North and Elizabeth Avenue.

Gens presented the following bituminous bids for work to be done in 2015:

<b>Bidder</b>	<b>Description</b>	<b>Total Bid</b>
Riley Brothers Construction Morris, MN	Bituminous Paver Laid Bituminous	<b>\$76,140.00</b>
Duininck, Inc. Prinsburg, MN	Bituminous Paver Laid Bituminous	<b>\$89,304.00</b>
Central Specialties, Inc. Alexandria, MN	Bituminous Paver Laid Bituminous	<b>\$91,200.00</b>

It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve the bituminous bid from Riley Brothers Construction in the amount of \$76,140.00

Next Gens presented Chip Seal Bids for 2015:

<b>Bidder</b>	<b>Description</b>	<b>Total Bid</b>
Morris Seal Coat Morris, MN	Applying Material for Chip Sealing	<b>\$58,327.50</b>
Caldwell Asphalt Co, Inc. Hawick, MN	Applying Material for Chip Sealing	<b>\$60,107.00</b>
Fahrner Asphalt Sealers, LLC Eau Claire, WI	Applying Material for Chip Sealing	<b>\$107,350.00</b>

It was moved by Evenson, seconded by Fitz and carried unanimously to approve the chip seal bid from Morris Seal Coat in the amount of \$58,327.50.

Next Benson Schools Superintendent Dennis Laumeier approached the Council with a request to vacate the street at 14<sup>th</sup> Street North and Elizabeth Avenue in the event of a possible expansion to the north of the Benson High School gymnasium. Laumeier presented a map with a foot print of the possible addition and explained the School District would be responsible for any and all costs associated with relocation of utilities currently located where the expansion would be. He said there has not been any engineering on the utilities yet as they want to see if the referendum passes first. Wolfington presented a

draft ordinance for Council consideration as well as a draft project agreement. Questions were taken from the audience. After discussion, the Mayor closed the Public Hearing at 6:14 p.m.

It was moved by Evenson, seconded by Fugleberg and carried unanimously to approve the 1st Reading of An Ordinance to Vacate Streets and Draft Agreement.

Mayor Kittelson declared the public hearing open at 6:15 p.m. to determine if Hazardous Conditions Exist at 1226 and 1228 Atlantic Avenue in Benson. Wolfington stated on January 21, 2015 it came to our attention the pipes in the ceiling had frozen at 1226 Atlantic Avenue, flooding the building, which has a shared basement with 1228 Atlantic Avenue. The basement was flooded to the floor joists with water. That day the Mayor declared a Local Emergency, to which the City pumped the water from the basement to prevent further damage to the neighboring buildings. The Police served an order to repair hazardous building, as well as certified letters were sent to property owners and renter. City Building Official Jacobson stated the damage from the water in 1226 Atlantic Avenue is extensive and would need everything taken down to the studs. He stated the building could be repaired, but it will be costly and a challenge to do. Jacobson said there has been no permits taken out to repair the damage to the buildings. Wolfington suggested the Council extend the Order for Repair to give the property owners more time to proceed with repairs. Value of the buildings have not been determined. Carlton Anderson said the furnace in 1226 Atlantic has been tagged out by Centerpoint Energy for possibly two years. Wolfington said he believes insurance is going through its process for the building. Mayor Kittelson closed the public hearing at 6:23 p.m.

It was moved by Fitz, seconded by Evenson and carried unanimously to extend the Order to Repair Hazardous Building at 1226 and 1228 Atlantic Avenue for 150 days from March 2, 2015.

Wolfington presented a response to a letter he sent to the Office of Transit requesting additional funding for dispatching equipment for the Benson Heartland Express. The State said because of the success of the Transit for Our Future process, they will no longer fund single entities such as the Heartland Express for services that can be found elsewhere, and suggested Prairie Five has dispatching software and would be glad to merge with us.

Wolfington discussed the need to repair the fuel tank at the Power Plant. Cost is prohibitive to put into this year's budget. However, he would like to do the engineering in 2015 for repairs to be budgeted for in 2016. It was moved by Fugleberg, seconded by Heinzig and carried unanimously to approve DGR Engineering to execute the engineering for the power plant fuel tank replacement in the amount of \$7,900.

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve the Utility Ten Year Capital Improvement Plan.

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve a pay request from Stantec Engineering for engineering services for the Railroad Crossing Study in the amount of \$11,318.64.

It was moved by Fugleberg, seconded by Heinzig and carried unanimously to approve a gambling permit for Northern Lights Trails Snowmobile Club on April 10, 2015.

Gens informed the Council the VFW agreed to pay for repairs to the VFW Shelter at Ambush Park this summer.

Fugleberg said the Upper Minnesota Valley Regional Development Commission is having a work session on March 12, 2015 in Madison, Minnesota. Fugleberg and Wolfington will be attending. He also mentioned the RDC Revolving Loan Fund has a current balance of \$300,000 available for projects in the area.

There being no other business, a motion was made by Evenson, seconded by Fitz and carried unanimously to adjourn the meeting at 6:34 p.m.

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Mayor

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City Clerk