

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
MARCH 3, 2014**

The meeting was called to order at 5:30 p.m. by the Mayor. Members present: Mike Fugleberg, Paul Kittelson, Jack Evenson, Stephanie Heinzig & Sue Fitz. Members Absent: None. Also present: City Manager Rob Wolfington & Public Works Director Dan Gens,

The Mayor called for anyone with unscheduled business. Brian Miller approached the Council, stating he had a frozen water line that he was able to have unthawed, and was wondering what the City was planning to do with the frozen service lines around town. Wolfington said it is impossible to know exactly where the lines are freezing. He also said they are freezing all over town, and all over the state. Miller asked what part of the water service is the City's responsibility and what is his responsibility? Wolfington stated the City is responsible for the water main and service line up to the curb box. Wolfington also went on to say the City's insurance sees the water freezing as an act of God, and that the City hasn't been negligent. Wolfington suggested Mr. Miller try turning in his bill for unthawing his personal water service to his insurance. Wolfington suggested Mr. Miller leave his water running so the stream is about the size of pencil lead. The Mayor stated the water mains are flowing with a water temperature of 48° F. Gens said the average frost depth over the last 10 years has usually not been 50" deep, and this year it is 73" deep. Heinzig asked about the possibility of all the cities with frozen water and sewer services becoming a FEMA issue. Wolfington stated it would have to be a presidentially declared disaster.

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

- January 13, 2014 City Council Meeting as Amended
- February 10, 2014 City Council Meeting
- January 16, 2014 EDA Meeting
- February 6, 2014 Safety Committee Meeting

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve a gambling permit for Northern Lights Trails Snowmobile Club on April 4, 2014.

The Mayor acknowledged openings on City boards and commissions.

Wolfington called the Council's attention to a letter from The Swift County Administrator announcing a second City/County meeting on March 24, 2014. The Mayor will RSVP to attend as well as Heinzig and Fitz.

Next was a letter Mayor Kittelson sent to MnDOT District Engineer Jody Martinson asking to coordinate with our city engineer Stantec, on the state highway mill and overlay project scheduled in Benson for 2017. The City would like to plan any storm sewer replacements or other needed street work to be done when the State comes through with reconstruction of the major highways in town. The Mayor asked MnDOT to consider hiring Stantec in this cooperative effort.

Wolfington noted the Certificate of Commendation from the Minnesota Pollution Control Agency for outstanding operation, maintenance and management of our wastewater treatment system.

Wolfington informed the Council of the railroad's increased safety operating practices they will be implementing. There will be a meeting on March 13, 2014 at 1:30pm at the Willmar DOT office to talk about railroad safety and proposed legislation in relation to crude oil transport. Wolfington also mentioned several citations the Police have issued to BNSF for blocking the downtown intersections, which they are expected to contest.

Wolfington stated the City has received the final National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) permit for the wastewater plant from the Minnesota Pollution Control Agency.

The City Manager and Mayor will be attending the Coalition of Greater Minnesota Cities Legislative day on March 5, 2014 in St. Paul, and then on March 6, they will visit an urban fish farm to gather information to bring back to the EDA in reference to a possible project in the Creamery building.

It was moved by Fugleberg, seconded by Evenson and carried unanimously to approve a project in the Benson Small Cities grant program in the amount of \$4,486.00.

It was moved by Heinzig, seconded by Evenson and carried unanimously to approve an updated family pool pass application and rates as follows: Individual resident \$105.00, individual non-resident \$130.00, family resident \$145.00 and family non-resident \$180.00.

Wolfington informed the Council about a meeting held on February 24, 2014 with representatives from Prairie Five Transit, Rainbow Riders, City of Morris Transit, City of Benson Heartland Express and MnDOT District Transit Manager regarding an opportunity for the City of Benson and the City of Morris to contract with their respective regional multi-county transit providers for shared dispatch service. Wolfington explained that contracting for dispatch service will improve service delivery and passenger safety. Bev Herfindahl, District Transit Manager will research the availability of capital and operating funds from the state of Minnesota Office of Transit to facilitate a joint dispatching contract with Prairie Five Transit. It is anticipated that action could take place in the next six months.

Councilmember Fitz offered the following resolution:

**RESOLUTION AUTHORIZING WESTERN MINNESOTA MUNICIPAL POWER AGENCY
DIRECT REIMBURSEMENT FOR BOARD OF DIRECTOR TRAVEL EXPENSES
(RESOLUTION NO. 2014-07)**

WHEREAS, Rob Wolfington is the City Manager of the City of Benson, Minnesota; and

WHEREAS, Rob Wolfington is a member of the Board of Directors of Western Minnesota Municipal Power Agency (WMMPA); and

WHEREAS, WMMPA will reimburse Rob Wolfington reasonable travel and lodging expenses for attending WMMPA Board and Committee meetings as well as certain identified meeting sponsored by the American Public Power Association (APPA) and DEED;

WHEREAS, it will be more efficient for both City of Benson and Rob Wolfington for WMMPA to reimburse Rob Wolfington directly rather than making payment to City of Benson and having City of Benson reimburse Rob Wolfington, but WMMPA requires a motion from the City of Benson, City Council to authorize such direct reimbursement;

NOW THEREFORE BE IT RESOLVED by City of Benson that Rob Wolfington is hereby authorized to be reimbursed directly by WMMPA for the reasonable travel and lodging expenses associated with Rob Wolfington's attendance at WMMPA Board of Directors and Committee meetings as well as the meetings of the APPA and DEED designated by WMMPA.

Council Member Evenson seconded the foregoing Resolution and the following vote was recorded: AYES: Fugleberg, Fitz, Kittelson, Evenson, Heinzig NAYS: None. Thereupon the Mayor declared Resolution 2014-07 duly passed and adopted.

Next Gens stated there was one bid for tires received from Glacial Plains Coop, who we've had good service from in the past. After review, it was moved by Evenson, seconded by Fugleberg and carried unanimously to approve the bid from Glacial Plains Coop in the amount of \$11,437.86.

Next was discussion on mowing in the cemetery. Staff has been looking into a rear discharge mower so grass being discharged from the mower chute will no longer land on grave stones. Two options discussed were a 72" Hustler Turf 3700 diesel mower with rear discharge, in the amount of \$20,376.00 from Eric's Motor Sports. The other option is a 60" Kubota F260E WD diesel mower in the amount of \$15,749.00 from Haug-Kubota. There was discussion on price, and size as well as maintenance at the City cemetery. It was the consensus of the Council to investigate this further and review it again at the next Council meeting.

The Electric Department is requesting authorization to purchase a new three phase reel trailer to be used during various projects. The current trailer lacks proper brakes and no longer meets MnDOT regulations. The Line department received three quotes. This item is in the current budget. After review, it was moved by Evenson, seconded by Fitz and carried unanimously to approve purchase of the Felling reel trailer in the amount of \$15,764.00.

Next Wolfington explained in the past the Police Department has used K-Bid owned by Councilman Evenson for selling miscellaneous items. Evenson asked for a legal opinion from the City Attorney as to whether there is a conflict of interest now he is a Councilmember. Wilcox stated it is perfectly legitimate, and would require a Council resolution, and affidavit from Evenson. Heinzig asked how long Evenson has done business with the City. Evenson stated it has been about three years. Fitz asked to see a resolution to be presented at the next Council meeting. Fugleberg stated he feels it is a conflict of interest. It was the consensus of the Council to review this at the next Council meeting.

It was moved by Fitz, seconded by Evenson and carried unanimously to approve 2014 budgets for the Liquor Fund, Utility Funds, Garbage Collection Fund and 10 Year Utility Capital Outlay.

It was moved by Evenson, seconded by Fugleberg and carried unanimously to approve a final pay request from Meier Electric, Inc. in the amount of \$14,612.50 for final payment upon completion of the power plant equipment upgrade.

It was moved by Evenson, seconded by Heinzig and carried unanimously to approve a pay request from Stantec in the amount of \$15,963.09 for mapping, staff meetings and trickling filter engineering services.

It was moved by Evenson, seconded by Fugleberg and carried unanimously to approve the bills and warrants in the amount of \$644,152.61.

Wolfington said at the next Council meeting there will be a public hearing and conference call with our engineer concerning our wellhead protection plan. There will be a copy of the wellhead protection plan in the next Council packet.

Next freezing water pipes and homeowners leaving their water running to avoid frozen pipes was discussed. Residential sewer bills are calculated based on the first three months of water usage in the year. For those running their water, it will have an impact on their sewer bill calculation for the next year. After discussion, it was moved by Fitz, seconded by Heinzig and carried unanimously to calculate residential sewer usage on water used from the January and February readings.

Gens informed the Council about a pump malfunction in the digester, which caused the digester to overflow into the front yard of the wastewater plant. The pollution control agency was contacted. Gens said due to a fast response, the street, water and wastewater departments all worked together and did a great job cleaning up the spill. MPCA was satisfied with the clean-up, and fortunately the spill did not reach any storm sewer drains.

There being no other business, a motion was made by Evenson, seconded by Fugleberg and carried unanimously to adjourn the meeting at 6:27 p.m.

Mayor

City Clerk