

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING  
MARCH 21, 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, Assistant City Attorney BenWilcox, Jerry Peterson, Sally Jones, Tom Traen, Beth Deitchman and Justin Stelzer.

The Council recited the Pledge of Allegiance.

Mayor Landmark asked for any additions or changes to the agenda. Councilmember Evenson asked to have the City Hall Feasibility Study added to the agenda. The Mayor noted the addition, and it was the consensus of the Council to approve the agenda.

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

- March 7, 2016 City Council Minutes
- February 1, 2016 Planning Commission Minutes

It was moved by Evenson, seconded by Collins and carried unanimously to approve the following liquor licenses effective April 13, 2016 contingent upon receiving the necessary paperwork:

**Club On-Sale Liquor License:**  
Benson VFW

**Sunday Liquor License:**  
Benson VFW  
Benson Bowler  
Benson Golf Club  
Patrick's Pub & Grill  
McKinney's on Southside

**On-Sale Liquor License:**  
Benson Bowler  
Benson Golf Club  
Patrick's Pub & Grill  
Mi Mexico  
McKinney's on Southside

**Sidewalk Café Permit**  
Patrick's Pub & Grill, LLC  
Mi Mexico

**Off-Sale 3.2 Malt Beverage License:**  
Holiday Stationstore, Inc.

It was moved by Evenson, seconded by Collins and carried unanimously to approve the following licenses effective April 1, 2016:

**Rollerskating License:**  
Svor's Family Roller Rink

**Garbage Collection License:**  
Mattheisen Disposal

**Sewer Tap License:**  
Grossman Plumbing and Heating  
Hawley's Inc.  
Craig's Refrigeration  
Rapid Response Plumbing & Heating  
T & K Kennedy Inc.

The Council reviewed the Public Works Report.

Wolfington presented a letter from Countryside Public Health reporting a new restriction put in place by the Swift County Board of Commissioners regulating the use of electronic cigarettes in food and liquor establishments.

Next Golf Club representatives Sally Jones and Jerry Peterson approached the Council with a lease for lawful gambling from the Benson Hockey Association to have pull tabs in the Golf Course. After discussion, it was moved by Collins, seconded by Heinzig and carried unanimously to approve a lease with the Benson Hockey Association to run pull tabs at the Benson Golf Club.

Next was discussion of a new Management Services Agreement between the City of Benson and the Benson Golf Club. After discussion, it was moved by Pogge-Weaver, seconded by Heinzig and carried unanimously to approve the Management Services Agreement between the City of Benson and the Benson Golf Club as presented.

Jones presented Capital Authorization Requests from the Golf Club for equipment purchases. Jones explained she is looking to purchase the following used equipment: a 2008 Toro Greensmaster green/tee mower, a 2008 Toro Reelmaster fairway mower, a 2011 Toro sidewinder rotary mower, and a 2000 Toro workman utility fleet vehicle. The total for the Capital requests is \$52,340.97. She stated the Council had committed \$40,000 to the Golf Club, and that they have the \$12,340.97 they can contribute to the purchases. After review, it was moved by Collins, seconded by Evenson and carried unanimously to approve the Capital Authorization Requests in the amount of \$40,000.

Next Gens presented several bids and quotes for Council Review. They are as follows:

**Bituminous/Concrete Crushing**

<b>Company Name</b>	<b>Amount</b>
Kraemer Trucking	\$3.30 ton
Commerford Gravel	\$4.48 ton
Brown Excavating	\$5.10 ton
Central Specialties	\$8.95 ton

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve the Kraemer Trucking as presented.

Next Gens received one quote for concrete work as follows:

**Concrete**

<b>Company Name</b>	<b>Amount</b>
B.G. Amundson	\$13,366.50

It was moved by Collins, seconded by Evenson and carried unanimously to approve the quote by B.G. Amundson in the amount of \$13,366.50.

The Tree Removal contract was reviewed next.

**Tree Removal**

<b>Company Name</b>	<b>Amount</b>
ALT Tree Service	\$23.00 inch
CMF Tree Service	\$24.75 inch

Dudes Tiling LLC	\$47.90 inch
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It was moved by Evenson, seconded by Heinzig and carried unanimously to approve ALT Tree service as presented.

Bituminous bids were next as follows:

**Bituminous, Paver Laid**

Company Name	Amount
Central Specialties	\$50.45 ton
Riley Brothers	\$57.00 ton
Mark Lee Asphalt	\$59.00 ton
Duinick Inc.	\$66.15 ton

After review, it was moved by Collins, seconded by Evenson and carried unanimously to approve the bituminous bid by Central Specialties at \$50.45 per ton.

Next the chip seal quotes were reviewed:

**Chip Sealing**

Company Name	Amount
Caldwell Asphalt	\$35,568.50
Morris Sealcoat	\$36,600.00

It was moved by Collins, seconded by Evenson and carried unanimously to approve the quote from Caldwell Asphalt as presented.

Tire quotes were presented as follows:

**Tires**

Company Name	Amount
Glacial Plains	\$8,921.77
Amundson Peterson	\$9,759.83

It was moved by Heinzig, seconded by Collins and carried unanimously to approve the quote by Glacial Plains in the amount of \$8,921.77.

Gens explained he did not have enough information on the chemical quotes. It was moved by Evenson, seconded by Heinzig and carried unanimously to postpone chemical quotes until a later date.

Police Chief Hodge reviewed his annual Police Report for 2015.

Wolfington discussed a City bus accident where a citizen ran into the back of the bus when it was stopped at the railroad crossing. He stated no one was injured, but two parties were transported to the Hospital as a precautionary measure.

The Heartland Express merging with Prairie 5 Rides was discussed. Councilmember Evenson offered the following Resolution:

**A RESOLUTION OF THE CITY OF BENSON AUTHORIZING THE CONSOLIDATION AND  
MERGER OF TRANSIT SERVICES WITH PRAIRIE 5  
(RESOLUTION 2016-10)**

WHEREAS, the City of Benson (hereinafter “The City”) is a statutory Minnesota city with the authority, among other matters, to provide for transit services for its citizens by creating and maintaining its own transportation services for that purpose; and

WHEREAS, AFSCME Local 2538 (hereinafter “The Union”) is a labor organization representing certain employees of the City, including transit drivers, and the lead transit driver, who are subject to a negotiated collective bargaining agreement; and

WHEREAS, the City has since 1982 maintained its own transit system, and in recent months, the City has become acutely aware of economic and safety issues inherent in continuing to operate an independent transit service; and

WHEREAS, the City Manager has researched transit systems in the State and learned the majority of cities have now regionalized services and found the level of service to be satisfactory; and

WHEREAS, as the result of the aforesaid matters, the City has taken a close look at alternatives to continuation with an autonomous transit system, including merging those public transit services with Prairie 5; and

WHEREAS, the City has met with the Union and impacted employees to discuss the consolidation and merger of transit services; and

WHEREAS, the City has determined that by consolidating and merging transit services with Prairie 5, it would result in safe economic transportation services for the citizens of the City of Benson; and that the economies of scale provided by Prairie 5 could result in better services in some areas; and

WHEREAS, the City acting by and through the City Council finds that the interest of providing for the public transportation of its citizens would be best served by merging with Prairie 5 for transportation services; and

WHEREAS, the City has negotiated agreeable terms with the Union that provides adequate severance to its affected members, as well as discussed the potential employment of current qualified City transit drivers by Prairie 5; and

WHEREAS, the terms negotiated between the City and Union support the decision of the City to merge transportation services with Prairie 5, and are attached to this Resolution and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor is authorized to execute on behalf of the City of Benson, the agreement with the Union providing severance to affected transit drivers and the lead transit driver which is attached and incorporated into this Resolution above; and
2. That the City, through the City Manager and staff, shall take all steps necessary to effect the winding down of the City of Benson’s transportation services as a separate department within the City, including any and all necessary discussions and communications with Prairie 5 and the Union presently representing transit drivers.

Councilmember Pogge-Weaver seconded the foregoing Resolution and the following vote was recorded AYES: Collins, Landmark, Heinzig, Evenson, Pogge-Weaver. NAYES: None. Thereupon the

Mayor declared Resolution 2016-10 duly passed and adopted.

Next the Personnel Committee discussed the desire to keep transit staff with experience driving during the transition. Wolfington mentioned the State of Minnesota will pay 80% of any severance offered to the drivers, and presented the following Memorandum of Understanding with current Transit drivers as follows:

### **Memorandum of Understanding**

This Memorandum of Understanding is entered into between the City of Benson (hereinafter "City") and AFSCME Local 2538 (hereinafter, "Union").

WHEREAS, the City and the Union are parties to a collective bargaining agreement in effect from January 1, 2016 to December 31, 2018 (hereinafter "CBA");

WHEREAS, the City has, since 1982 maintained its own transit system; and in recent months, the City has become acutely aware of economic and safety issues inherent in continuing to operate an independent transit service; and

WHEREAS, as the result of the aforesaid issues, the City has taken a close look at alternatives to continuation with an autonomous transit system, including merging those public transit services with Prairie 5; and

WHEREAS, the City has met with the Union regarding the impacted transit drivers and the lead transit driver, to discuss the consolidation and merger of transit services with Prairie 5; and

WHEREAS, the City Council has voted to consolidate and merge transit services with Prairie 5 and dissolve the City transit service, in accordance with the subcontracting provisions of Article XVIII of the labor agreement; and

WHEREAS, the City has entered into an Agreement with Prairie 5 to provide transit services for the City of Benson;

WHEREAS, effective August 1, 2016 all transit drivers and the lead transit driver shall be laid off from employment with the City of Benson in accordance with Article 14.9;

WHEREAS, the parties wish to resolve and clarify transitional issues, including severance to be paid to the impacted transit drivers and lead transit driver.

**NOW, THEREFORE**, the parties agree as follows:

1. The City of Benson agrees to pay severance to the lead transit driver and transit drivers who are employed with the City of Benson on July 31, 2016. The severance listed below shall be paid out to the impacted employees in a lump sum on the first scheduled payroll after August 1, 2016. Severance payment to each transit driver and the lead transit driver shall be:
  - a) Compensation in an amount equal to six (6) months wages.
  - b) Monetized value of six (6) months of Blue Cross benefits, at either single or family coverage based on the employee's election as of January 1, 2016.
  - c) Pay-out of the employee's accrued vacation leave.
  - d) Monetized value of six (6) months of Health Care Savings (HSA) at either the single or family rate based on the employee's election as of January 1, 2016.

2. Effective August 1, 2016, the transit drivers and the lead transit driver positions are eliminated in accordance with Article 14.10, and are no longer considered employees of the City of Benson. By accepting a severance package the employees waive any bumping rights they may have under the CBA. They are encouraged to make application for employment with Prairie 5.

It was moved by Evenson, seconded by Pogge-Weaver and carried unanimously to approve the Memorandum of Understanding.

Next Gens presented a quote for repairs to the boiler at the pool. After discussion, it was moved by Evenson, seconded by Pogge-Weaver and carried unanimously to approve the cost estimate from Hawley's Inc. in the amount of \$6,200.

Gens said the filter media has not been changed in the pool since it was installed, and felt it would bring efficiency in operation to the pool to replace it before the 2016 season. It was moved by Evenson, seconded by Collins and carried unanimously to approve having Aqua Logic Inc. replace the media in the amount of \$4,860.00.

Gens discussed changing the City Wide Clean-up. He presented 3 options. 1. Would be to do nothing, 2. Would be to continue as we have in previous years. 3. Is to conduct a clean-up day allowing City residents to haul junk that may have accumulated around the house out to the recycling center to get rid of at a reduced cost. He explained his proposal to the Council. After discussion, it was moved by Pogge-Weaver, seconded by Evenson and carried unanimously to conduct the City Wide Clean-up option 3 as presented.

Gens explained an opportunity for the City to bury electric pipe with Charter Communications along an area of 9<sup>th</sup> Street North. Wolfington explained that area of town is scheduled to be buried in 2022 but it would be easier for us to go into the trench with Charter now rather than try to bury our electric where there are existing utilities later. It was moved by Heinzig, seconded by Pogge-Weaver and carried unanimously to approve pipe purchase and trenching costs in the amount of \$14,107.50.

Next Gens explained the current paint striper is getting old and presented a capital request to purchase a new one. This item is in the budget. It was moved by Collins, seconded by Evenson and carried unanimously to approve the purchase of a new paint striper in the amount of \$11,536.00.

Next Wolfington presented a proposal for a City Hall/Police Station feasibility study. The facilities committee met and asked staff to engage a firm to look at remodeling City Hall as opposed to building new. City Hall isn't able to accommodate the public as needed and the Facilities Committee would like guidance. It was moved by Evenson, seconded by Heinzig and carried unanimously to approve Widseth, Smith and Nolting to conduct a feasibility study of City Hall in the amount of \$9,800.

Wolfington presented the 2005 Traffic Control Study. The plan was discussed. Wolfington presented the plan for consideration of the Council.

It was moved by Evenson, seconded by Collins and carried unanimously to approve the bills and warrants in the amount of \$389,894.13.

There being no other business, a motion was made by Collins, seconded by Evenson and carried unanimously to adjourn the meeting at 6:37 p.m.

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Mayor

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City Clerk